

REP 1
Liebeler

Wesley J. Liebeler

September 6, 1964

Memorandum re Galley Proofs of Chapter IV of the Report

I set forth below comments on the galley proofs of Chapter IV of the Report, a copy of which I obtained from Mr. Redlich on September 4, 1964. Other comments and suggestions are set forth in the margin of the galley itself.

PURCHASE OF THE RIFLE BY OSWALD

1. On galley page 30, query if the name "Hidell" was stamped on the membership application blanks of the New Orleans branch, FPCC.
2. The text near the top of page 30 gives the impression that the name Hidell was stamped on all of the New Orleans Chapter's printed literature. It was not. Oswald stamped his own name on some of it.

OSWALD'S PALMPRINT ON THE RIFLE BARREL

1. Query if the palmprint provides additional evidence of ownership of the rifle as is stated. The most it does is show that Oswald had possession of the rifle at some time. It does not show that he owned it.
2. Second paragraph states that Lt. Day determined the wood, (SR) wooden stock was too rough to take prints "from visual examination." Day does not say that in his testimony. While it is a minor point, he just said that he noted it was too rough. For all I know he may have reached that conclusion by feeling the stock.

3. It may be noted here that the conclusion for ^{the} section on rifle ownership, that appears on galley page 32, states that the presence of the palmprint on the rifle shows that Oswald "had disassembled it." That conclusion is not warranted from the existence of the palmprint on the rifle. The conclusion that Oswald handled the rifle while it was disassembled is justified.

4. The palmprint section must be changed to reflect the latest findings of the FBI that the palmprint had to have been lifted from the barrel because of the marks that appear on the lift that correspond to those on the rifle barrel itself.

FIBERS ON THE RIFLE

1. I think this section is written a little too strongly considering the record. For example, there is no footnote after the statement that the Commission found no credible evidence that Oswald used the rifle between September 23 and the assassination. Furthermore, even if he did not "use" it, he might very well have handled it at some time during that period. Also, Stombaugh was not able to estimate the period of time within which the fibers were placed on the rifle, but much of the language in the section is designed to bring one to the conclusion that they were put there on the day of the assassination, even though that is not said.

2. In the last sentence of the section, it is not the Commission's conclusion that provides proof, it is the fact that the fibers most probably came from Oswald's shirt. Also, does that show that he "owned" the rifle, or just that he or someone that wore the shirt had handled the rifle at some time?

PHOTOGRAPH OF OSWALD WITH RIFLE

1. It is interesting to note that the conclusion to the ownership section, on page 32, states that "a photograph taken in the yard of Oswald's apartment showed him holding this rifle." That statement appears in the conclusion in spite of the fact that Shaneyfelt specifically testified that he could not make a positive identification of the rifle that Oswald was holding in the picture and in spite of the fact that the Commission was not able to conclude, in the discussion of this subject on page 31, that Oswald was holding the assassination weapon in the picture.

RIFLE AMONG OSWALD'S POSSESSIONS

1. I do not believe there is any real authority for the proposition that Oswald sighted through the telescopic sight on the porch in New Orleans. ^{Marina Oswald} She first said she did not know what he did with the rifle out on the porch and then was led into a statement which might be thought to support the instant proposition. It is not very convincing.

2. On the top of page 32 it is stated that Ruth and Michael Paine "both noticed the rolled-up blanket in the garage throughout the time that Marina Oswald was living in their home." I am sure the record will not support that statement, a rather important one, too. I recall that there was a period of time before the assassination that neither of them saw the blanket. I have always had the opinion that there was a gap in the proof as to the rifle being continuously in the garage, one that probably could not be filled. It cannot be filled by ignoring it. The conclusion is even worse when it states that

"the rifle was kept among Oswald's possessions from the time of its purchase until the day of the assassination." I do not think record provides any real evidence to support that broad statement. The fact is that not one person alive today ever saw that rifle in the Paine garage in such a way that it could be identified as that rifle.

THE CURTAIN ROD STORY

1. The Report states that Frazier was surprised when Oswald asked for a ride on November 21, 1963. I am not able to find anything in the record to support that statement.

