

Dear Jim,

NSA Convention Update

8/10/75

Floyd phoned me yesterday to say that Ed Byrne has asked for transportation here today.

Byrne has prepared something I've not read carefully that Gonzalez introduced into the Record. After this was done Byrne asked for further information on parts he marked in the Record pages he brought me. I went over them with him and tried to help. To now I've read only what he had marked.

We talked about those the NSA wants as speakers. Someone named Kathy apparently has much to do with this. We are strangers but she appears to want me.

I told Ed to please tell her that if they really insist I'll speak but I'd prefer not to. That I think they'd do well with Lowenstein, despite what I gathered their view was.

If they do not want to change this view or feel they cannot I suggested as alternatives Howard, who ought get his fare back but I'd provide all else; and second you.

I also suggested that you are quite busy and that Howard will be in classes until about the time their convention (week long) opens.

If he reads the speech he made at Maryland I said this should be fine.

(My belief is that they will want you to run a workshop on FOIA anyway and that this will take enough of your time.)

My earlier suggestion, when I learned that there was some feeling against Lowenstein, was that you should be the alternative. They seem not to have gone for this.

I take it that this Gonzalez insertion may be something Ed wrote. He also had a copy of a Downing one, a June 26 update of the U.Va. one reviewed by Bud, Tink Sylvia. Neither amounts to much. There is a copy of one for you.

Best,

ments, papers, statistics, data, information, or records. Failure to obey such an order of the court is punishable by such court as a contempt thereof.

Sec. 305. Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not otherwise be disclosed to the public by any Federal agency pursuant to any provision of law.

WARREN REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, a group of summer interns have prepared in outline form a critique of the Warren Commission's findings from start to finish. Other people, and here I refer specifically to a group of students from the University of Virginia, have written detailed analyses of the major points of controversy contained in the Warren Report. This outline will serve a very useful purpose in that it ties these major points together while showing the progression of less significant but equally damaging oversights throughout the Commission's findings.

In addition, there is a copy of an informant's report to the Miami Police Department subsequently handed to the FBI which became Warren Commission File CD1347. It is an example of material which it seems would have been relevant to the Commission's work but, the report on Milteer was not considered at length. I would like to call each of these documents to the attention of my colleagues as they are supportive of my resolution H.R. 204 which currently has 40 cosponsors. I am still seeking cosponsors for this resolution and I ask that any Members who might be interested contact my office at extension 5-3236.

THE WARREN COMMISSION: FROM START TO FINISH

"... to appraise this tragedy by the light of reason and the standard of fairness..."¹

Preparing a statement of this type is an extremely difficult task. The history of conspiracy theorists has unfortunately been clouded by sensational journalistic efforts where assumptions are drawn from poorly substantiated "facts." This is in part due to the unavailability of crucial documents, photographic evidence and eyewitness testimony. A recent interpretation of the Freedom of Information Act has enabled investigators to procure some of this evidence. With available and carefully documented evidence, this outline attempts to demonstrate primarily, that there is reasonable doubt Lee Harvey Oswald acted alone in the assassination of President John F. Kennedy and, secondly, that executive agencies charged with protection of the president should not be solely relied upon for information when their failure to do so is investigated.

PLACING OSWALD AT THE SCENE OF THE CRIME—
— JFK ASSASSINATION

The Warren Commission's only witness to identify Oswald as being in the sixth floor, southeastern corner window of the Texas School Book Depository (TSBD) at the time of the assassination was Howard Brennan—a man who also testified that:

¹ Warren Report, p. 1.

1. Oswald was standing when he fired the shots (an assassin would have had to be kneeling because the window sill was only 13" high);

2. He dove into the line of fire from the sixth floor to get out of danger (... off the fire wall to the right);

3. He could not identify Oswald until after Oswald's death and after seeing his picture on TV twice.

Although described by the Commission as an accurate observer, he incorrectly identified the window from which the shots were fired; the windows in which he saw two Negroes viewing the parade (even though there was only one other open window on the fifth floor in the photo he was shown); he claimed to have seen 75-80% of the rifle in the window but not the scope; and he never saw the rifle discharge or the recoil, or the flash although the Commission infers that he did.²

AP photographer Ike Altgens, in a photograph the Warren Commission included in its report (because the photo showed the President reacting to the first shot to hit him) also picked up a man very similar in features to Oswald wearing a distinctively patterned shirt open nearly to the waist standing in the doorway of the Texas School Depository Building. When arrested, Oswald was wearing a shirt with a very similar, if not identical pattern and his shirt was missing buttons from the base of his rib cage to his neck. The FBI identifies the man in this photo as Billy Nolan Lovelady but the shirt is not the one Lovelady or his wife claim he wore that day.

