

The Warren Commission Report:

A Critique

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"I am constantly amazed at the number of people I meet in Dallas who cannot accept contradictory evidence. New facts which don't support old theories can't be facts, they seem to feel."
---Dr. Harry Martin, University of Texas Medical School, quoted in Dallas Public and Private by Warren Leslie

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The Impartial Warren Commission
and its Partial Critics

Past and new converts to the theory that Oswald was the lone assassin have rushed to publish their complete agreement with the Warren Report, before they can have scrutinized it with the care it merits. We have been assured by Harrison Salisbury, Louis Nizer, Percy Foreman, I.F. Stone, K.E. Meyer, Malvin Belli, and Herbert Packer among others that the report proves beyond peradventure that Oswald acting alone was the assassin. That is exactly what the Dallas police proclaimed with unseemly haste on 24 November 1963 just after Oswald was murdered, when they tried to declare the case closed.

A common thread in the enthusiastic critiques of the Warren report is the warning that any further challenge to the case against Oswald is unjustified and perhaps unpatriotic. There seems to be a desire to throttle or discredit further questions or doubts. Salisbury^{1/} has labelled dissenters as "mythmakers." Packer^{2/} has charged them with "personal or political myopia" and cautioned that disagreement (by "fantasts") which was merely tiresome will now become "mischief" (by "revisionists")--toward whom, one wonders. I.F. Stone^{3/}, suddenly holier than the Pope and much more sanctimonious, has branded friend and foe alike as "demonologists" who are either "unscrupulous or sick."

Another common thread is the tendency to equate the left-wing with the right-wing as clinging irrationally to the theory of political conspiracy or attempted coup. That is facile and chicane. There is considerable justification for postulating an ultra-right conspiracy, and little or none for suspecting a leftist plot. The left had nothing to gain from Kennedy's removal--on the contrary. And it would have been idiotic for leftist plotters to choose a conspirator or fall-guy with Oswald's known proclivities for Castro and the Soviet Union.

These gentlemen do not seem to consider the possibility that ordinary individuals, innocent of either political extreme, are deeply troubled by a case and now a Warren report which abound with misrepresentation, lacunae, implausibilities, and simple absurdity. They are neither unscrupulous nor sick, unless passion for justice has fallen into disrepute and warrants such slanderous epithets. They have raised legitimate questions about the evidence against Oswald from the beginning--questions which remain unanswered in the Warren report which has finally emerged with foregone conclusions and new enigmas.

It is no rebuttal to say that they have failed to produce other suspects. It is either too late or too early for that. It is hardly reasonable to demand that private citizens, lacking the resources and facilities of official agencies and without their consent or cooperation, should search out new information in hostile territory. The amazing fact is that new evidence has been uncovered by amateur detectives in spite of all the odds.^{4/}

The defects in the case and in the Warren Report exist. They must be confronted specifically and refuted, if they can be refuted. It is not enough to counter with generalities about the massiveness of the report or the unimpeachability of the Chief Justice and the other members of the Commission. The objections which are raised, so long as they remain without a full and reasonable answer, provide substantial ground for continuing to question the main conclusions reached by the Warren Commission as well as its impartiality. Diligent study of the report uncovers deliberate misrepresentation and serious omissions which compromise its authors and its findings.

It was expected that the Chief Justice would provide the Commission not with his name alone but with the uncompromising personal integrity, high judicial ideal, and meticulous concern for the rights of the individual which he symbolizes. It is dismaying and disillusioning to find serious and repeated departures from impartiality in the conduct of the Warren Commission and its head---the secrecy of the hearings, the leaks of evidence pointing always to Oswald's guilt, the failure to appoint counsel to represent his interests and the belated appointment of counsel to serve as guardian of "fair procedures," unexplained hints that the full story of the assassination would not be told for reasons of national security,^{*} and snide statements to the press about witnesses who challenged the evidence against Oswald.

It is a cause for concern that at no stage of its work did the Warren Commission appear to entertain any hypothesis other than Oswald's sole guilt. It never issued an appeal to the public to come forward with information which might assist the investigation. It delayed the publication of the report for months after the findings were established and the evidence was complete and, as of this writing, it continues to withhold the Hearings volumes which are crucial for a full understanding and assessment of the case. It would be interesting to know what kind of report and conclusions might have emerged--and when--if Buchanan^{5/}, Joesten^{6/}, and Lane^{7/} had kept their defense briefs up their sleeves until the Warren Commission had spoken.

*The hints became official when the Commission's counsel told the press on 20 November 1964 that classified material involving national security had indeed been withheld.

The Warren Commission has exercised remarkable tact and reserve in reporting on the derelictions of the official agencies, both federal and local, and the press. The Commission has represented deliberate falsification of a photograph by respected news media as "retouching for the purpose of clarification."^{8/} It has uttered no word of reprimand for that inexcusable act. The Commission has denied or concealed demonstrable improprieties by FBI agents. The report alleges, for example, that no FBI official made a public (and false) statement that the paraffin test of Oswald's face was positive.^{9/} Gordon Shanklin of the FBI is quoted as having said just that on page 11 of the New York Times of 25 November 1963. Moreover, the Warren Commission is silent on the scandalous attempt by the same Shanklin to persuade Dallas Police Chief Jesse Curry to deny that the FBI had failed to alert the police about Oswald before the assassination. Curry informed the Commission of this disgraceful effort to conceal the truth by a letter which he has since made public.^{10/} Nor does the Warren Commission acknowledge persistent reports that agents of the FBI and the Secret Service silenced and intimidated witnesses and in some cases attempted to suborn their testimony.^{1/ 7/ 11/}

It is not possible to evaluate the examination of witnesses in the absence of the Hearings, which have yet to be published almost two months after the report was issued--a baffling delay. For the moment we have only the transcript of the interrogation of Jack Ruby, which was leaked to a newspaper. If that is any index to the quality of interrogation, we must beware. The transcript exposes a dialogue between Warren and Ruby, painful to read, in which important questions are stated inaccurately, Ruby fails to make a reply, and Warren states that the answer has been given and tries to change the subject. It is left to the murderer Ruby to caution the Chief Justice of the U.S. Supreme Court not to treat the matter so lightly. It is all the more astonishing, then, to read in the Warren Report that Ruby has not only answered, but answered in the negative.^{12/}

These shameful aspects of the Warren Report and the serious defects in the evidence it presents compromise its impartiality and the validity of its conclusions. The report confronts us with the unbearable suspicion that an innocent man may have been sacrificed deliberately for sordid reasons, as the culmination of a series of catastrophic and wanton events in Dallas.

The Bullet Wounds

The Warren Commission has tried to resolve the controversy about the nature of the bullet wound in the President's neck by citing an autopsy report which is undated.^{13/} Its ingenious explanations do not explain anything.

For a month after the assassination there was no question that the President had been shot in the neck just below the Adam's Apple. This is borne out in statements and reports filed by the team of doctors at Parkland Hospital after their attempt to save the President's life. Dr. Carrico in his report written within three hours says unequivocally that there was "a small penetrating wound of ant. neck."^{14/} Dr. Kemp Clark is quoted in the press as having said the same thing with equal authoritativeness.^{15/} But the Warren report now asserts that the doctors actually thought at the time that it might equally have been an exit wound. Nothing in their contemporaneous statements implies that.

The autopsy was completed on the day of the assassination. The findings are said to establish that the neck wound was an exit wound. Yet a month passed before the Parkland doctors were interviewed for the first time by federal agents, after which they reversed their original view on the nature of the neck wound. Apparently they were confronted in that interview with the choice of challenging or supporting the conclusions reached by their medical confreres and recorded in an autopsy report. They chose to support their colleagues. (There have been indications from Richard Dudman of the St. Louis Post-Dispatch and others that some Parkland doctors still believe privately that there was an entrance wound in the neck as they thought originally.)

What is even more significant is that the FBI for more than two weeks after the autopsy was performed tried to determine how a bullet from behind the President could hit him in the front. At one point the FBI claimed that he had turned and was facing backwards when he was hit. That explanation was demolished by photographs and testimony which proved he was facing forward. A new explanation was then issued by the FBI attributing the neck wound to a fragment of the bullet that had hit the President's head.^{16/} That explanation too was revised later and replaced by the finding now embodied in the Warren report that a bullet had struck the President in the back and exited from the front of the neck.

Why should such uncertainty and so many revisions of the findings have occurred if the autopsy examination on the day of the assassination established the nature of the neck wound? In the absence of any reasons which meet the test of logic, it must be inferred that the autopsy did not establish the existence of an exit wound. The undated autopsy report could have been written or rewritten any time after the 23rd of November and before the Warren report went to the printers.

The first paragraphs of the autopsy report indicate that the surgeons understood before performing the post-mortem examination that there had been three shots and that they had come from a rifle on an upper floor of the Texas School Book Depository behind the President. Those assumptions inevitably would have governed their interpretation of inconclusive findings. They concluded, "as information was received from Parkland Hospital," that the wound in the neck was presumably a wound of exit. When did they so conclude? Was it during the month when the Parkland doctors considered it an entrance wound?