2. The last paragraph of this section is misleading when it attempts to show the falsity of the curtain rod story by stating that Oswald's room at 1026 North Beckley had curtains, and does not take account of the fact that Frazier specifically testified that Oswald said he wanted the curtain rods to put in an apartment. This takes on added significance when we remember that Oswald was talking about renting an apartment so that his family could live in Dallas with him. That aspect of the problem should be specifically treated if we are going to mention the fact that his rooming house had curtains.

THE LONG AND BULKY PACKAGE

1. The last sentence states: "Frazier could easily have been mistaken when he stated that [†]Oswald held the bottom of the bag cupped in his hand, or when he said that the upper end was tucked under the armpit." On the very next page of the galley, in the discussion of the

prints that appeared on the paper bag, it is stated that the palmprint was "found on the closed end⁺ of the bag. It was from Oswald's right hand in which he carried the long package as he walked from Frazier's car to the building."

I am advised that the palmprint is right on the end of the bag, just where it would be if Oswald had carried it cupped in his hand. If we say in the discussion of prints that that print was put on the bag when he carried it in to the TSB (which we don't quite do) and if the print is where it would be if he carried it cupped in his hand, then we must face up on the preceding page and admit that Frazier was right when he said that that is the way Oswald carried it. If the print story is right and the implication left there as to when the print was put on the bag, *is valid*, Frazier could not have been mistaken when he said Oswald carried the bottom of the bag cupped in his hand.

SCIENTIFIC EVIDENCE LINKING RIFLE AND OSWALD TO PAPER BAG

1. The section on fibers in the bag is very thin. The most that can be said is that there was a possibility that the fibers came from the blanket. The FBI expert would not even state that such was probable.

CONCLUSION

1. I am at a loss to know why the fact that Oswald apparently failed to turn out Ruth Paine's garage light is mentioned in the conclusion.

PALMPRINTS AND FINGERPRINTS ON CARTONS AND PAPER BAG

1. The problem of all the unidentified prints has already been discussed. The FBI has been requested to conduct additional investigation to attempt to identify those prints. The results of that investigation must be incorporated in the report.

2. This section emphasized the freshness of one palmprint on one carton. That palmprint was the only one of 28 prints that could be developed by powder as opposed to a chemical process. As a result it was held to have been placed on the carton recently, within from 1 to 3 days prior to the time it was developed. The inference may be drawn from the present language of this section that all of the other prints, which could be developed only through a chemical process because the cartons had already absorbed them, must have been older than the palmprint. Thus, it could be argued that Oswald's other prints had to have been placed on the cartons at least a day before they were developed and perhaps as much as three days before. While there may be some reason within the realm of fingerprint technology why that is not so, it does not appear in the report.

Under those circumstances the presence of Oswald's other prints, which must be treated pari passu with the prints of others on the cartons, seems to have very little significance indeed. This relates to the prints on one of the Rolling Readers cartons

near the window, the existence of which is emphasized by stating that they "take on added significance" because of the work being done on the sixth floor. The report also states that the Commission placed "great weight on the fingerprint and palmprint identifications." I don't think we should say that in any event. We certainly should not until we deal with the problem of the apparent age of Oswald's other prints and the presence of all those unidentified prints.

3. The report states that it is "significant that none of the prints on the cartons could be identified as the prints of a warehouse employee." It also states that those employees "like Oswald, might have handled the cartons" --- presumably in the ordinary course of business. It is significant. But not necessarily to the point that the report tries to make. The fact that only Oswald's prints appeared on the cartons could show that he was the sole warehouse employee that handled them--in the ordinary course of business. The fact that Oswald was the only employee whose prints appeared on the cartons does not help to convince me that he moved them in connection with the assassination. It shows the opposite just as well.

4. It is also difficult to tell just what happened to all of the cartons or who developed what prints. While it appears that all four cartons were forwarded to the FBI, some confusion is created by the later statement that the right palmprint on the box on the floor next to the three near the window was also sent to the FBI. Why was that necessary if the carton had already been

sent? The use of the passive voice in the second sentence of the second full paragraph on p. 35 of the galley leaves open the question of who developed the prints.

