

# WHO KILLED JOHN KENNEDY?

BY JOHN GELLNER

THE ASSASSINATION OF PRESIDENT KENNEDY, at 12.31 p.m. on November 22, 1963, on Elm Street, in Dallas, Texas, has been called "the crime of the century". It was committed in a country where more who-dunnits are published, and presumably read, than in any other in the world. Yet, surprisingly, an official solution of the Dallas crime has been generally accepted by the American public which it would consider pretty poor if Ellery Queen had come up with it, a solution with which Perry Mason would make even shorter shrift than he usually does with those offered by Lieutenant Tragg and District Attorney Hamilton Burger.

The "solution" is briefly this: A leftist subversive who was also slightly deranged (albeit legally responsible), Lee Harvey Oswald, used the fortuitous circumstance that he happened to be working in a building overlooking the route of the presidential motorcade to kill the President and wound Governor Connally with three well-aimed shots. Two days later, a minor gangster who was slightly deranged (albeit legally responsible), Jack Ruby, used the fortuitous circumstance that he had happened to amble into Dallas Police Headquarters at the precise moment that the President's assassin was being transferred to another jail to shoot Oswald. End of the case.

It was as simple as that. Neither Oswald nor Ruby had any accomplices. The former could have got the idea to kill the President in the way he did three days before the crime at the earliest. The route Kennedy would take through Dallas was first announced in the Dallas *Morning News* on November 19th. Oswald just happened to possess a suitable rifle with a telescopic sight. Ruby's crime could not have been a premeditated one at all. He just was at the right spot at the right time, with a loaded pistol in his coat pocket.

As simple as that, if we can believe the Dallas author-

ities — Captain Will Fritz of the Homicide Bureau, who proclaimed the case "cinched" on the day after the crime, and Police Chief Jesse Curry and District Attorney Henry Wade, who declared it "closed" immediately after Ruby had killed Oswald.

But can we believe? Before we try to answer that question, two points should first be made. The first is that the Dallas authorities did a disservice to themselves and to the American people in declaring open and shut a case which was anything but that. They alone are to blame if the prevailing opinion outside of North America is that a hush-up job has been done, and a clumsy one at that. They are to blame if a whole literature has sprung up about the Kennedy case, ranging from sober evaluations of the evidence, like those of Léo Sauvage, the New York correspondent of *Le Figaro*, or by Serge Groussard of *L'Aurore*, to ingenious speculation on "*Who Killed Kennedy?*", as in the book published under that title by Thomas Buchanan, an American writer resident in Paris.

This brings us to the second point. It is obviously just as wrong to go off on flights of fancy on who might have committed the crime, and how, and why he or they are being protected, as it is to do as the authorities did, close the case without convincingly solving it. All the more so as there is still the Warren Commission, which is investigating the Dallas murder on special instructions from President Johnson.

The Warren Commission has no judicial powers and seems to be hamstrung by restrictions that may or may not be self-imposed. Rather ominously, Chief Justice Warren has stated that some aspects of the crime may not, "for security reasons", be revealed in our lifetime. (This in itself, incidentally, contradicts the pat explanation given by the Dallas authorities.) Still, there is a chance that the whole truth will yet come out if the Warren Commission

does its job and is allowed to report on the job it has done.

In the meantime, everybody is at liberty to judge for himself whether it is likely that Oswald killed President Kennedy, and whether, if he did, he managed it alone, without the help of accomplices. The available evidence is plentiful. In fact, both the police and the District Attorney's office in Dallas have been so generous in giving out information that we are faced with a confusing maze of evidence. Thus, the main difficulty is not to establish the facts, but to weigh them properly.

**T**HE FIRST QUESTION to which a clear answer should have been given, but so far, we submit, has not been given, is: *How many shots were fired and from what direction?*

We can accept as proven that three shots came from a sixth-floor window of the Texas School Book Depository building on Elm Street. These were fired from behind and above, at ranges between approximately 75 and 130 yards. For evidence we have the statements of witnesses, a film strip covering the whole sequence of events (it has appeared in *Life* magazine), as well as the three empty shells found on the windowsill.

There is, however, a very great likelihood that there were four shots, that one was fired from in front, and that it was this shot which killed the President. According to the three doctors at Parkland Memorial Hospital in Dallas who performed emergency surgery on the dying Kennedy, the fatal bullet struck him in the throat at about the necktie knot and then ranged down into the chest. The second was described as a "tangential wound" caused by a shot to the right side of the head. Either of them, one may suppose, could have caused the wound in the President's back: that wound might have been the exit port of the first bullet (the one fired presumably from in front) or of a fragment of it; or it might have been the entry port of a fragment from the bullet that struck the head. On the other hand, the wound in the back could have been the entry hole of a projectile fired from the rear. We just do not know.