Everything suggests that each set of doctors reached a conclusion on the nature of the wound only after indications from the investigators that it had to be an exit wound and that the other set of doctors said it was.

Under those circumstances it becomes understandable that the autopsy report is undated and that the Warren Commission has not acknowledged nor explained that curious fact. The Commission has inquired into the failure of the Parkland doctors to notice the bullet wound in the back and accepts the explanation that the doctors did not have the heart to turn the President over. Yet all reports indicate that the President's coat and shirt and probably his back brace had been stripped off before he was pronounced dead. How were the garments removed? Did no one notice the bullet holes in the shirt and coat?

The case against Oswald depends on the presence of an exit wound in the front of the neck. Of what value are the conclusions of the Warren Commission in the light of these unanswered questions and the strong indications that it was in fact an entrance wound?

The Number and Direction
of the Shots

The Warren Commission insists that there were only three shots and that they all came from the sixth-floor window of the Depository. To reach that conclusion the Commission has ignored or discounted testimony of no lesser inherent credibility than testimony it has accepted arbitrarily.

It is true that many witnesses on the scene thought that three shots were fired. But an equal or greater number of witnesses thought, and some insisted, that four shots were heard. Those witnesses include Amos Lee Euins, Mary Woodward and her three companions, Jean Hill, Mary Moorman, Royce Skelton, S. M. Holland, and James Worrell. Two of these witnesses --Hill and Worrell--refused to be shaken on this point despite considerable pressure. Jean Hill has said that a Secret Service agent took her aside and admitted that there had been more than three shots but that only three shells had been found "so they were saying three shots."

Governor Connally and his wife still insist that he was struck by a second and different bullet in the interval between the two shots that hit the President. By implication, therefore, their testimony confirms the claim of ten witnesses that there were four shots.

It is astonishing that the Warren Commission has discounted the testimony of the Connallys. In effect, that is what they have done in deciding that there were three shots, one of which missed. Few elements in the case are as conclusive as the testimony of the Governor and his wife. As a surviving victim of the assassination, the Governor is a unique and authoritative witness: no one is in a better position to judge when he was hit by a bullet. The Commission has indulged in vague speculations about a delayed reaction, when that possibility is demolished by the distinct recollection by the Governor of the moment of the bullet's impact and by photographic confirmation that he did not react physically for some moments after the President clutched his throat (after being shot in the back, according to the Commission).

The Connallys are not the only obstacle to the Warren Commission's theory that one of the three shots fired struck both the President and the Governor. There is also the question of the trajectory. A bullet which hit the President five and a half inches below his coat collar and exited

from the throat would have to follow an upward trajectory--impossible, if the bullet came from above and behind. Over and above that, is it plausible to believe that the bullet hesitated a few moments and then resumed its original downward trajectory before striking the Governor in the back? That is magic and witchcraft, not criminological investigation.

If the Warren Commission has resorted to such far-fetched and untenable assumptions, it was not motivated by frivolity. Rather, it was a desperate attempt to make the round peg of evidence fit into the square hole of its hypothesis. If there were more than three shots, as much of the evidence suggests, or if there were only three shots and they all hit their target, it implies a feat of marksmanship which even the Commission is not prepared to attribute to Oswald.

Has the Commission made a convincing argument with respect to the direction of the shots? No one disputes the fact that some of the shots seemed to come from the sixth floor of the Depository. The question at issue is whether or not some shots came from another location. Here again the Commission has chosen to ignore or reject credible testimony.

(1) The first bulletin which came over the Dallas police radio, as heard and reported by Thayer Waldo of the Fort Worth Star-Telegram, said:^{7/}

Bulletin: the President has been shot. It is feared that others in his party have been wounded also. The shots came from a triple overpass in front of the Presidential automobile.

(2) Bonnie Ray Williams, a key witness, said in a television interview on 27 September 1964 that it was a funny thing that although the shots came from the Depository "everybody ran the wrong way."

(3) The Warren Commission acknowledges that "many people near the Depository believed that the shots came from the railroad bridge over the Triple Underpass or from the area to the west of the Depository" and that "many of the spectators ran in the general direction of the Triple Underpass or the railroad yards north west of the building."

(4) The following witnesses on the scene thought that the shots came from the direction of the Triple Underpass: Seymour Weitzman and his partner, an unnamed policeman; James Mitchell; Mary Woodward and her three companions; O.V. Campbell, Vice-President of the Depository; Roy Truly; James Vachule; and Jerry Flemmons.

Incidentally, the autopsy report states that the bullets "were fired from a point behind and somewhat above the level of the deceased." Roy Truly, when interviewed by the London Observer shortly after the assassination, said that from his position in front of the Depository he had thought that the shots had come "from behind a low building nearer the road." ^{17/} It is not evident from the Warren Report whether or not there was any attempt to determine if some of the shots might have come from such a building.

Despite these indications that some shots might have come from a location other than the Depository, we find in the report the unblushing statement that "the Commission does not have knowledge of any witnesses who saw shots fired from the overpass." ^{18/} With this sophistry, the Commission has disposed of the testimony from numerous witnesses—including several trained observers by profession—that the shots were heard to come from the general area of the underpass. One of these witnesses, Worrell, has also said that he saw a man fleeing the scene. ^{19/}

Having dismissed cogent testimony and subjected evidence to absurd interpretations, the Commission has returned to the point of departure—that Oswald acting alone was the assassin. That, of course, was the object of the exercise.

The Identification of the Rifle

A main reason for persistent scepticism about the case against Oswald is the fact that the murder rifle was identified initially as a 7.65 Mauser. It was only after the purchase of a 6.5 Carcano was traced to "Hidell" that Dallas officials changed their story. The Warren Report attempts to explain this curious sequence of events by attributing the mistaken identification to Seymour Weitzman, a deputy constable on the Dallas police force, saying that "he did not handle the rifle and did not examine it at close range. He had little more than a glimpse of it."^{20/}

Even if that was accurate, it would not explain the fact that District Attorney Henry Wade told the press that the murder rifle was a Mauser. Nor would it explain the fact that a Dallas police captain displayed the rifle before television, held above his head, and identified it as a Mauser (see photograph from videotape in TV Guide for 25 January 1964). Those misidentifications cannot be blamed on Weitzman. Moreover, the Commission's explanation that he had little more than a glimpse of the rifle is utterly inconsistent with the affidavit Weitzman swore on 23 November, which says:

"We were in the northeast corner of the sixth floor when Deputy Boone and myself spotted the rifle about the same time. This rifle was a 7.65 Mauser bolt action equipped with a 4/13 scope, a thick leather brownish-black sling on it..."

This hardly suggests "little more than a glimpse." The Warren Report does not even mention the existence of that affidavit (the original is rumored to have been "lost"), much less indicate its contents. How did Weitzman get all these details about a rifle he never handled and scarcely saw? His affidavit says that the rifle was equipped with a 4/13 scope. The Carcano has a 4/18 scope. If Weitzman is correct, he saw a different rifle with a different telescopic sight.

Captain Fritz, who did handle the rifle, told the press after the Mauser identification was dropped that the rifle was Italian and "of an unusual, undetermined caliber."^{21/} But the Carcano which the Warren Commission regards as the murder rifle is marked "CAL.6.5."^{22/} It is difficult to accomodate the notion that a man who did not handle the rifle and had only a glimpse of it was able to describe it in detail, including its caliber, while a man who did handle the weapon said that the caliber was "unusual" and "undetermined," although it was marked 6.5.

When Homicide Inspector L.C. Graves told UPI that the rifle was a Carcano, at least he knew that its caliber was 6.5. But he specified that it was 50.75 inches long--the length of an existing model of the Carcano but more than ten inches longer than the "murder rifle" (New York Times, 24 November 1963, page 2). What we gained by Graves' ability to read, we lost by his inability to measure.

In this forest of rifles of various makes, calibers, and lengths a ray of light threatens to fall: the Warren Commission tells us that when the rifle was found on the sixth floor of the Depository, no one touched it until Lt. Day arrived and photographed it as it lay on the floor.^{23/} That photograph may provide verification that the rifle found was a 6.5 Carcano 40.2 inches long. But the photograph is not mentioned again nor is it included among the exhibits in the report, one of which (No. 2707) purports to show the "location of the rifle, looking north."

Another worrisome inconsistency relates to the purchase of the Carcano. According to the Warren Report, Oswald ordered it from an advertisement in the February 1963 issue of the American Rifleman magazine.^{24/} That advertisement offers a 36-inch Carcano, model number C20-T750. The same model number is specified on all the purchase documents. How is it that a 40-inch rifle was supplied (or perhaps a 50-inch rifle) when a 36-inch rifle was ordered? The Warren Commission has not noticed the discrepancy or has chosen not to explain it.

It is not possible to accept the Commission's conclusions about the identity of the murder rifle so long as these contradictions remain unresolved.