Dallas police officer Marrion L. Baker was the first person to sight Oswald after the assassination. He saw Oswald in the second floor lunchroom approximately one minute and fifteen seconds after the last shot was fired. Baker's testimony was supported by the manager of the Texas School Book Depository, Roy Truly. Two timings (one a walk the other a kind of trot) during a commission-sponsored reenactment resulted in an estimate that Oswald had between one minute, fifteen seconds and one minute, thirty seconds after the last shot to:

1. withdraw his rifle from the window;
2. clean the rifle, clip and shells of all prints;
3. carefully hide the rifle;
4. walk the four floors to the lunchroom;
5. enter and be twenty feet inside the lunchroom when spotted...
6. through a door with an automatic closure that had to have time to shut before Truly ran past the door on his way to the third floor.

There was one other way Oswald could have been in the lunchroom when patrolman Baker spotted him. He could have entered the lunchroom through its other accessway—a hallway that leads to the first floor—which would lend additional credence to the Altgens photograph.

OSWALD AND THE MURDER WEAPON—THE MANNLICHER-CARCANO RIFLE

Witnesses who saw Oswald carry a package to the car driven by Buell Wesley Frazier, including Frazier himself testified that the package was between 24-28" long. The largest component of a disassembled Mannlicher-Carcano is the wooden stock which measures 34.8". FBI tests discovered no traces of oil on the package which is alleged to have been the disassembled rifle and was found on the sixth floor near the south-east corner window after the assassination.

THE FIRST SHOT

Phillip L. Willis, a retired Air Force major was standing on the curb in front of the TSBD taking pictures of the motorcade at the time President Kennedy was shot. Willis took the fifth of a series of pictures in response to the first shot fired—as Willis put

² Warren Report, p. 5.

it, "The shot caused me to squeeze the camera shutter." Willis and his daughter are visible in the Zapruder film. Zapruder is seen in the Willis photo along a direct line over Secret Service agent Clint Hill's shoulder. Using this information it is possible to establish that the Willis photo, triggered by the first shot, coincides with Zapruder frame 202. The Secret Service determined that prior to frame 210 in the Zapruder film the President was not in view of the sixth floor, southeastern corner of the TSBD.

COMMISSION EXHIBIT NO. 399

This is the "magic bullet." Found by Darrell C. Tomlinson (a hospital engineer who would not, in good faith, swear even that the bullet fell from Governor Connally's stretcher) this bullet had to:

1. enter JFK's back;
2. exit JFK's adam's apple;
3. enter Connally's right back;
4. shatter one of Connally's ribs;
5. exit Connally's chest;
6. break the governor's wrist;
7. exit the wrist and enter Connally's thigh.³

While doing this damage, C.E. 399 had to gain weight and maintain the shape of its manufacture. When found, the bullet was in nearly pristine condition having lost fewer metal fragments than were left after surgery in Governor Connally's rib, wrist and thigh. In testimony by both Gov. Connally and his wife Nellie, they deny he was struck by the same bullet that hit Pres. Kennedy. All other eyewitnesses in Dealey Plaza offering opinion on this confirmed Gov. Connally and his wife's belief.

THE SERIES OF SHOTS

The Warren Commission states that three shots were fired and that one shot missed; another bullet did all the non-fatal damage to President Kennedy and Governor Connally; the final shot was President Kennedy's fatal head injury. The Commission was unable to determine which of the three shots missed. If the first or third shot missed, a maximum time of 7.1-7.9 seconds may be chosen as the time available to the marksman for firing all three shots. If the second shot missed then the maximum time for the three shots ranges from 4.8-5.6 seconds. None of the experts the Warren Commission called were able to duplicate Oswald's feat although the scope on the Mannlicher-Carcano was repaired, stationary targets were used and experts were much better shots than Oswald.