The weight of evidence, however, is on the side of the explanation given by the Dallas doctors. They saw the wounds before surgical incisions were made through them (as was definitely the case with the throat wound), and they are all experienced men. As one of them, Dr. R. N. McClelland, explained it to the *St. Louis Post Despatch*, they "saw bullet wounds every day, sometimes several a day, and recognized easily the characteristically tiny hole of an entering bullet, in contrast to the larger, tearing hole that an exiting bullet would have left".

It is only fair to say that, according to reports, the findings of the Dallas doctors are at variance with the results of an autopsy later performed at the Bethesda, Maryland, Naval Hospital. The latter, however, have so far not been made public. They should be. Here the Warren Commission could perform a signal service by dispelling the very

serious doubts that have arisen even on the fundamental point of whether the President was killed by a shot from in front (and thus necessarily by somebody other than Oswald) or from the rear (and thus conceivably by Oswald).

There is additional evidence to indicate that four rather than three shots were fired. Eyewitnesses have, of course, testified to it; but the memories of witnesses of moments of high excitement are notoriously unreliable. Of more significance is the discovery (variously reported in the press immediately after the assassination) on one of the stretchers of a bullet that could conceivably have been shaken out of the President's clothes when he was transferred from the car to the hospital, and of fragments of another bullet on the floor of the death car. As one projectile, each, lodged in the bodies of the President and of Governor Connally, this would make four bullets, not three.

It has been suggested that the fatal shot could have been fired from behind the embrasure of a railroad overpass that the motorcade was proceeding towards. It was apparently left unguarded, which would in itself be a difficult-to-explain oversight. We need not speculate on that point. What matters is that there is reasonable doubt that both shots which hit the President came from the place where Oswald undoubtedly was at the moment of the assassination, the Texas School Book Depository building.

**T**HE NEXT DIFFICULTY is this: *Could even the three shots that undoubtedly came from the rear have been fired by a single sniper?* The weapon used, according to the official explanation, was an Italian Carcano 6.5mm bolt-action rifle purchased by Oswald on March 20, 1963, from Klein's Sporting Goods, of Chicago, Ill., and then found by the police hidden somewhere on the sixth floor of the Book Depository building. It is established beyond all doubt that the interval between the first and the last shot was five-and-a-half seconds — the film strip, already mentioned, besides other things, proved this.

The shots were difficult. The target was moving, and had to be "lead" both in azimuth and in elevation. To put it more simply, the marksman could not keep the target on the crosshairs of his telescopic sight, but had to aim a little above and to the right of it. Because of the nature of the weapon, he had to reload it after every shot. Consequently, he could not keep a steady aim but had to draw a bead three times. Yet, according to the authorities, he scored three-for-three.

Experts have declared this an impossible feat, among them representatives of the Beretta Company, which manufactures the rifle, and a champion shot hired for the purpose by *Life* magazine. Oswald had been an average shot during his three years' stint in the U. S. Marine Corps. He had been a member of a rifle club when he lived in Russia, but had not been allowed to own a firearm. There is some evidence, not altogether conclusive, that he prac-

tised at least twice with his Carcano at the Grand Prairie Sportsdrome rifle range near Irving, Texas. All this would hardly have given him the degree of proficiency, amounting to Olympic Games standards, that might — but only might — have allowed him to score three bull's-eyes in five-and-a-half seconds, at fairly long range, on a moving target, with a bolt-action rifle.

There is, of course, always the possibility of three successive, not properly aimed, lucky shots. It would be an extraordinary coincidence.

On the other hand, there are some pieces of evidence that point to a couple of marksmen having done the shooting from the Book Depository building. Of these, the most significant are these two:

Shortly after the arrest of Oswald, the police turned over to District Attorney Henry Wade what they thought was the murder weapon. He, in turn, identified it to newsmen as "a German Mauser". A mistake in identification being next to impossible, the only explanation would be that the police first found — presumably at or near the spot from where shots were fired — a German Mauser rifle, and later also an Italian Carcano.