The Ammunition

Press reports immediately after the assassination indicated that the police expected to trace the purchase of the ammunition and would consider that important evidence in identifying the assassin. It was said that ammunition for the ancient Carcano was rare. Buchanan and others familiar with firearms pointed to the fact that ammunition for the Carcano had not been manufactured since the end of the Second World War and was extremely poor in quality. They questioned whether Oswald or anyone could have achieved such success with ammunition which, in one experiment, had misfired 26 times in 30 tries.^{7/}

The Warren Report eliminates this objection. The Commission states that ammunition made by the Western Cartridge Company was used and that it is very dependable. In tests conducted for the Commission there had been no misfires in more than 100 tries. The Commission acknowledges that some other ammunition for this rifle is "undesirable and of very poor quality" but notes that the Western Cartridge Company brand is "readily available for purchase from mail-order houses, as well as a few gun-shops." ^{25/}

We know that "Hidell" did not purchase ammunition by mail order from Klein's Sporting Goods. Did he buy it from one of the "few gun-shops" or from a different mail order establishment? The Warren Commission has failed to pursue the trail to its logical end. The case would hardly suffer from demonstration that Oswald purchased the ammunition as well as the rifle--on the contrary. The case is not so air-tight as to justify this loose end.

It should not be forgotten that so far as is known Oswald had no previous experience with the Carcano, a strange foreign rifle, and that it has not been established that he ever fired it before 22 November, if then. Was it only good luck that led him to supply himself with the one reliable brand of ammunition? The Commission tells us also that there was a defect in the scope but one for which a person familiar with the rifle could have compensated.^{26/} Are we to assume that Oswald not only had the dumb luck to stumble on a reliable brand of ammunition but was also able to "compensate" for the defect in the scope on his first try, thanks to the "dry runs" for which we have only Marina Oswald's assurance?

The Ammunition Clip

It is not clear from the Warren Report whether or not the assassin is alleged to have used an ammunition clip or "charger." This device loads bullets automatically and eliminates the time required for manual reloading.

No newspaper stories after the assassination suggested that the murder rifle was equipped with an ammunition clip. The Warren Commission describes it as a "bolt action clip-fed" rifle but surprisingly makes no specific claim that the use of an ammunition clip facilitated the rapidity of the shots.

In Appendix X, however, expert testimony states that the rifle had an ammunition clip in it when it was found, enabling seven shots to be fired without reloading. If the assassin used a clip, it is logical to assume that he loaded the weapon to the maximum--that is, seven bullets. Even a master rifleman could not be sure of hitting his target with the first bullet or two. Therefore, if only three shots were fired, four live bullets should have been left.

But the Warren Report indicates that Captain Fritz discharged one live round from the chamber of the rifle after it had been examined for fingerprints.^{23/} Either that is false, or it is not true that there was an ammunition clip in the rifle when it was found. The fact is that the ammunition clip automatically is ejected from the rifle when the last bullet is fed into the chamber. If Captain Fritz ejected one live round from the chamber--as he and other witnesses assert--there could not have been an ammunition clip in the rifle. The weight of the evidence supports the inference that there was no clip in the rifle found on the sixth floor. That being so, the contention that Oswald had the capability for the rapidity of the shots even though he would have had to load the bullets by hand is not merely far-fetched. It is nonsensical.

The Photograph of Oswald
with Alleged Murder Rifle

Oswald was 5 feet 9 inches tall (Appendix VIII, Medical Reports from Doctors at Parkland Memorial Hospital). The alleged murder rifle is 40.2 inches long (Chapter III, Description of Rifle).

If an inch is added to Oswald's height to account for his shoes, his height is 70 inches. The length of the rifle (40.2 inches) is 57.4 percent of Oswald's height when shod (70 inches).

The photograph of Oswald holding the alleged murder rifle is highly incriminating and strong evidence for the prosecution case. It has been widely published, and served as the cover of the February 21, 1964 issue of Life. On that cover photograph Oswald's height measures 12.75 inches (including his shoes) and the rifle measures 7.75 inches. If the rifle in the photograph is actually the 40.2 inch Carcano, the man's height should be 13.5 inches instead of 12.75, on the basis of the actual proportions between the two. If the man in the photograph is actually 70 inches tall, the rifle should measure 7.3 inches instead of 7.75.

Therefore (1) the man in the photograph is actually 64 inches tall or 5 inches shorter than Oswald in bare feet, or (2) the rifle in the photograph is actually 42.6 inches long or 2.4 inches longer than the Carcano.

Discrepancies of the same proportions are found in smaller prints of the photograph. Its authenticity remains highly suspect.

The Palmprint on the Rifle

On the day of the assassination Lieutenant Day of the Dallas police examined the rifle found on the sixth floor for fingerprints. He found a number of fingerprints on the surface of the weapon. He photographed them and protected them with cellophane before sending both the rifle and the photographs to the FBI laboratory at Washington, where they were examined by Sebastian Latona, FBI fingerprint expert. Before sending the rifle to the FBI, Day--the Warren Commission tells us--had "lifted" a palmprint from the underside of the gun barrel. The "lifting" was performed without leaving any trace on the rifle but Day, according to the Commission, failed to realize that no trace was left. Nor did he photograph the lifted palmprint and send it with the other photographs of the latent fingerprints. Nor did he inform the FBI fingerprint lab that he had lifted a palmprint from the underside of the gun barrel.

On the same day, Lieutenant Day had also discovered a palmprint on a carton at the sixth-floor window. He cut out the portion of the carton on which the palmprint appeared and sent that also to the FBI laboratory. That palmprint was examined on 22 November. It was identified as the print of Oswald's right palm and judged to have been made within 36 to 72 hours before examination.

Latona was unable to identify from the rifle or photographs the latent fingerprints on the weapon. He stated that "the poor quality of the wood and the metal" would make a clear print unlikely.

On 26 November the latent palmprint developed by Day on the afternoon of the assassination--of which the FBI had had no previous hint--was sent to the fingerprint lab as a result of instructions to Day to send "everything that we have" to the FBI. The Warren Commission has accepted the authenticity of that palmprint and its identification as Oswald's right palmprint.

It is hard to understand why Day conscientiously sent all material suitably protected with cellophane and photographed in case of mishap to the fingerprint laboratory except that latent palmprint from the underside of a gun barrel of a rifle the quality of which was too poor to make clear prints likely. Suffice it to say that the appearance of the latent palmprint two days after Oswald was murdered while handcuffed to a police officer in the basement of the Dallas police headquarters must have been welcome indeed. The opprobrium and contempt directed at the Dallas authorities was bad enough as things were: how much worse, if it appeared that the murdered prisoner might have been innocent. Oswald's right palmprint

was developed on a carton where his print was both normal and innocent. Oswald's right palmprint lifted from the murder rifle was incriminating. Both palmprints were in the custody of the Dallas police for some hours on the day of the assassination. Appearances are, to say the least, unfortunate.

The Paraffin Test

One can almost sympathize with the difficulty which confronted the Warren Commission in reconciling the known negative result of the paraffin test of Oswald's cheek with the conclusion that he fired the murder rifle. The Commission attempted to reverse the negative result by means of a radioactivation test of the paraffin mold of his cheek. The test was "unsatisfactory". Apparently for lack of an alternative, the Warren Commission has issued a new doctrine--that the paraffin test is "unreliable." The very fact that the radioactivation test was attempted indicates that the Commission expected to find evidence on the assassin's face that he had in fact fired the rifle, by a sophisticated technique since the conventional method had failed. When the radioactivation test failed also, the possibility of Oswald's innocence was reinforced.

Instead of acknowledging that this cast doubt on Oswald's guilt, the Warren Commission decided that it cast doubt on the reliability of the paraffin test as a scientific technique in criminal investigation.

~~For information concerning the results of the paraffin test on Oswald's cheek, see the Warren Commission Report, Volume 1, page 107. The Commission stated that the paraffin test was "unsatisfactory" and that the radioactivation test was "inconclusive". The Commission also stated that the paraffin test is "unreliable" and that the radioactivation test is "not a scientific technique".~~

Oswald's Presence at the
Sixth-Floor Window

The Warren Report provides no information whatever on Oswald's activities and movements during the four crucial hours between 8 a.m. and noon on the day of the assassination. No attempt has been made to reconstruct his actions and whereabouts after he was seen arriving for work by Dougherty and before Givens saw him just before noon. We do not know how much of the time he was within eyeshot or hearing of his fellow-workers; what work he accomplished; where he concealed and later retrieved the rifle; when and where he assembled it; when he arranged the shield of cartons; whether he made or received telephone calls; where he left his blue jacket; or whether he had or used the opportunity to admit and hide a confederate.

Another unknown is the seventh floor of the Depository. We are not told who occupies it, the purpose it serves, or where the occupants were at the time of the shooting.