EYEWITNESS IDENTIFICATION OF ASSASSAIN

1. There is a duplication of a long quote from Brennan's testimony that also appears at page 15 of the galleys, the first page of Chapter 3. It does not seem to be needed in both places. If left the way it is, the form as to omitted material should be standardized.

2. Following that quote it says that Brennan's description "most probably" led to the radio alert sent out to police in which the assassin was described. Can't this be more definite? One of the questions that has been raised is the speed with which the assassin was described, the implication being that Oswald had been picked out as a patsy before the event. The Dallas police must know what led to the radio alert and the description. If they do we should be able to find out. If they do not know, the circumstances of their not knowing should be discussed briefly.

3. On page 36 it says that at 1:29 p.m. the police radio reported that the description of the suspect in the Tippit shooting was similar to the description which had been given by Brennan in connection with the assassination. On page 46 it is stated that it was unlikely that any officer said anything like "Kill the President, will you?" The reason given is that the officers did not know "that Oswald was a suspect in the killing of the President." But they very likely had heard the police radio note that the descriptions of the two were similar and they may have drawn their own conclusions. The statement on page 46 should be taken out or qualified.

4. There should be a picture of the inside of the TSB sixth floor showing the low window sills and a reference to that picture in connection with the discussion of Brennan's testimony that he saw the man standing.

5. Query if we need such a long paragraph on Euins' testimony merely to conclude that it is inconclusive as to the identity of the man in the window.

6. In the last sentence of the second to the last paragraph in the section it says that Altgens picture was taken about 2 seconds "after the shot which entered the back of the President's neck." We should say after that shot was fired or heard or something. The sentence is not a good one as it now stands.

OSWALD'S ACTIONS IN BUILDING AFTER ASSASSINATION

1. I do not think the description of the Baker-Oswald sequence is sufficiently clear. I am confused as to how many entrance doors there are to the vestibule, even though after a close reading there appear to be only two, the one connecting to the second floor landing and the one connecting to the lunch room. It is also not clear whether Baker saw Oswald through the window in the vestibule/landing door, or whether that door was still open as is implied by Baker's testimony. Mention of the window previously, however, implies Baker saw Oswald through the window. It does not seem likely that Oswald would still have been visible through the window if the door had already closed, although that depends on how fast the door closes, which is something I would like to know. What kind

of a stairway is it that someone coming up can see nothing at the top of the landing? Truly may in fact have seen Oswald if the latter had just come down the stairs from the third floor as Truly was coming up from the second.

I think additional effort should be made with the writing and a picture of the view coming up to the second floor and a diagram or other pictures of the landing and vestibule area would be a good idea.

2. The first sentence in the third from the last paragraph on galley page 38 leaves a false inference concerning Oswald's presence on the sixth floor. It should be rewritten along the following lines: "The fact that Oswald could not have come down in the elevators, the only other possible means of descent, is shown by their movements after the time Baker and Truly tried to use them to go up in the building."

3. In the same paragraph, the statement that both elevators occupy the same shaft is not clear. It would be better to say: "both elevators, which operate adjacently in the same shaft,"

4. Last paragraph on page 38 (galley): The testimony of the employees as set forth in that paragraph is also consistent with Oswald having been in Ethiopia at the time of the assassination, or with his having used the elevators to get down from the sixth floor. Since those employees did not see either Oswald or Dougherty, their testimony says nothing on the point under discussion. The whole paragraph should be cut.

5. The next two paragraphs, the first two on galley page 39, are a complete mystery to me. When I left the bottom of page 38 I was looking for additional testimony showing that Oswald came down the stairs and not the elevator. After two paragraphs of excellent analysis I am convinced that Victoria Adams either came down the stairs before or after Oswald did and it is clear that that is so because we know that Oswald came down the stairs and not the elevator. I still do not understand, however, how the fact that Victoria Adams came down the stairs before or after Oswald did shows that Oswald came down the stairs. If the idea is to show that Adams was not on the stairway when Oswald was, I am not convinced by the analysis or speculation in these two paragraphs. Furthermore, if that is the idea it is not clearly set forth. How About a first sentence like: "Victoria Adams testified that she came ^{down} the stairway, within about 1 minute after the shots, from the fourth floor to the first floor where she encountered two Depository employees --- Bill Shelley and Billy Lovelady. If Miss Adams was on the stairway at that time, the question is raised as to why she did not see Oswald....."

