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With Kind regards Sylvia

THE MINORITY OF ONE

(See pp 6, 19)

INDEPENDENT MONTHLY FOR AN AMERICAN ALTERNATIVE—DEDICATED TO THE ERADICATION OF ALL RESTRICTIONS ON THOUGHT

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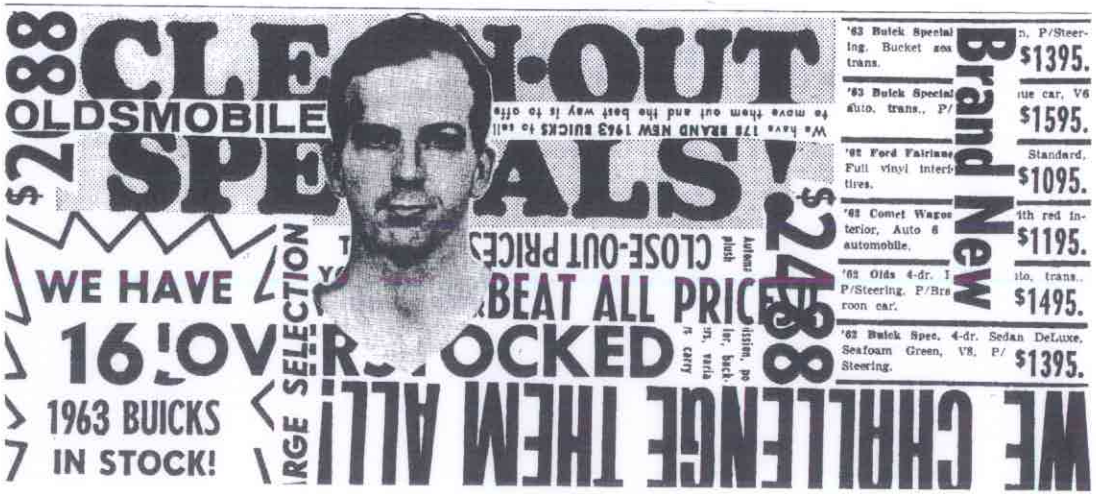
Danang, South Vietnam, May, 1966:
Woman and child, both wounded by government troops attacking Buddhist demonstrators.
—UPI Photo

How Well Did the "Non-Driver" Oswald Drive?

by Sylvia Meagher



—John Jeheber, TMO

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

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

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

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

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

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

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

Sylvia Meagher is emerging as the foremost authority on the *Warren Report* and its Hearings and Exhibits. She is the author of the *Subject Index to the Warren Report and Hearing and Exhibits* (Scarecrow Press, New York, 1966). Her other contributions on the Kennedy assassination appeared in our June and July-August issues.

This contribution is part of a chapter from a book-length manuscript on the assassination.

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

The Commission's dexterity in using the English language and its wicked selectivity in reporting the facts are manifest in its treatment of the Bogard story. For example, the Report makes much of Oswald's inability to drive, while conceding that he was "showing some improvement by November" (WR 321). It does not mention here that on the very day of the auto demonstration, November 9, 1963 "Mrs. Paine took him to the Texas Drivers' License Examining Station" (WR 740) nor that the station was situated in Oak Cliff (2H 515), not far from the showroom where Bogard worked. Presumably Oswald's driving ability had improved sufficiently for a driver's test on November 9—more improvement than one might suspect from the Report. As it happened, Oswald was unable to take the driver's test on November 9, because the station was closed that day. He must have been impatient and disappointed. He had tried to take the wheel of Mrs. Paine's car some weeks before, but she had been unwilling to let him drive her car on the street (2H 505-506). Psychologically, it seems plausible that Oswald might have visited the showroom pretending to be interested in a new car, for the opportunity of testing himself as a driver rather than testing the car, and if he had, that he might have said without any basis in fact that he expected to receive money soon, as a pretext to extricate himself from high-pressure salesmanship. Physically, his whereabouts on November 9 brought him into relative proximity to the showroom, and he could have gone there had he absented himself from Mrs. Paine's car for about an hour. Mrs. Paine, in an affidavit dated June 24, 1964, denies that Oswald left her presence during the trip to take a driver's test (11H 154); she may be mistaken.