We know that chicken bones were found on the sixth floor but we are not told exactly where. Early reports suggested that they were found at the murder window with the cartridges and other incriminating paraphernalia. That was the basis for the theory that a sniper had concealed himself there to lie in wait for the President. When Oswald was arrested it became obvious that he had no need to conceal himself in the building where he worked. Dallas officials then announced that the chicken remains were "old" and not connected with the crime. Still later the chicken bones became fresh again, the discarded property of Bonnie Ray Williams. Williams ate his lunch on the sixth floor from noon to 12.20 p.m. but saw and heard nothing to arouse suspicion. Where was Oswald during those twenty minutes? How could he know that Williams would leave in time for him to shoot the President? How could he know, for that matter, that he was not being watched by the FBI, which had been calling on Mrs. Paine and showing keen interest in his activities recently? How could he be sure that Secret Service agents were not posted in the Depository and nearby buildings, in a position to spray him with bullets the moment he appeared at the window with a rifle?

Perhaps the Lane Report or the Joesten Report will attend to these details, which the Warren Report has not troubled to do.

The Witnesses

No defense attorney could ask for a better set of prosecution witnesses if he wanted to assure that his client would be acquitted. The Warren Report at first glance seems to confront us with an abundance of eyewitnesses and witnesses whose testimony incriminates Oswald both in the assassination and the Tippit murder. On close scrutiny, however, the credibility and reliability of their testimony dwindles into insignificance. We remain, as we were when the Dallas authorities were issuing the "proof" of Oswald's guilt, without a morsel of conclusive evidence that he was at the window with the rifle or at Tippit's car with the revolver.

Brennan's identification of Oswald as the man at the window is worthless. He said immediately after the shooting that he could not describe the man.^{27/} He failed to make a positive identification of Oswald when he was taken to the lineup. Later he reversed himself, asserting that he had actually recognized Oswald in the lineup but had feared to identify him lest the Communists should take reprisals. How did Brennan know within a few hours of Oswald's arrest that he was a Communist? Or that he was the only eyewitness? More likely he seized on that excuse because he could find no other reason for having failed to make an identification other than the real reason, his inability to recognize the man he had seen. It is most unlikely that he saw the man clearly or long enough to identify him. The window was open only one-quarter of the way, and photographs taken at the time show that the shining sun reflecting on the window-panes would have concealed a standing man--and Brennan has said that the assassin was standing.

Markham, the star witness at the scene of the Tippit murder, gave false testimony to the Commission, as the report acknowledges, for reasons which the Commission has not seen fit to tell us. Thanks to a magazine article which appeared after the Warren Report ("The Other Witnesses" by George and Pat Nash, New Leader, October 12, 1964) it is clear that Markham is a hysteric and has given a number of completely different versions of the shooting. The Commission recognizes that she was inconsistent and unclear in her testimony. None of her stories coincide with the accounts of the shooting obtained from two witnesses located by George and Pat Nash, who are not mentioned in the Warren Report. Frank Wright, whose wife summoned the police when Tippit was shot, saw a man leave the scene in a car. Acquilla Clemmons saw two men rush away from Tippit just after he was shot. Frank Wright's address is on record as the source of notification of the shooting, but neither he nor the ambulance personnel have ever been asked to give evidence to the FBI or the Warren Commission.

It should occasion no surprise that these witnesses did not rush to volunteer information inconsistent with the theory of Oswald's guilt so cherished by the police agencies and the Warren Commission. The more so, since Mrs. Wright and Mrs. Clemmons were both visited and questioned briefly by investigators who appeared to be FBI agents but who did not ask them for formal testimony.

Not only are these witnesses absent, but the Warren Report is quite inconsistent in its account of the Tippit murder witnesses known to the Commission. In Chapter I the Commission claims that two eyewitnesses (Markham and Benavides) and seven witnesses positively identified Oswald. In Chapter IV the Commission admits that Benavides did not feel that he could identify the man he saw and was not even taken to the police station to view the lineup. That leaves only one eyewitness, Markham, whose credentials are worthless.

Who are the other seven witnesses? The persons who "heard shots and saw a man with a gun running away" are said to be Scoggins, Guinyard, Barbara Jean Davis, Virginia Davis, Smith and Calloway. That makes only six. To compound its inaccuracies and exaggeration, the Warren Commission in Appendix XIII (Speculations) suddenly elevates Scoggins and, by implication, the two Davis women, to the rank of "eyewitnesses."

A third group of witnesses saw a man running away—Brock, Reynolds, Patterson, Lewis, and Russell. Apparently two months elapsed before they were interviewed by the FBI. On or about 21 January 1964 these five were shown a photograph of Oswald, which some of them identified as the man they had seen fleetingly on the day of the assassination. By the time these identifications were made, Oswald's face was as familiar as a mirror image and the climate was one in which it was unpopular, if not risky, to question his guilt. It is specious to attach the smallest value to the identifications of any of these five witnesses.

Parenthetically, Reynolds failed to identify the photograph as the man he had seen two months previously near the scene of the Tippit murder. A few days later he himself became the victim of attempted murder when he was shot in the head by a person or persons unknown. After he recovered, he reversed himself and identified photographs of Oswald as the man he had seen after the Tippit murder. Very sensible.

This is not the only misadventure which has befallen people involved in the case. As of this date (November 1964) the following persons are said to have suffered a mysterious or tragic fate:

Warren Reynolds.....shot in the head in attempted murder
 Darrell Wayne Garner.....arrested on suspicion of shooting
 Reynolds and alibied by his girl-friend,
 later disappeared and cannot be found
 Betty Moody MacDonald.....former "stripper" (allegedly for Jack
 Ruby, although the Warren Commission says
 she did not work for him), alibied
 Garner for the Reynolds shooting, later
 committed suicide by hanging herself in
 the Dallas jail, where she was under arrest
 for "disturbing the peace"
 James Markham.....son of witness Helen Markham, fell out
 of window while trying to evade arrest by
 Dallas police shortly after Marguerite
 Oswald and two amateur investigators had
 visited Mrs. Markham and attempted to
 question her about the Tippit killing
 Earlene Roberts.....housekeeper at the rooming house where
 Oswald was living when he was arrested,
 has voluntarily or involuntarily
 disappeared and cannot be located
 Stripteaser ~~Teressa Norton~~.....worked for Jack Ruby, said to have
 committed suicide about the end of
 September 1964

David Lane and
 Alfred McLainSubjects of the following intriguing
 passage from the transcript of the
 interrogation of Jack Ruby:

Ruby.....There was one Lane that was killed in a taxicab.
 I thought he was an attorney in Dallas.

Warren.....That was a Dave Lane.

Ruby.....And there was a McLain.

Warren.....Alfred was killed in a taxi in New York.

Let us hope that Messrs. Dave Lane and McLain departed this life without unnatural intervention and that Mark Lane, who has been called the Emile Zola of the Oswald case, will take good care of himself and shun taxis like the plague.

In addition to the three witnesses to the Tippit murder who are described in the Nash article, the Warren Report fails to acknowledge the existence of a number of persons who should have been questioned closely about allegations made by them or about them. These include:

Richard Dudman, reporter for the St. Louis Post-Dispatch, who saw what appeared to be a bullet hole in the windshield of the President's limousine outside of Parkland Memorial Hospital and who published a story in the New Republic of 21 December 1963 quoting the doctors at Parkland as believing that there was an entrance wound in the throat despite the claim that all the shots had come from behind the car.

Mary Woodward, reporter for the Dallas Morning News, who said in a story published on 23 November 1963 in that paper that she and three companions had heard four shots and that the shots had come from the grassy knoll near the underpass.

Bob Ferranti, newscaster for ABC television, who found the famous "doorway" photograph (alleged to be Lovelady) and charges that when he refused to capitulate to pressure not to display the photo on television, it was taken away from him by force by the FBI.

O.V. Campbell, Vice-President of the Texas School Book Depository, who ran from the Depository toward the grassy knoll "to catch the sniper."

Mike Howard, Secret Service agent, who told reporter Thayer Waldo that a rifle had been found on the roof of the Depository and a pure fiction alleging that a ~~Negro~~ janitor had actually seen Oswald firing the fatal shots at the President.

Still another thought-provoking omission from the Warren Report is the fact that the Tippit murder took place about two blocks from Jack Ruby's apartment. Tippit in his car, and his killer on foot, were headed almost in a straight line toward Ruby's apartment, and away from the Texas Theater. If the killer was Oswald, he was heading for a destination

Other than the movie-house. Study of the street map of Oak Cliff suggests two more points for cogitation: (1) According to the Warren Report, it took Oswald 24 minutes to run or trot or walk rapidly from his victim to the Texas Theater, about six blocks away. This seems inordinate for the veritable speed-demon who, within the hour, had raced from the sixth to the second floor of the Depository in 1 minute 30 seconds approximately, without a huff or a puff, and had then walked the four blocks from the Depository to the bus stop in 7 minutes, presumably at a normal pace. (2) At the end of 1962 Oswald was living on Elsbeth Street, and from March to May 1963 on Neely Street, in the Oak Cliff section. Neither address appears to be very distant from Ruby's apartment. One wonders if the Warren Report does not minimize the opportunities for contact between the two men.