6. In the Conclusion: I do not see how the Commission can possibly state that "Fingerprint and palmprint evidence establishes that Oswald arranged the cartons in the window." That evidence establishes that at some time Oswald handled one of the three cartons in the window, as suggested above, probably prior to the assassination by at least 1-3 days. That evidence establishes with equal validity that perhaps about 20 other persons "arranged the cartons in the window."

OSWALDS MOVEMENTS. AFTER LEAVING DEPOSITORY BUILDING

1. The description of Oswald's bus ride sequence is very confusing and wholly unable to stand by itself without a map. Even if we include a map, which I assume we will, the text should be clear enough to stand by itself. The basic problem is that there is no indication of the relationship of various intersections to each other. It should be simple enough to set forth the relationships between St. Paul and Elm, Field and Elm and Poydras and Lamar.

2. There also seems to be a mistake in description of directions. I don't see how Oswald could walk west on Elm and board a bus that was heading back in the direction of the Depository and which was also travelling west. Somebody had to have gone east.(Oswald.)

3. The second to the last full paragraph on galley page 40 is not very clear as to what all these buses actually do and what they are supposed to do. I have set forth suggested clarifying changes in the margin of the galley.

4. On galley page 41 the terms lineup and showup are used interchangeably. It should be one or the other throughout. I have always thought it was lineup.

5. There are direct quotes in the first paragraph on galley page 42 for which there are no footnotes. It is my understanding that there are to be footnotes for each direct quote and that there is to be uniformity on this point throughout the Report.

DESCRIPTION OF THE SHOOTING

1. References here to what the Dallas police radio ordered Tippit to do should be qualified to indicate that a transcript of a recording of the radio communications indicates the material being set forth. This should be done at least until we have cleared up the problems with the transcript and recordings, if we have not already done so.

2. There are no footnotes at all in the last paragraph of this section.

EYEWITNESSES

1. There is more confusion between lineups and showups at the top of galley page 43.

2. ^{As to} Any attempt to explain Mrs. Markham's description (so-called) of Oswald as having bushy hair by showing the world a picture of Oswald "taken at the time of his arrest." I suggest that even the slowest of readers would imagine that their hair might be in an uncombed state-- which is the suggested explanation of the bushy condition--after they had fought with a dozen policemen in an attempt to resist arrest. In fact Pizzo Exhibit 453-C, the evidence for this proposition, shows Oswald with cuts and bruises on his face. I don't think Mrs. Markham's testimony needs ^{much} ~~any~~ comment and neither does her statement to Lane. Any attempt such as is presently in the Report will merely play into Lane's hands and make the Commission look naive.

3. Query statement that Markham's identification was mostly from his face. I think she was all over the lot on that one.

MURDER WEAPON

1. Why don't we take a sentence or two and explain why the bullets fired from the revolver were smaller than the barrel. There is no way to tell from the Report now and an obvious question is raised as to why.

2. There is an unclear sentence in the middle of the third paragraph of this heading which states: "Also, the bullets were mutilated." Which ones?

3. The paragraph dealing with the number of shots fired and the manufacture of the cases and the slugs seems to me to be an exercise in pedantry, and possibly subject to error. Is it not possible that a Winchester-Western slug could have been fired from a Remington-Peters case? Even if not, why leave ourselves open to question when it does not really matter how many shots were fired, *as between 4 or 5.*

4. The last paragraph of this heading needs some footnotes, either in or out.

OWNERSHIP OF THE REVOLVER

1. The first sentence refers to "this type of revolver." I think it would be better to say "the type of revolver that was used to kill Patrolman Tippit."

OSWALD'S JACKET

1. The second paragraph of this heading needs some footnotes.

2. There are inconsistencies in the description of Commission Exhibit 162. The same problem occurred above, when an exhibit was described sometimes as "Exhibit ____" and at others as "Commission Exhibit ____." A little thing, but why not do it right?