This, however, is not all. It is established that Oswald bought his Carcano complete with telescopic sight mounted. Captain Fritz of the Homicide Bureau, as well as the owner of the firm from which the rifle was purchased, confirm that. He bought it under the name of "Hidell". But, toward the end of October, a person who signed himself as "Oswald" came to an Irving, Texas, gunsmith, D. D. Ryder, to have a telescopic sight fitted to a 6.5mm Carcano. Ryder (who has no recollection of what his customer looked like) did the job, charging, according to the repair ticket he kept, \$4.50 for drilling and \$1.50 for bore-sighting. Thus it was not a matter of replacing a telescopic sight, but of adjusting a weapon to accept one. This means three weapons were possibly involved in the case: one German Mauser and two Italian Carcanos.

Readers wise in the ways of who-dunnits will immediately object that the bullets themselves must surely tell the story. Can they not be matched with a particular weapon just as precisely as fingerprints can be matched with a particular person? It is quite true, they can be. The trouble in this case, however, is that some of the bullets — by most indications, two of the possible four — broke into fragments, and these are not identifiable.

Other evidence that two different persons fired from the Book Depository building is less persuasive. Near the assumed position of the sniper, or of the snipers, at the window there were found an empty package of cigarettes, an empty soft-drink bottle, and the remains of a chicken lunch. It is accepted now, however, that the latter were a day old. If fingerprints were found on the bottle, we have not been told whose they were. And Oswald was a non-smoker, with an extraordinarily strong aversion to smoking. (We have his wife Marina's testimony that

he once beat her up for smoking in his presence.) In any case, quite a number of employees came into the sixth-floor stockroom in the ordinary course of their duties. Any one of them could have left a bottle, a package of cigarettes, and a bag with some chicken bones there.

Apparently also in existence is a photograph — Buchanan mentions it in his book, but we have not been able to locate a copy of it — taken a few minutes before the assassination, showing two silhouettes behind the sixth-floor window from which the shots were subsequently fired. These could, but need not have been, the assassins. As we said, the stockroom was used by many people.

Important is that Oswald, if he did any shooting at all, could have fired two aimed shots in five-and-a-half seconds, but almost certainly not three. And that two possible murder weapons were found, and that there may have been three: the German Mauser, the "Hidell" Carcano, and the "Oswald" Carcano.

THIS WOULD STILL LEAVE OSWALD conceivably as one of three marksmen who fired at the President. Even this, however, is by no means proven beyond reasonable doubt.

First of all, there were *no identifiable fingerprints on Oswald's rifle*. He may have used gloves, of course, or he may have wiped the weapon clean carefully after firing it. More significant is that *powder marks were found on Oswald's hands, but not on his cheeks*. Now Oswald undoubtedly shot Patrolman J. D. Tippit about an hour after the assassination of Kennedy. (Even this is put in doubt by some who have analyzed the case, but we are not prepared to accept their rather far-fetched arguments.) Oswald did it with a .38 revolver, which would account for powder marks on at least one hand, but — as, with Tippit dead, we do not know how he held the weapon — possibly on both. However, we have the flat statement by J. L. Anderson, of the Dallas County Criminal Laboratory, that "no nitrates (were) found on exhibit number one", the paraffin cast of the side of Oswald's face. Are we to believe that he hit three-for-three, in the most difficult conditions, and even without holding his rifle in the orthodox manner?

On top of it all, *Oswald has what virtually amounts to an alibi*. The shots from the sixth-floor window were fired, as we already said, at 12.31. At 12.33, give or take a few seconds, Oswald was found in the second-floor lunchroom, near the soft-drink dispenser and sipping from a Coca-Cola bottle, by R. S. Truly, manager of the School Depository, and by a motorcycle policeman who had rushed up the one flight of stairs from the street. Oswald seemed composed, and not at all out of breath. Yet, if the story made out by the authorities is to be believed, he must have fired the shots, removed his gloves or wiped the rifle clean, hidden it, run across the floor to the staircase (we know that both [hand-operated] elevators were at the time at the top of the building), rushed down four flights of stairs,

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operated the soft-drink dispenser, uncapped the bottle and brought it to his lips.

All this, mind you, he was supposed to have done in two minutes or so. In that same interval of time, Truly and the policeman, who burst into the building immediately they heard the shots, ran to the elevators and then, when they saw that the latter were not downstairs, up a single flight of stairs to the lunch-room. The Dallas authorities apparently credit Oswald not only with being an Olympic marksman but also an Olympic runner!

Just to complete the story, be it said here that the policeman pointed his gun at Oswald but let him go when Truly identified him as an employee. Oswald thereupon stopped briefly in an adjoining room and then left the building unhurriedly, at 12.35.