The Warren Commission records but does not comment on the fact that Tippit's gun was out of its holster near his body. That seems to indicate that self-defense was involved in the murder---by the victim or by the killer? The circumstances under which Tippit stopped the pedestrian who calmly leaned on the car and chatted with him, without apparent alarm, merit thought in this connection.

In the absence of the Hearings, judgment must be suspended on the quality of the interrogation of witnesses. Packer^{2/} was quite right in complaining that the Hearings should have been issued simultaneously with the Report. According to press reports on 20 November 1964, the 26 volumes of Hearings and Exhibits weighing 52 pounds are to be issued on 30 November, at long last. But the 52 pounds will not tell the whole story. J. Lee Rankin, Chief Counsel to the Warren Commission, has acknowledged to the New York Herald-Tribune that classified material "involving national security" has been withheld. One could easily write another 26 volumes about the use and abuse of the "classified" label, to say nothing of "top secret" and other gradations (Mark Lane took advantage of the opportunity to purchase from the Warren Commission a transcript of his own testimony, given in the only public hearings held during the investigation, and it arrived stamped TOP SECRET in bold and forbidding letters--scarcely a threat to national security, although a distinct irritant to the Establishment.)

But, not to carp, we may consult the Hearings at long last .

The testimony of Johnny Calvin Brewer will be of special interest and one hopes that it will explain why he was absent from all news accounts of Oswald's arrest in the Texas Theater. He should have been the hero of the capture. Perhaps his testimony will explain also why he did not execute his affidavit until 6 December 1963, two weeks later than all the other witnesses.

The testimony of N.M.McDonald, the policeman who made the arrest, perhaps will throw light on his reason for searching two other theater patrons before approaching Oswald, who ostensibly had been fingered by Brewer from the stage.^{28/}

As for the witnesses who claimed to have seen Oswald at the Sports Drome Rifle Range in Dallas, one expects that the Warren Commission grilled them, since their testimony raises the possibility of collusion and falsification of evidence. If it was not Oswald at the rifle range, as the Commission itself concludes, was it someone who resembled Oswald (as Lovelady and Craford are said to do) who was there deliberately to plant evidence against him? Was it an innocent person who was innocently mistaken for Oswald? If so, has there been any appeal to him to come forward or any attempt to find him? Joesten suggests in his book^{6/} that the Sports Drome Rifle Range did not open for business until late October. If that is correct, the witnesses who claimed to have seen Oswald there earlier are surely perjurers and it is essential to find out who put them up to their inventions.

Dial Ryder's story that he mounted a telescopic sight on a rifle for a customer named Oswald merits the same kind of investigation.^{29/}

The interrogation of certain other witnesses, whose testimony seems to have been acceptable to the Warren Commission in direct proportion to its compatibility with Oswald's sole guilt rather than on intrinsic merit, will be of special interest---Wanda Helmick, Curtis Craford, Seth Kantor, Jean Hill, Harry and Kay Olsen, Bertha Cheek, Ralph Paul, and Nelson Bunker Hunt, among others.

The Interrogation of Oswald

The Warren Commission ~~placidly~~ has accepted the story that no transcript was made of the interrogation of Oswald and the excuses of the Dallas police for that incredible departure from police procedure. The Commission has ignored the story in the Dallas Morning News that a police stenographer was among the persons seen entering the room where the interrogation took place.^{30/} It has disregarded the report by Postal Inspector H.D. Holmes that during the last interrogation session Oswald flared up at Captain Fritz and said,

I've told you all I'm going to about that card. You took notes, just read them for yourself, if you want to refresh your memory.

The failure of the Warren Commission to probe into the possibility that a record of the interrogation was maintained but has been withheld is a piece of negligence which must have a significant place on the list of shortcomings in its report.

The Commission tells us that the arresting officers found a forged draft card in the name of Alek J. Hidell in Oswald's billfold—having told us earlier that "his wallet containing \$170 was left intact in a dresser drawer" when he left Irving on the morning of the assassination—and that "on November 22 and 23, Oswald refused to tell Fritz why this card was in his possession, or to answer any questions concerning the card."

The apparent authority for this assertion is the report by FBI agent Manning C. Clements on the interrogation of Oswald on 22 November.^{31/} Clements indicates that Oswald declined to explain his possession of the card in the name of Hidell. But his is the only report on the interrogation on that day which mentions the card or the name Hidell. FBI agents Bookhout and Hosty do not mention the name Hidell in their reports for 22 November and Fritz specifically states that he questioned Oswald about the Hidell card on the second day, 23 November. That is confirmed in the reports of Bookhout and Kelley, who were also present at the interrogation on the second day.^{32/}

The Warren Commission has accepted Clements' report despite the fact that all the others indicate that there was no mention of the name Hidell until a day later. That is no coincidence. It will be recalled that suspicion that Oswald was framed by the Dallas police arose because of the failure of District Attorney Wade to mention the name Hidell when it was supposedly known to the police, and at the same time that he informed the

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press that Oswald had used the alias O.H. Lee, because he had "forgotten" to mention it as he later explained blandly. The Warren Commission has not tackled this when attempting in Appendix XII to dispose of various "speculations."

The Warren Report does not enlighten us on the magic by which a wallet "left intact" in Irving that morning (page 15) was found on Oswald when he was arrested in Dallas in the afternoon (pages 121 and 181). It does not explain how Clements saw and heard things on the 22nd that no one else saw or heard until the next day. All the reports except his indicate that the police did not question Oswald about the Hidell card until 11.30 a.m. Saturday, although they supposedly knew about it on Friday afternoon.

At 11.30 Saturday, the police had already learned from the FBI that the rifle had been traced from Klein's to "A. Hidell" at Dallas. It is surely extraordinary that the police, as soon as this incriminating link was established, did not confront Oswald with it and try to secure a confession, exasperated as they must have been at his stubborn claims of innocence. Shortly after 4 a.m. Saturday, according to the Warren Report, the Dallas police and the FBI knew that (1) Oswald had a forged card in the name of Hidell with his photograph on it, and (2) the Carcano rifle, serial no. C2766, found in the Depository had been shipped to A. Hidell. Did they not regard that as "clinching" evidence? Apparently not, for the "clinching" evidence with which Chief Curry tantalized the reporters that morning turned out to be the notorious map, now conceded to be innocent. They did not challenge Oswald with the irresistible link established between him and the murder rifle via the ubiquitous Hidell alias. Curry actually told the press that no definite link had been established between the rifle found in the Depository and the rifle shipped to Hidell (page 233). If the rifle was traced through its serial number, how could there be any ambiguity about that? Curry said that the rifle had been shipped to Hidell but he did not say that Oswald carried a forged card in that name, and Curry was not a reticent man.

Everything warns us that the police did not find the Hidell card on Oswald when he was arrested, as the Warren Report alleges, and that his possession of the Hidell card was never mentioned until after the rifle was traced to a purchaser by that name. (The Commission speculates on page 315 that Oswald no doubt bought firearms under the name Hidell to prevent their ownership from being traced; perhaps he carried the Hidell card to prevent their ownership from not being traced?)

* If this is not sobering enough, we discover next that there is not a word in the report on six hours of interrogation on the day of Oswald's arrest! Chapter V indicates that he was questioned for 5 hours 50 minutes in four sessions from 4.20 to 11.25 p.m. but there is no information in the report on those crucial hours. The questions that were put to Oswald, according to the reports available, seem lacking in zeal and ingenuity:

Friday 2.10 to 4.15 p.m. (approximately)

1. Did Oswald work at the Texas School Book Depository
2. On which floor
3. Where was he when the President was shot
4. Where was he when he was stopped by a policeman (Baker) and Roy Truly
5. Why did he leave the Depository; where did he go
6. Did he own a rifle
7. Why did he carry a pistol to the Texas Theater
8. Had he been to Russia; had he written to the Soviet Embassy
9. Had he been to Mexico City
10. What were his political beliefs
11. Why did he rent a room on N. Beckley in the name of O.H. Lee
12. Had he won medals for rifle shooting in the Marines

Saturday 10.25 to 11.33 a.m.

1. Had he taken a taxi after leaving the Depository
2. What conversation had he had with the cabdriver
3. Had he told Frazier that he was going home for curtain rods
4. What had he done with the clothes he removed at the rooming house at 1 p.m. Friday
5. Why did he live at the rooming house and his wife at Irving
6. Did he belong to the Communist Party
7. Where did he get the pistol
8. Had he owned a rifle in Russia; did he bring a rifle from New Orleans to Dallas
9. Did he keep a rifle in the Paine garage; did he own a car
10. Why did he want Abt for his attorney
11. Had he ever been questioned before; had he had any previous arrests
12. What did he think of President Kennedy and his family; had he watched the motorcade
13. Did he shoot President Kennedy and Governor Connally
14. How did he explain his possession of the "Hidell" card
15. Was he willing to take a polygraph (lie detector) test

Saturday 12.35 to 1.10 p.m.