3. The conclusion to this heading reaches the crushing result that "Oswald disposed of his jacket as he fled from the scene of the Tippit killing." I submit that that is really not the conclusion we worked toward. Why not: "Those facts strongly support the finding that it was Lee Harvey Oswald who killed Patrolman Tippit and then fled through the parking lot adjoining Jefferson Boulevard, disposing of his jacket as he did so."

OSWALD'S ARREST

1. At first I was surprised to learn that Johnny Calvin Brewer knew that a patrolman had been shot when Oswald walked by his place of business, less than eight blocks from the point of the Tippit killing which Oswald apparently left as fast as he could.

2. Then I was surprised to learn that the police radio did not send out information about the suspect being in the Texas Theatre until 1:45, about 30 minutes after the police first learned of the Tippit killing from Benavides over Tippit's radio. What were Oswald and Brewer doing during this 30 minutes? Oswald was strangely inactive during this period, considering all that he had done in the 45 minutes following the assassination:

3. While I know that I will be thought mad to suggest that some editing be done on this chapter, consider the following sentence that appears on galley page 46: "As Oswald, handcuffed, was led from the theatre, he was, according to McDonald, "cursing a little bit and hollering police brutality." There are only 5 commas in that sentence. How about: ^{Tesca led that} ~~According to~~ McDonald, Oswald was "cursing a little bit and hollering police brutality" as he was led handcuffed from the theatre."

4. Here compare the note above concerning page 36 that the police radio had noted the similarity of the descriptions between the man wanted for the assassination and the man wanted for the Tippit killing, by the time Oswald was arrested at the theatre. It could be, therefore, that some of the officers suspected that the man they were arresting was wanted in connection with the assassination.

STATEMENTS OF OSWALD DURING DETENTION

1. There are entirely too many subheadings under this general heading. None are really necessary. We reach the sublime when we have one whole heading for one short, four sentence paragraph. They should all be cut out and the whole discussion comprehended under the above general title.

2. In the paragraph on denial of rifle ownership appears the statement "small bore .22 rifle." That is redundant, since I presume we do not mean to distinguish from large bore .22 rifles. It should probably just read: ".22 calibre rifle."

3. The second to last sentence in that paragraph needs a footnote.

SHOOTING OF MAJ. GEN. EDWIN A. WALKER

1. There is no footnote after the sentence concerning the 15 year old boy who saw two men leave the area.
2. Same after the statement that a friend of Walker gave information to the police about the two men snooping around. Also that statement is not correct. Walker gave the information to the police.
3. No footnote after statement re results of private investigation.
4. No footnote after statement that the note was in the "Book of Useful Advice."
5. The second full paragraph on page 48 assumes a lot of knowledge about Oswald's movements and about the Paines that the reader had not gotten anywhere yet, except in the first chapter narrative. A few extra words as suggested in the margin of the galley might improve things considerably. Furthermore, the first sentence needs a footnote, as does the entire next paragraph, which has not one footnote to its name.
6. In the paragraph on photographs, a footnote is needed after the first sentence. The second sentence must be changed because at present it implies that Oswald told Marina about the notebook or she showed it to her when he returned the night after the attack. She stated in her testimony in July that she did not see what was in the notebook until 3 days after the attack and there is nothing in her early testimony that I know about to support the proposition now in the Report.

7. Statement that Oswald apparently destroyed the notebook should be changed in order to reflect fact^T that he did destroy it, and at the suggestion of his wife.

8. Second to last sentence in photographs section must be changed to indicate that Oswald did not bury his rifle in some bushes, but rather that he may have hidden it there.

9. Query usage of "ballistics" in first paragraph of "Firearms Identification" section. Same as to last paragraph thereof.

10. Under "Corroboration by Marina Oswald" we learn for the first time about a postponement of the attempt to kill Walker. There is no mention of from when, what the circumstances of the postponement were, what happened to the rifle in the meantime, etc. It should be set forth, since there is no mention of it above, as I recall.