THERE ARE REALLY ONLY TWO pieces of evidence which seem to connect Oswald directly with the killing of President Kennedy. The first is the testimony of Wesley Frazier, a fellow employee with whom Oswald rode into Dallas on the morning of the murder. Frazier asked Oswald what the long, thin object wrapped in brown paper was that Oswald had put into the car and had got the answer that they were window shades. It could have been the Carcano rifle.

The other piece of evidence is the statement of the Dallas police that they found that same rifle, after the shooting, somewhere near the spot from where it was done. That is all the telling evidence there is against Oswald. Absolutely all. The rest is either irrelevant or else points away from him rather than toward him.

Finally, there are two more aspects of the case of which we can, however, dispose pretty quickly. One concerns Oswald's motive. This is an interesting point, but not an all-important one. A man is convicted for what in fact he has done, not for why he did it. In this case, there can be no end of speculation. Oswald was no doubt a tormented soul. Upon mental examination, he may or may not have been proven a psychopath. Political motives for his actions in the Kennedy case, whatever they were, cannot be ruled out; but what Oswald's political persuasion was can again only be a matter of conjecture. He certainly was not a real communist subversive. The very fact that he got a municipal job, albeit a lowly one, and in Dallas of all places, and was able to keep it for several weeks although the FBI knew of him and was in constant touch with him (for that there is plentiful evidence) speaks against his being a known communist.

For the theory that Oswald was an agent of Central Intelligence Agency we have only the word of his mother, Mrs. Marguerite Oswald. There was something anarchical in his make-up. On the other hand, mentally unsettled as he was, he could conceivably also have acted simply as a "gun for hire".

The other dark point is the role in the drama which was played by Jack Ruby. Again, the matter is not important for our purposes because Ruby could not possibly have taken part in the assassination of Kennedy. At the critical time, he was in the offices of the Dallas *Morning*

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*News* arranging for an advertisement for one of his strip-joints. This, incidentally, makes the official explanation that Ruby was a fanatical devotee of the President and his family, and that he shot Oswald in a welling up of patriotic frenzy, even more dubious than it already is in any case.

Ruby is a minor gangster who, like others of his ilk in some American cities, has both had trouble with the police (he was twice arrested for carrying a concealed weapon) and had been on good terms with them. Ruby's sister, Mrs. Grant, for instance, has stated that he and the killed patrolman, J. D. Tippit, were "like two brothers". And a Dallas detective told J.-P. Renard of *Paris Presse* that Ruby was a police informer "in his spare time", and that he used to "play dominoes and cards" with the officers in police headquarters.

The suspicion against Ruby centres on the fact that he walked into police headquarters, unchallenged, one-and-a-half hours after the announced time of Oswald's transfer, but at the precise moment that it actually took place, to kill the prisoner, perhaps to silence him. Even this would make Ruby only an accessory after the fact to the murder of the President, and even this is only conjecture.

I believe that there was a conspiracy, if for no other reason than because I am quite sure in my mind that there were three assassins, of whom one fired from in front, and two from the rear. The murder on Dallas's Elm Street was in fact an ambush.

Oswald was not one of the three. I personally believe — although if I were a juror in the case I would be assailed with what I could not help but consider reasonable doubt — that Oswald was in the conspiracy, as an accessory before and after the fact. He furnished one of the three rifles. And he was meant to lead the police on a wild goose chase after the shooting.

This was precisely what happened, probably as soon as the first FBI agent rushed into the Texas School Book Depository building. He knew that the unstable Oswald was working there, and immediately inquired after him. When he heard that he had been, but was no longer, in the building, he suggested that he be picked up. This would account for the hue-and-cry for Oswald going out apparently as early as at 12.36, one minute after Oswald had walked out of the building, and at a time when there was not a shred of evidence yet pointing to him as the killer.

A few hours later, however, there was. Oswald had twice resisted arrest, and in the course of doing so had killed a policeman. A rifle was found in the building that could be traced to Oswald. It was suddenly one of those cut-and-dried cases beloved by the police, but despised by the fabled detectives of literature, radio and TV. The facts were then made to conform to the preconceived idea that Oswald was the culprit. The temptation to do so became irresistible for the police when they had to cover up for the embarrassing, indeed the shameful, incident of Ruby's killing of the prisoner, inside police headquarters.

I am convinced that the three real killers are still at large. The question "Who Killed Kennedy?" still awaits an answer.