1. What were his previous addresses in Dallas
2. Where were his personal belongings kept

Saturday 6 to 7.15 p.m.

1. What did he have to say about the photograph of himself holding the rifle
2. Did he purchase a rifle from Klein's

Sunday 9 to 11.15 a.m.

1. How did he explain the map found in his room with the x-mark at the Depository
2. How had he learned about the vacancy at the Depository
3. What were his religious views; did he regard religion as the opiate of the people
4. Would Cuba be better off now that Kennedy was dead
5. Where was the photograph (holding rifle) taken
6. Was he a Communist
7. Where had he rented post office boxes; were others authorized to receive mail
8. Was he sent to Dallas to organize a Fair Play for Cuba cell
9. Why did he get a dishonorable discharge from the Marines
10. Why did he visit his wife on the night of 21 November
11. Did he carry a paper bag to work
12. Where was he when the President was shot
13. Did he know anyone named Hidell; did he ever use that alias
14. Had he ordered a rifle by mail and sent payment by money order
15. Had he allowed someone else to receive a rifle at his post office box

It is clear that at no time was Oswald confronted with the link established between him, under the alias Hidell, and the murder rifle traced to Hidell through its serial number.

Although Buchanan^{5/} claims that the police questioned Oswald exclusively about the Tippit murder and concealed from him that he was under suspicion for the assassination of the President (while at the same time heralding to the country their growing certainty that he was the assassin), this would not appear to be so from the reports on the interrogation. On the contrary, one is surprised to find that he was not questioned about the Tippit murder at all. That is just as queer as the failure to question Oswald about the assassination which has been alleged. But before dismissing that allegation and accepting the account of the questions in the reports of those present, one should consider what Oswald himself said to reporters at midnight on Friday. "Nobody has told me anything except that I am accused of, of, murdering a policeman." When a reporter asked him if he killed the President, Oswald replied, "No. I have not been charged with that. In fact nobody has said that to me yet. The first thing I heard about it was when the newspaper reporters in the hall asked me that question." At least we have a transcript of these statements by Oswald, which the Warren Commission has been good enough to include on pages 200-201. There is no reason why Oswald should have made these remarks if they were not true. District Attorney Wade seemed to confirm Oswald's statement in remarks quoted by the Dallas Morning News on 23 November, to the effect that Oswald had not been advised of charges in the murder of the President.

In the light of Oswald's remarks as confirmed by Wade, how can one account for the reports by Fritz and the FBI agents ^{indicating} /that every question put to Oswald on Friday related to the assassination and not to the Tippit murder? The Warren Commission has not seen in this, as it should have, an added reason to question the honesty of the reports on the interrogation nor to re-examine the claim that no transcript was taken.

The questions asked, and more so the questions not asked, leave the impression that the Dallas police were not probing the suspect very energetically. Perhaps they already knew what they wanted to know.

Despite the highly compromising performance of the Dallas police, the Warren Commission has included among its reasons for concluding that Oswald was guilty the allegation that he "lied to the police." There is more reason to suspect that the police lied to the Commission. It defies understanding that the Commission complacently has accepted their version of events, as it appears to have done, and has not appeared to notice the contradictions and inconsistencies in Oswald's alleged replies to specific questions as reported by those present.

For example, when Oswald was asked to explain his possession of the "Hidell" card, he replied: (according to Fritz) that he had picked up that name in New Orleans while working in the Fair Play for Cuba organization. (Bookhout and Clements) he admitted that he carried this card but declined to state the purpose of carrying it or any use he had made of it. (Kelley) he had received a letter from the Fair Play for Cuba Committee signed "Alex Hidell" (Kelley reports this as a comment volunteered by Oswald during discussion of his political views but none of the others present record this remark).

When asked where he was at the time the President was shot, Oswald replied: (Fritz) he was having his lunch on the first floor. (Kelley) he was having his lunch with the colored boys who worked with him and described one of them as "Junior" and the other as a "little short Negro boy." (Bookhout) he had eaten lunch alone but recalled possibly two Negro employees walking through the room during this period; he thought one of them was called "Junior" and did not recall the name of the other one, a short individual whom he would be able to recognize.

These conflicting versions of Oswald's replies have not troubled the Warren Commission. Under the circumstances which obtained, a mere assumption that the variations resulted from variations in recollection is hardly warranted. Oswald's story that he saw Roy Truly and some others in the Depository looking at a rifle two days before the assassination has apparently been ignored. His alleged encounter with a Secret Service agent who asked to be directed to a public telephone has not been investigated.

Packer and other practitioners of the law consider that Oswald was clearly and deliberately deprived of the assistance of counsel by the Dallas police. This is hardly debatable, in view of his known appeals for legal assistance during his brief opportunities to speak to the press. The Warren Commission has gone to extraordinary lengths to interpret this aspect of the case in a way that leaves the Dallas authorities looking virtuous and humane. No one should be deceived about the rot under that facade.

A final word on the interrogation: for lack of any rational motive for the crimes he is alleged to have committed, it has been suggested that Oswald was a psychopath. That, of course, eliminates the need to explain any of his actions or objectives which are inconsistent with guilt or appear to lack rational purpose. Yet the personality that emerges even from the fragmentary and biased reports of the interrogation is eminently rational, controlled, skillful in avoiding compromising remarks on religion or politics, and unintimidated. There is not a single sign of irrationality--on the contrary. The hindsight diagnosis of paranoia is spurious and rather contemptible.

Oswald's Trip to Mexico City

Oswald spent the period from May to the end of September 1963 in New Orleans, joined for part of those months by Marina and the child. (Jack Ruby visited New Orleans during June 1963,³³ ostensibly to recruit a stripteaser for his club, but the Warren Commission has not acknowledged the possibility of contact between him and Oswald during that visit.)

At the request of ^{Dallas FBI agent} Hosty, FBI agent M.R. Kaack kept an eye on Oswald while he was in New Orleans but only after he had applied for and received a passport in June. The Passport Office of the State Department did not notify any federal agency that Oswald had been granted a passport, apparently being unaware that the FBI took any interest in him.

Despite the fact that no agency and no individual other than Marina had any inkling that Oswald planned to visit Mexico, he was checked by U.S. Immigration and Customs officials at the border when he entered and returned from Mexico. U.S. Customs officials William M. Kline and Eugene Pugh told the ^{press} ~~newsmen and other officials~~ that they had been asked by

an unnamed federal agency to check Oswald and that this was not a usual procedure.^{34/} How did a federal agency have advance knowledge that Oswald would visit Mexico when the FBI itself was unaware of his trip? What was the federal agency which had that knowledge and alerted the U.S. Customs officials at the border? The Warren Report pretends that these facts do not exist although the Commission certainly had knowledge of them, since the names of both Kline and Pugh appear on the list of witnesses. Why has the Commission excluded from its report any indication or explanation of these facts?

Other puzzles related to the trip to Mexico City are not explained fully or satisfactorily. If the trip was a prelude to defection to Cuba or redefection to the Soviet Union, how did Oswald plan to pay his passage? The Commission, whose reconstruction of his income and expenditures is a marvel, tells us that he was able to pay his way to Mexico City and return with about \$130 in cash.^{35/} That sum would not have taken Oswald to Havana without permission from the Mexican Government to leave Mexico bound for Cuba. Such permission is normally withheld from Americans with passports "not valid for travel to Cuba." That is why Americans who defied the ban and visited Cuba had to go by way of Prague or other Eastern European capitals. Travel to Cuba via Europe was far beyond Oswald's known means. He was scarcely unaware of that, since he was preoccupied during his stay in New Orleans with pro-Castro activities. (It is far from clear why he asked to have an FBI agent summoned after his arrest in New Orleans, since he was frank to express his resentment and contempt for the FBI.) Oswald surely knew that he did not have the wherewithall to reach Cuba even if he was granted a visa. Why should he have wasted any of his scarce funds on a wild-goose chase? According to the Warren Commission, Oswald was exceptionally prudent with a dollar. How else can one explain the fact that on a salary that averaged \$244 a month he managed in the six months between August 1962 and January 1963 not only to support his family of three but to repay \$635 in debts without a hint of impatience from his creditors? The only alternative--that he had access to clandestine funds--has been ruled out by the Warren Commission, which is also satisfied that he was never an agent or informer for the FBI or CIA.

By the Commission's own reasoning, Oswald could not have intended to flee to Cuba after the assassination because he did not have financial means to do so.^{36/} He had left \$170 with his wife and had only \$18 on his person when he was arrested. The same analogy applies to his trip to Mexico City, unless in fact Oswald did have clandestine income--perhaps received at his post-office box (Ruby also maintained one) or through Western Union (where Ruby sometimes sent money). Testimony that he did receive money through Western Union on one or more occasions has been discounted by the Warren Commission as inconclusive and probably mistaken.^{37/}

On this phase of Oswald's activities the Warren Report has not told, as it purports, the truth so far as it can be known, for at the least the Commission knows which federal agency had advance knowledge of his trip to Mexico and has excluded that information. What other secrets does the Commission have?

