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Dear Harold:

Hope you & Mrs. are
"getting along." Hope you are
well enough to enjoy enclosed.

FL

HAVE WE IGNORED THE KEY WITNESS TO THE DEPOSITORY SHOT OR SHOTS?

By Frank A. Cellura

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The abundant literature published by the critics of the Warren Commission is replete with noteworthy examples of the Commission's inexcusable suppression or failure to pursue leads among the key employees of the Depository Building where the fatal shots to President Kennedy were found to have originated. These employees chronicle some of the movements of the supposed assassin, Lee Oswald, in the hour or so prior to the assassination and in the moments immediately afterwards.

In one instance, however, the Commission and critics alike have overlooked the testimony of a key figure who furnished information as the numbers of shots fired, their origin, and as to the events that assist in discerning the timing of the movements of Oswald or perpetrators. The witness to whom I allude is Jack Edwin Dougherty, a forty year old stock clerk whose F.B.I. interviews can be found in Volume XIX of the Exhibits of the Warren Commission at pages 618 and 619 and labeled as Dougherty Exhibit 'A' and 'B'. Dougherty's father was with him to help in furnishing the statement because Dougherty suffered from some unidentified speech impediment.

Dougherty, in these exhibits, places himself at the 5th floor Depository elevators (within ten feet) at the time of the assassination. He had just traversed the stairway from the 6th floor coming down one

floor to fill an order having seen no one in his moments on the sixth floor from a limited vantage at the far back or north wall (Oswald or perpetrator might have been hidden by the stacks of books across the entire run of the floor to the far opposite wall; also Givens, who had been on this floor in the same area eating lunch until 12:20 p.m. presumably had already left). Dougherty remained on the 6th floor only momentarily after having rode from the first floor upon finishing his own lunch.

Being at the fifth floor elevator at the time the shots were fired would render Dougherty, in terms of access, with the stairwell and elevators in proximity, the closest to the scene of the person who fired at the motorcade even if he was at the opposite side of the building. At the stairwell and shafts, which provided a conduit for the echoing of the rifle fire that would have been transmitted back into the building. He, therefore, was in an ideal location perhaps even superior to that of the three African-American employees situated just below the assassin's lair on the fifth floor crouched at the open windows.

Those other employees would be a disadvantage to discern acoustically the firing of the weapon because of the open windows, the fact they separated by flooring and not near any stairwell.

Keep in mind Dougherty was also in an ideal position for those moments to notice anyone transiting the stairs or elevators at the time of the shots, but he saw no one. Also, since an elevator was available to him on the 5th floor, any theory that Oswald or the assassins had parked both elevators in a locked immobile position with gates open on the 6th floor is refuted.

Dougherty's statements were given on December 19, 1963, just three weeks after the assassination and later on March 18, 1964. He was off

as the time the shooting occurred but clearly witnessed it (12:45 p.m. versus the actual 12:30 p.m.). This error shows he was not likely to have been coached. He says he heard one loud noise and immediately left the 5th floor for the 1st floor where he encountered Eddie Piper, another employee, who told him three shots had been fired at the President. What does Dougherty do without the urgings of anyone? He goes immediately back up the the sixth floor to investigate although in the end he says he could not absolutely say where in the building the noise originated.

The fact he heard only one inseparable noise lends great support to those who theorize only one shot of the succession of three or more in the volley that were hoisted on the Presidential limousine came from the Depository, possibly coupled with a muted defective dry-charge firing. It is not surmised here whether the shot was successful, a miss, or as some suggest a mere early diversionary shot.

Dougherty's story of "one noise" from this location comports with the discoveries of Shaw discussed in *Cover-Up* and expounded in Twyman's *Bloody Treason* that only two, not three, spent shells were found in the assassin's lair on the 6th floor, the third being an intact cartridge which can be seen upon careful study of one of the official photographs published as a Warren Report Exhibit, and altered reported evidentiary inventories reported by those authors.

If someone wants to argue the testimony of the three African-American employees defeats Dougherty's one noise advancement, please study the testimony of those three parties in a comparative analysis. Only Givens truly is certain as to the three shells hitting the floor to coincide with three shots. The testimony of the other men seems to track Givens testimony as if they were directly or inadvertently coached. Givens, you will note, had a previous criminal record as a felon, and would most likely want to accommodate whatever official scenario that

needed to be related for fear of trouble to himself. In any event, all three men, who supposedly had a clear understanding of the origin of the shots, strongly reacted by relocating themselves to the far southwest windows where they stayed several minutes casually observing the activity of the crowds and officers swarming up the knoll and into the railroad yards, hardly an expected reaction from what they had witnessed. They should have been immediately frightened or sought to investigate but none reacted accordingly. After their observations of the ground activity, they left the 5th floor for the first floor.