Several other factors add credibility to Bogard's allegations but are not mentioned in the section of the Report that deals with him. Oswald was serious about obtaining a driver's license and he made a second attempt to take the driver's test on Saturday, November 16 (WR 740); he even started to fill in the application form (CE 426). He told Wesley Frazier that he wanted to get a car (2H 221). And the agency where Bogard worked was "right under the triple underpass" (10H 345), in sight of the Depository, and therefore a logical place for a novice like Oswald to window-shop.

Arguing against such a visit by Oswald, the Report points out that Eugene Wilson stated that Bogard's customer was only about five feet tall—without mentioning that cataracts had left Wilson with no vision in one eye and defective sight in the other (CE 3078). The Report emphasizes the discrepancies between Wilson's story and Bogard's, without mentioning that Wilson did not enter the scene until an FBI interview on September 8, 1964, having failed to come forward with his valuable information during the ten preceding months when Bogard's story was under investigation. The Commission as a rule deals sternly with laggards: "Mrs. Helmick's reliability is undermined by her failure to report her information to any investigative official until June 9, 1964," the Commission says sanctimoniously (WR 359). Isn't sauce to Helmick sauce to Wilson?

The Report implies that it is strange that Bogard didn't mention any contact between his customer and Wilson, as if that automatically casts doubt upon Bogard. Bogard had told a consistent story from his first FBI interview on November 23, 1963, until the last, on September 17, 1964. In his second FBI interview, on December 9, 1963, he had been warned ostentatiously that his statement could be used against him in a court of law, but he proceeded to give a written statement maintaining the same story he had told before and told on all subsequent occasions (CE 2969); later he submitted to an FBI polygraph test which indicated that he was telling the truth (WR 840); and he reiterated his assertions and his identification of Oswald under oath in his Commission testimony (10H 352-356).

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

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

The Commission attaches considerable significance to the failure of the search for the card on which Bogard had written the name "Oswald" and the paper on which Oran Brown had made the same notation. Apparently the illustrious members of the Commission and their lawyers, unlike ordinary mortals, never experienced the peculiar torment and frustration of hunting for a scrap of paper mislaid in a larger collection, never to be found. The authorities in Dallas were not immune to that failing, as the district attorney tactlessly revealed in his testimony (5H 242); but the Commission that was so sceptical about the mysterious disappearance of Bogard's card and Brown's bit of paper was quite nonchalant about the disappearance of a writ of habeas corpus from the files of Dallas officialdom.

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

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

Why should the Commission attach such importance to the lost card anyway? That Bogard had a customer who gave his name as Oswald on November 9, 1963 is confirmed both by Pizzo and Oran Brown. That he took out a card and threw it away upon hearing of Oswald's arrest is corroborated directly by Brown (CE 3078) and indirectly by Pizzo himself. According to Pizzo's testimony, he first learned of the card at about 4 or 5 o'clock on the day of the assassination, when he overheard some salesmen who were talking about the incident. When Pizzo made inquiries, they told him that a few minutes earlier Bogard had thrown a card away on hearing of Oswald's arrest on the radio. The next morning, "one of the boys"

also told Pizzo the same incident, saying that Bogard had lost his prospective customer with the arrest of Oswald (10H345-346).

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

If it is strange that the Commission exaggerates the loss of the card, it is stranger still and clearly damning that the FBI reacted to Bogard's story on the day after the assassination by focusing on a discarded bit of paper, as if this card were the crucial element. The crucial element was the report that a man who identified himself as "Lee Oswald," and whom Bogard firmly believed to be Oswald after seeing his likeness on television and in the newspapers, had indicated on November 9 that he expected to receive enough money soon to buy a car that cost from $3,000 to $3,500.

The FBI received that information before the assassination was 24 hours old, by means of a telephone call at 11 a.m. on Saturday morning (CE 3093). At that time, suspicion of conspiracy or attempted *coup d'etat* was virtually universal. Oswald had been formally charged with the assassination of the President. He was under interrogation by Captain Fritz of the Dallas Police, in the presence of FBI and Secret Service agents.