Oswald and the State Department

The Commission has swallowed a gargantuan helping of clerical error and coincidence and concluded that Oswald received no unusual favorable treatment in his transactions with the State Department. We are asked to believe that the decisions taken by the State Department on a series of problems raised by Oswald--defector, expatriate, self-declared enemy of the U.S., and self-appointed apologist for Castro--were wholly innocent, although each decision worked to his ultimate advantage. We are asked to believe that decisions which violated regulations, policies, and common sense were the results of oversight, typing errors, and the imperfection of bureaucratic procedures and staff. These were the decisions which brought Oswald past every obstacle on the road from Minsk to Dallas, thanks to the solicitude of the State Department toward a would-be-traitor, solicitude which is usually lacking in its dealings with law-abiding and untainted citizens:

- (1) The State Department acknowledges that as early as October 1959 it had reasonable grounds for preparing a "lookout card" in Oswald's file but did not do so, for reasons not stated but apparently discretionary in nature.
- (2) In March 1960 the Passport Office made up a "refusal sheet" on the grounds of Oswald's possible naturalization in the Soviet Union. The automatic consequence should have been the insertion of a lookout card in Oswald's file. For the second time, no lookout card was inserted—although in this instance the procedure was mandatory and not optional. No clear explanation is given for this failure, but it is suggested that it might have resulted from a "clerical error."
- (3) Meanwhile Oswald was in the Soviet Union striving furiously to renounce his American citizenship. He appeared at the Embassy in Moscow with a written statement requesting that his citizenship be revoked. He told the Consul, Richard Snyder, that he intended to offer to the Soviet authorities whatever information he had on the Marine Corps and his specialty, radar operation. He announced that he intended to apply for citizenship in the Soviet Union.

One would think that Snyder, not knowing how much sensitive information Oswald might have, should have been patriotic enough to lock him in the nearest closet until advice and instructions could be obtained. Not at all. Snyder refused to allow Oswald to renounce his citizenship because it was Saturday, and told him that he would have to return on a regular working day. The infuriated would-be turncoat wrote Snyder a bristling letter, demanding his rights and threatening to have the Soviet Union, his new motherland, lodge a formal protest against the old for denying him his rights. Together with that letter Snyder received a cablegram from the State Department emphasizing that the Embassy had no authority to withhold from Oswald the right to renounce his American citizenship.

Nevertheless, his citizenship was never revoked for the pure technicality that Oswald failed to make a second personal visit to the Embassy for that purpose.

(4) Thus, despite his vigorous representations, 1961 found Oswald still with his unwanted American citizenship and still without a lookout card in his file in Washington. This was fortuitous for him, as it turned out. On 5 February, he asked for the return of his passport so that he could make his way again to his native land. But he set a condition--that he be given a full guarantee that he would not be prosecuted under any circumstances. The Warren Report does not tell us if he ever received such a guarantee or from whom. The fact is that he did return and that he was not prosecuted.

(5) Oswald's request to return to the United States, and later the application for the admission of his wife and child, met with a friendly and helpful response from the Embassy. The procedure for admission to the United States was set in motion, notwithstanding the fact that on his application Oswald apparently had admitted an act or acts implying his expatriation. It is not easy to make sense of the Warren Report's explanation of this peculiar transaction.

On his application, Oswald was required to indicate whether or not he had committed acts which might disqualify him from receiving a passport, by striking out either the phrase "have" or the phrase "have not." One existing carbon copy of the application shows that "have not" has been typed over. Snyder does not remember to which of the acts Oswald was thereby admitting: it may have been "swearing allegiance to a foreign state;" on the other hand, the blockout of "have not" may have been another "clerical error."

The Warren Commission next tells us that there is an "actual signed copy of the application" in the files of the Embassy in Moscow "which is not a carbon copy of the copy sent to the Department," in which the strikeout is slightly above the "have," which itself is above the "have not." The Commission assumes therefore that the strikeout may have been intended to obliterate the "have."

What, pray, is an "actual signed copy of the application...which is not a carbon copy of the copy sent to the Department"? Where is the original application filled out by Oswald? We have "one existing carbon copy," location unknown. We have an "actual signed copy" in the Embassy files but it is not a "carbon copy of the copy sent to the Department." Is it a carbon copy of any pedigree? Is it the original of the carbon copy sent to the Department? Such obfuscating language clarifies nothing and only raises the suspicion of subterfuge and concealment. We cannot be sure whether the phrase "have not" was struck out on the application that reached Washington and if so, why that was disregarded.

(6) Marina Oswald, on her application, made a false denial of membership in KOMSOMOL. This did not come to light until it was too late to bar her from admission to the United States as an immigrant. Another piece of luck for the Oswalds.

(7) Despite the defects in the Oswalds' applications, the Visa Office of the State Department in October 1961 referred the matter for processing to the Immigration and Naturalization Service (INS) at Dallas. In January 1962 INS denied waiver of sanctions against Marina Oswald's admission. The denial was transmitted to the State Department by telegraph as well as letter because "Washington had previously indicated its impatience." Why such impatience, one wonders, on behalf of an obscure, disagreeable, and disloyal citizen and his Soviet wife?

(8) When the Embassy learned of the negative decision by INS, it contacted the Brussels Embassy, at the suggestion of the State Department, in an attempt to secure a visa there for Marina Oswald and thereby circumvent the denial of waiver.

(9) That manoeuver proved unnecessary. The Soviet Desk of the State Department in March 1962 began to pressure INS to reverse its decision. On the 9th of May, INS formally reversed its prior denial. The impatient State Department cabled the good news to the Embassy on the 8th of May, on the basis of verbal indications that the decision would be reversed.

(10) Oswald had made unsuccessful attempts from February to May to obtain funds for repatriation from the Red Cross and the International Rescue Committee. The State Department came to his rescue by authorizing, sometime in May, a loan of funds and the renewal of his passport. On the first of June Oswald borrowed \$435 from the Embassy and left the Soviet Union with his wife and child.

(11) On 24 June 1963 Oswald applied for a passport in New Orleans (we are not told whether he struck out "have" or "have not" on this application--probably it would have made no difference in any case). He received the passport 24 hours later, a circumstance which has raised many eyebrows. The State Department and the Warren Commission would have us believe that this was perfectly normal. They suggest that it was mere coincidence that the letters "NO" in red were placed alongside of Oswald's name, one in a list of 25 names, and that those letters were an abbreviation for "New Orleans," where the list had originated. Against odds of 25 to 1 those letters were placed next to the name of the one man who should not have received a passport which he had signified he would use to return to a country where

his presence had already caused the United States considerable embarrassment and trouble.

This last in a weird chain of errors, oversights, and peculiar interpretation of regulations suggests an Oswald in Wonderland. It would be apropos to ask William Worthy, or the college students who violate our sensibilities each summer by their illicit trips to Cuba, or the other numerous victims of passport troubles, if they ever had the good fortune to benefit by a clerical error in the State Department. The assortment of missteps and astonishing denouements is too rich and too consistent to ~~permit~~ the assumption that they were random and unmotivated, as the Warren Commission at its full splendor of impartiality appears to assume.

Investigation of Possible Conspiracy

Dallas was so clearly a dangerous city for the President that grave anxiety for his safety was evidenced before the visit and the immediate reaction to the assassination on all sides was that the appalling crime was the work of the ultra-reactionaries who enjoyed carte blanche there. Even if the evidence against Oswald was absolutely airtight, it would still be an assault against logic to believe that a leftist of any degree or persuasion could have committed that crime, in that place, at that time.

The lack of any discernible motive on Oswald's part and the absence of any sign that he was a psychopath or irrational in his day-to-day conduct, justified the most exhaustive investigation by the Warren Commission of the possibility of a conspiracy on the part of those who were instinctively blamed by the whole world, including the Chief Justice himself, when the horrifying news issued from Dallas. The investigation actually conducted by the Warren Commission led to the conclusion that Oswald had acted alone and the reminder that it is impossible to prove a negative. True. Yet a number of questions which are susceptible of clarification still remain unanswered.

(1) Who was the "other" Tippit on the Dallas police force whom Jack Ruby knew? Tippit is not a common name. Was that Tippit related to the murdered Tippit? Was he in touch with Ruby around the time of the assassination or before Ruby murdered Oswald? What were his whereabouts at the time of the crimes?

(2) Has not the Warren Commission been too casual in dismissing the significant report by Mrs. Earlene Roberts that a police car stopped and signalled while Oswald was in the rooming house just after the assassination? Mrs. Roberts remembered the number on the police car as 106 or 107. Tippit's car was marked conspicuously with the number 10. Is it possible that Mrs. Roberts thought she saw a third digit which was not actually present?