OSWALD'S RIFLE CAPABILITY

1. The purpose of this section is to ^{determine} ~~ascertain~~ Oswald's ability to fire a rifle. The third word at the top of page 50 of the galley, which is apparently meant to describe Oswald, is "marksman." A marksman is one skilled at shooting at a mark; one who shoots well. Not only do we beg the question a little, but the sentence is inexact in that the shot, which it describes, would be the same for a marksman as it would for one who was not a marksman. How about: "The assassin's shots from the easternmost window of the south side of the Texas School Book Depository were at a slow-moving target proceeding on a downgrade virtually straight away from the assassin, at a range of 177 to 266 feet."

2. The last sentence in the first paragraph on galley page 50 should indicate that the slope of Elm street is downward.

3. The section on the nature of the shots deals basically with the range and the effect of a telescopic sight. Several experts conclude that the shots were easy. There is, however, no consideration given here to the time allowed for the shots. I do not see how someone can conclude that a shot is easy or hard unless he knows something about how long the firer has to shoot, i.e., how much time is allotted for the shots.

4. On nature of the shots--Frazier testified that one would have no difficulty in hitting a target with a telescopic sight, since all you have to do is put the crosshairs on the target. On page 51 of the galleys, however, he testified that shots fired by FBI agents with the assassination weapon were "a few inches high and to the right of the target...because of a defect in the scope." Apparently no one knows when that defect appeared, or if it was in the scope at the time of the assassination. If it was, and in the absence of any evidence to the contrary one may assume that it was, putting the crosshairs on the target would clearly have resulted in a miss, or it very likely would, in any event. I have raised this question before. There is a great deal of testimony in the record that a telescopic sight is a sensitive proposition. You can't leave a rifle and scope laying around in a garage underfoot for almost three months, just having brought it back from New Orleans in the back of a station wagon, and expect to hit anything with it, unless you take the trouble to fire it and sight the scope in. This would have been a problem that should have been dealt with in any event, and now that it turns out that there actually was a defect in the scope,

it is perfectly clear that the question must be considered. The present draft leaves the Commission open to severe criticism. Furthermore, to the extent that it leaves testimony suggesting that the shots might not have been so easy out of the discussion, thereby giving only a part of the story, it is simply dishonest.

5. Why do we have a statement concerning the fact that Oswald's Marine records show that he was familiar with the Browning Automatic Rifle, .45 caliber pistol and 12 guage riot gun? That is completely irrelevant to the question of his ability to fire a rifle, unless there is evidence that the same skills are involved. It is, furthermore, prejudicial to some extent.

6. Under the heading "Oswald's Rifle Practice Outside the Marines" we have a statement concerning his hunting activities in Russia. It says that he joined a hunting club, obtained a license and went hunting about six times. It does not say what kind of a weapon he used. While I am not completely familiar with the record on this point, I do know for a fact that there is some indication that he used a shotgun. Under what theory do we include activities concerning a shotgun under a heading relating to rifle practice, and then presume not to advise the reader of the fact?

7. The statements concerning Oswald's practice with the assassination weapon are misleading. They tend to give the impression that he did more practicing than the record suggests that he did. My recollection is that there is only one specific time when he might have practiced. We should be more precise in this area, because the Commission is going to have its work in this area examined very closely.

8. On the top of galley page 51 we have that statement about Oswald sighting the telescopic sight at night on the porch in New Orleans. I think the support for that proposition is thin indeed. Marina Oswald first testified that she did not know what he was doing out there and then she was clearly led into the only answer that gives any support to this proposition.

9. I think the level of reaching that is going on in this whole discussion of rifle capability is nicely shown by the fact that under the heading of rifle practice outside the Marine Corps appears the damning statement that "Oswald showed an interest in rifles by discussing that subject with others (in fact only one person as I remember it) and reading gun magazines."

10. I do not think the record will support the statement that ^{Oswald} did not leave his Beckley Avenue roominghouse on one of the weekends that he was supposedly seen at the Sports Dome Rifle Range.

11. There is a misstatement in the third paragraph under Rapid Fire Tests when it says "Four of the firers missed the second shot." The preceding paragraph states that there were only three firers.

12. There are no footnotes whatsoever in the fifth paragraph under rapid fire tests and some rather important statements are made which require some support from someplace.