The 11 o'clock telephone call caused FBI agents Manning Clements and Warren De Brueys to go immediately to the auto agency and interview Bogard. They had Bogard drive them over the same route as "Oswald," noting in their report that it coincided closely with the route of the President's motorcade (CE 3071). The reenactment drive took Bogard and the two FBI agents within relative proximity to the police building, where Oswald was being questioned and appearing in identification lineups.

FBI agent Clements had interviewed Oswald on Friday night, according to his report (WR 614-618); the interview had been interrupted twice when Oswald had been taken to appear in the lineup (7H 320). Clements was a seasoned FBI agent with 23 years of service. De Brueys, for his part, was aware of Oswald before the assassination. An FBI report indicates that De Brueys had given information on Oswald's activities in New Orleans in a report (not found in the Exhibits) dated October 25, 1963 (CE 833, question 13).

Yet Clements and De Brueys did not take the elementary and logical step of bringing Bogard to the police building to see Oswald in a lineup and determine whether or not he was in fact the customer of November 9 who had called himself "Oswald"! Nor did they even inform Captain Fritz, as they should have done at once, of the vital information obtained from Bogard—information which not only incriminated the suspect but was a distinct lead to the existence of conspirators who were to pay him.

The fact that these two experienced FBI agents, both already active and knowledgeable in the Oswald case, avoided taking the steps that one would assume any competent investigator in those circumstances would automatically have taken, seems incomprehensible. Their failure to take the necessary and expected action upon interviewing Bogard must be regarded in the larger context of the over-all ambiguity of the relationship between Oswald and the FBI, as well as in terms of the specific prior contacts between each of the agents and Oswald.

The reports on the interrogation of Oswald (WR Appendix XI) are remarkable, too; for they reflect no intensive questioning directed to uncovering Oswald's fellow-assassins, if he had them. Even though Clements and De Brueys, by dereliction or for other reasons, failed to inform the police of the information given by Bogard, the circumstances already known to them by November 23rd inevitably should have made that line of questioning central to the interrogation.

Yet it is difficult to find one direct question to Oswald based on the possibility of conspiracy.

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

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

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

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

A Silence

Light exploding breaks
the final shape of sound:
trapped beneath fallen roofbeams
I watch one widow spider
in the wall-phone corner
mending her web where
caught meat dangled weaving
a travesty of survival.

Shrouded with gray
burial dust I cling
to the shattered net
of a world choke-crying
hello! hello! hello!
into carbon-bud blackness,
ear that opens on
dial-tone stillness.

Who is it who listens
to no voice from nowhere
to music stone-bound by
stone tides under a deaf moon
to once-singing Orpheus
mute now myth-freed
laying with dimming arms
his lovely burden down . . .

Ruth Lechlitner

Lines for a Certain Young Jew

You wouldn't be so very popular, Bud,
If you showed up in these United States
today,
What with that beatnik beard, sandals and
no socks,
Walking off from your carpenter's bench
To be contentedly unemployed.
And talking
Always talking;
Calling God "Our Father"
When you know God's white
And couldn't be the Father
Of a Vietcong or a nigger—
Saying "Blessed are the peacemakers"!
But worst of all
Teaching your followers
"To share all things in common"
As reported in the fourth chapter of Acts,
Which proves the Romans right;
You were just a damn Common-ist
And crucifixion was too good for you.

M. Truesdale Montague

Where We Were Standing

One, vaguely seen, was posed as Liberty
Draped with a flag and lettered signs,
"Don't touch,"
In ancient candlelight, proclaiming much
About "the freedom of our Land and Sea."
A crowd led by a shouting jeering youth
Approached him and, though forced back
by a herd
Of puppet soldiers, caught a thing a bird—
A dove—dropped; and held high a flashlight
—Truth!
They tore away the symbol used to bate
Them with. Spread, lighted, it showed
stains war crazed
Men made; not stars but dollars soiled
with mud
In field of black and evil smelling Hate!
Not Liberty, but Tyranny stood dazed
And staggering back! The stripes dripped
blood!

Thelma Knight Shumake