This part of Mrs. Roberts' testimony was not known until the Warren Report was published. Oddly enough, it dovetails closely with Buchanan's earlier conjectures that policemen, or conspirators disguised as policemen, were involved in the assassination and were to engineer Oswald's escape.^{5/}

(3) Three policemen and a former policeman testified that Jack Ruby had entered the basement, evading police security, via the Main Street ramp. The three policemen claimed that Jack Ruby had told them that he had come in that way, just after his arrest, but they withheld the information from their superiors "for several days." The ex-policeman Daniels had said on the day of Oswald's murder that he had not seen anyone slip past the policeman guarding the Main Street ramp. On 29 November he reversed himself and told a new story, consistent with the belated report of the three policemen. Jack Ruby himself refused to say how he had managed to evade security and enter the basement, with no apparent motive for secrecy if indeed he had received no help from the police and if he had already told three of them, as they claimed, how he got in. He maintained an adamant silence on the matter until the 21st of December, four weeks after the crime, when he suddenly volunteered the same information as the three policemen and Daniels had given.

This episode distinctly suggests the possibility of collusion and falsification. The Warren Report does not imply that the possibility was pursued with zeal.

(4) The Warren Commission has not acknowledged numerous allegations that FBI and Secret Service agents attempted to silence and intimidate witnesses or suborn their testimony. One witness, Jean Hill, says in a tape-recorded telephone conversation that a Secret Service agent pressed her insistently to change her testimony that she had heard four shots. Mark Lane has said publicly that a witness to the Tippit shooting was told by the Dallas police that her life would be in danger if she testified before the Warren Commission. The proprietor of Klein's Sporting Goods in Chicago has refused to talk to investigators, because of orders from the FBI. A television newscaster has charged that the FBI took a photograph away from him by force.

The coercion of witnesses, or the appearance of their coercion, is a very serious matter which should have been fully and frankly investigated, so as to provide reassurance that crucial testimony has not been improperly influenced.

(5) The allegation that a meeting was held between Jack Ruby, Bernard Weissman, and Tippit eight days before the assassination has been dismissed by the Warren Commission on the basis of a denial by Weissman and an alleged denial by Ruby. The Commission failed to use its subpoena power to compel Mark Lane to reveal the source of that allegation, as it could and should have done. Rather, the Chief Justice told the press that he had no reason to believe the allegation. Such a slur on the reputation of Mark Lane

was hardly warranted when the Commission had not even used its full investigatory powers to establish whether or not the allegation was well founded. It is all the more surprising that the Chief Justice should have disparaged Lane publicly when one recalls that a previous allegation which was in conflict with the testimony of a witness before the Commission proved to be truthful, and her testimony false. This hardly suggests that the Warren Commission has made an impartial or exhaustive investigation of the alleged meeting, the significance of which, if it took place, need scarcely be emphasized.

(6) It is passing strange, if it is true (as the Warren Report seems to indicate), that James Herbert Martin, close friend of Ruby's roommate George Senator, became the "business manager" for Marina Oswald. If Senator's friend and Marina's manager are the same man, a possible conspiratorial relationship has been left uninvestigated.

(7) It is a strain on credulity to accept the notion that Tippit, on the basis of a vague description which must fit thousands of Dallas citizens, recognized Oswald from behind as a man who fit the description sent out, "probably" on the basis of Brennan's report. If Tippit was so eagle-eyed and single-minded in looking out for persons who fit that sketchy description, how is it that he stopped no one except Oswald--if it was Oswald he stopped--in the half-hour after the alert was broadcast and before he himself was shot? The circumstances suggest that he stopped a man he knew, not a suspect in the assassination.

(8) The Warren Commission has accepted the testimony of Klause and Surrey on the abhorrent "Wanted for Treason" handbill. According to these witnesses, the idea was conceived about two or two and a half weeks before the President's visit and the handbill was printed about a week before the assassination. According to Warren Leslie, however, that handbill was already printed and circulating on the occasion of Adlai Stevenson's visit to Dallas on the 24th of October 1963.^{38/}

Have Klause and Surrey lied about the circumstances and date of the printing of the handbill? If they lied, what did they wish to conceal? Why has the Warren Commission failed to take cognizance of the information in Warren Leslie's book, which was published months before the Warren Report and widely discussed? Was Leslie mistaken, or were Klause and Surrey perjurers?

The Hard Evidence Against Oswald

It is far from apparent, after the long journey through the massive Warren Report as well as much preceding literature and contemporaneous news stories, whether Oswald was part of a conspiracy, a fall-guy set up to appear so guilty that the real assassins would have immunity from suspicion, completely innocent, or, as the Warren Report contends, a man who acted alone and assassinated the President. There is evidence that incriminates Oswald, although considerably less than the Warren Report claims: it seems conclusive that Oswald purchased a revolver and a rifle by mail order, and that both weapons were in the possession of the Dallas police shortly after the assassination and the Tippit murder. It is also certain that Oswald made an unscheduled and unusual visit to Irving the night before the assassination, and that he was present in the Depository at the time of the crime. It is not absolutely certain, however, that the fatal shots came from his weapons or that he himself pulled the trigger. Neither fingerprints nor eyewitness testimony establish those allegations beyond a reasonable doubt. Against those contentions must be posed (1) Oswald's lack of motive (2) his unwavering denial of guilt (3) his dubious qualifications as a marksman (4) the extreme implausibility of the actions attributed to him between the moment of the assassination and his arrest scarcely an hour later, which requires that he met a time-table which barely brings his alleged movements within the range of possibility and the precision of which does not correspond to life, random as it is and characterized by the unpredictable hitch which crops up to delay and obstruct human plans (5) the still-unexplored indications of conspiracy (6) the sinister role of the Dallas police in depriving Oswald of his right to counsel (7) their failure to produce a transcript of interrogation (8) the absence of information on almost six hours of interrogation (9) the quick murder of Oswald by a hanger-on of the police (10) the failure of responsible agencies at any stage to consider any hypothesis other than Oswald's sole guilt, and, now (11) the grave defects in the Warren Report and its determination to seal his guilt by fair means or foul.

Today, after the labors of the Warren Commission, we have as little certainty that Oswald was the assassin of President Kennedy as we had when he was alive and at the tender mercies of the Dallas police. The

indictments which should have been handed down by the Warren Commission --against the Dallas police, District Attorney Wade, the FBI, the Secret Service, and the press--have been quashed. Instead of objective criticism of the Warren Report and recognition of its defects, we have heard a gusher of extravagant praise and facile concurrence with its findings.

Those who cannot believe that it is possible for justice to be perverted in this country, even at the highest levels, should bear in mind that the murderers of Emmet Till, Medgar Evans, the Birmingham children, James Chaney, Andrew Goodman, and Michael Schwerner, among others, are still at large. Conversely, there is ample literature on the shocking number of convicted "murderers" who turned out to be innocent, after many years of imprisonment and in some cases after eleventh-hour reprieve from execution. Nor should we forget that, to our national shame, police authorities themselves have been implicated in many crimes and criminal conspiracies, and not only in the Deep South.

The Warren Report gives us no justification for declaring that the case is closed. Conscience demands that the search for the whole truth must continue.

Notes

1. Introduction to Bantam/New York Times edition of the Warren Commission report, issued 29 September 1964.
2. The Nation, 2 November 1964, pp 295-299.
3. I.F. Stone's Weekly, 5 October 1964.
4. See "The Other Witnesses" by George and Pat Nash, New Leader, 12 October 1964.
5. Thomas G. Buchanan, Who Killed Kennedy?, Secker & Warburg, London, 1964.
6. Joachim Joesten, Oswald: Assassin or Fall Guy?, Marzani & Munsell Publishers Inc., New York, 1964.
7. Mark Lane's Testimony to the Warren Commission, Folkways Records Album No. BR 501, New York, 1964.
8. Warren Commission Report, U.S. Government Printing Office, Washington, D.C., 1964, page 127.
9. Ibid., page 647.
10. National Guardian, 31 October 1964, page 8.
11. Harold Feldman, The Nation, 27 January 1964.
12. Warren Commission Report, page 368.
13. Ibid., page 538.
14. Ibid., page 519.
15. New York Times, 24 November 1963, page 2.
16. AMA News, 6 January 1964.
17. London Observer, 1 December 1963, pages 4-5, 12.
18. Warren Commission Report, page 640.
19. Ibid., page 253.
20. Ibid., page 235.
21. New York Times, 23 November 1963.
22. Warren Commission Report, page 81.

23. Ibid., page 79.
24. Ibid., page 119.
25. Ibid., pages 193 and 555.
26. Ibid., page 194
27. Newsweek Magazine, 9 December 1963.
28. Warren Commission Report, page 178.
29. Ibid., pages 315-316.
30. "Under Discussion" television discussion, Channel 5 (New York), 25 October 1964
31. Warren Commission Report, pages 614-618.
32. Ibid., pages 602, 623, and 627.
33. Ibid., page 797.
34. New York Post, 25 and 26 November 1963 and New York Herald-Tribune, 26 November 1963.
35. Warren Commission Report, page 745.
36. Ibid., page 415.
37. Ibid., pages 332-333.
38. Dallas Public and Private by Warren Leslie, Grossman Publishers, New York, 1964, pages 198-199.