13. A minor point as to the next paragraph--bullets are better said to strike rather than land.

14. As I read through the section on rifle capability it appears that 15 different sets of three shots were fired by supposedly expert riflemen of the FBI and other places. According to my calculations these 15 sets of shots took a total of 93.8 seconds to be fired. The average of all 15 is a little over 6.2 seconds. Assuming that time is calculated commencing with the firing of the first shot, that means the average time it took to fire the two remaining shots was about 6.2 seconds. That comes to about 3.1 seconds for each shot, not counting the time consumed by the actual firing, which would not be very much. I recall that Chapter three said that the minimum time that had to elapse between shots was 2.25 seconds, which is pretty close to the one set of fast shots fired by Frazier of the FBI.

The conclusion indicates that Oswald had the capability to fire 3 shots with 2 hits in from 4.8 to 5.6 seconds. Of the fifteen sets of three shots described above, only three were fired within 4.8 seconds. A total of five sets, including the three just mentioned, were fired within a total of 5.6 seconds. The conclusion at its most extreme states that Oswald could fire faster than the Commission experts fired in 12 of their 15 tries and that in any event he could fire faster than the experts did in 10 of their 15 tries. If we are going to set forth material such as this, I think we should set forth some information on how much training and how much shooting the experts had and did as a whole. The readers could then have something on which to base their judgments concerning the relative abilities of the apparently slow firing experts used by the Commission and the ability of Lee Harvey Oswald.

15. The problems raised by the above analyses should be met at some point in the text of the Report. The figure of 2.25 as a minimum firing time for each shot is used throughout chapter 3. The present discussion of rifle capability shows that expert riflemen could not fire the assassination weapon that fast. Only one of the experts managed to do so, and his shots, like those of the other FBI experts, were high and to the right of the target. The fact is that most of the experts were much more proficient with a rifle than Oswald could ever be expected to be, and the record indicates that fact, according to my recollection of the response of one of the experts to a question by Mr. McCloy asking for a comparison of an NRA master marksman to a Marine Corps sharpshooter.

16. The present section on rifle capability fails to set forth material in the record tending to indicate that Oswald was not a good shot and that he was not interested in his rifle while in the Marine Corps. It does not set forth material indicating that a telescopic sight must be tested and sighted in after a period of non-use before it can be expected to be accurate. That problem is emphasized by the fact that the FBI actually found that there was a defect in the scope which caused the rifle to fire high and to the right. In spite of the above the present section takes only part of the material in the record to show that Oswald was a good shot and that he was interested in rifles. I submit that the testimony of Dolgado that Oswald was not interested in his rifle while in the Marines is at least as probative as Alba's testimony that Oswald came into his garage to read rifle (and hunting) magazines.

To put it bluntly that sort of selection from the record could seriously affect the integrity and credibility of the entire Report.

17. It seems to me that the most honest and the most sensible thing to do given the present state of the record on Oswald's rifle capability would be to write a very short section indicating that there is testimony on both sides of several issues. The Commission could then conclude that the best evidence that Oswald could fire his rifle as fast as he did and hit the target is the fact that he did so. It may have been pure luck. It probably was to a very great extent. But it happened. He would have had to have been lucky to hit as he did if he had only 4.8 seconds to fire the shots. Why don't we admit that instead of reaching and using only part of the record to support the propositions presently set forth in the galley. These conclusions will never be accepted by critical persons anyway.

GENERAL COMMENT

1. The above was written without having the footnotes to the chapter, a considerable disadvantage when one would like to check the accuracy and precision of statements made in the text.

2. The placement of footnotes is not consistent within the chapter, nor with the general rule that there are to be footnotes after all direct quotes. Many times there are no footnotes where it appears that there should be.

3. Form as to omitted material should be checked. The form of citations to the appendix is not consistent with Chapter 3 or internally.

4. I forgot to mention that some question might be raised when the public discovers that there was only one eyewitness to the Tippit killing.

i.e., one person who saw Oswald kill him. All the rest only saw subsequent events. Mrs. Markham is nicely buried there, but I predict not for long.