THE INTERIM—FROM THE TSBD TO THE BOARDING HOUSE

Fifteen minutes after the assassination (12:45 p.m.) the Dallas Police broadcast this description of a suspect in the JFK shooting, "white, slender, weighing about 165 lbs., about 5'10" tall and in his early thirties."⁴

The Commission cites Howard Brennan as the source of this description but Brennan gave three different accounts of what he saw—one to a policeman on the scene, one to the Dallas Police Department immediately following the assassination and one to the Warren Commission. He also thought the man in the window was standing up. The Commission states he had to be kneeling, but Brennan apparently estimated the height, weight, age and neatness of this individual while not knowing his body position.

At this time, Oswald's movements are attested to by first, a busdriver (Cecil McWatters) who could not identify him at a police line-up; second, an ex-landlady of his (Mary Biedsoe) who identified his shirt but testified that the first time she saw it was when federal agents showed it to her;

³ Vol. 7, H 493-4.

⁴ Congressman Downing's "Dear Colleague," June 20, 1975.

⁵ Footnote not supplied.

and finally, a cabdriver (William Whaley) who testified:

1. that Oswald wore either a light gray . . . or a light blue . . . or both jackets (Oswald had neither on at the time);
2. that he delivered Oswald to three different addresses (one the intersection of two streets that run parallel);
3. that a four man police line-up had six people in it;
4. that Oswald was number two in that line-up (Oswald was number three).

PLACING OSWALD AT THE SCENE—OFFICER J. D. TIPPETT'S MURDER

The Dallas Police Log registers J. D. Tippett's shooting at 1:16 p.m. The Warren Commission states that Oswald left the rooming house at 1:03 p.m. This leaves Oswald thirteen minutes to:

1. walk a route timed by Commission Counsel David Belin at 17 minutes and 45 seconds;
2. rest his forearms on Officer Tippett's passenger window and chat with him a moment;
3. watch Officer Tippett get out of the car and come around to his side;
4. shoot him four times;
5. dump two spent shells at the scene and two further down the block.

Before calling in the shooting at 1:16, witnesses Bowley and Benavides first checked on Officer Tippett's condition and then spent a moment before operating the police radio correctly.

**OSWALD AND THE MURDER WEAPON—
38 CALIBER REVOLVER**

An automatic shell was dropped by Officer Tippett's killer near the scene of the murder which could not have been fired from Oswald's gun. None of the four remnants of bullets recovered from Officer Tippett's body have been identified by the FBI as having come exclusively from Oswald's .38 caliber revolver.

UNINVESTIGATED AREAS

The Warren Commission allowed several important questions to remain unresolved when they concluded their study. Briefly, they are:

1. The burning of the first draft used for JFK's autopsy by Commander James J. Humes;
2. The many confusing statements made by several key witnesses (i.e.—Marrion L. Baker, Howard L. Brennan, Mary E. Bledsoe, William W. Whaley, Helen E. Markham) and the reasons why other possible key witnesses were not called to testify before Commission members;
3. The FBI and Secret Service "protective custody" of Marina Oswald for nearly three months;
4. The Backward Head Movement (see the UVA brief for details) visible in Zapruder frames 313-314 and the adjustment of frame numbers done in the Archives' copy of the Zapruder film;
5. The neutron activation analysis tests that are referred to by J. Edgar Hoover in memoranda but supposedly do not exist now;
6. The identification of two Secret Service agents (one of whom produced credentials) by three Dallas Policemen on the grassy knoll immediately following the assassination;
7. The testimony of Silvia Odio, a Cuban exile, and an FBI informant's report from Odio that suggest a need for further study of plans to kill JFK formulated as early as September 1963.

DIVIDED RESPONSIBILITIES

There is cause for concern that the Warren Commission did not appoint their own investigative staff to secure independent testimony and perform necessary tests. It is likely that a conflict of interests existed between FBI and Secret Service agents asked to pass judgment on agency actions they

themselves may have participated in. Available documents support the supposition that important facts were withheld by the FBI, the Secret Service and the Dallas Police force which may have altered the findings of the Warren Commission.

WHY REOPEN THE JFK INVESTIGATION?

A recent ruling under the Freedom of Information Act released a Jan. 22, 1964 transcript of an executive session held by the Warren Commission that indicates this tragedy has not yet been appraised in ". . . the light of reason and the standard of fairness." The investigation was never completed, the crime was not solved and the legislative measures needed to insulate the fact-finding process from conflicts of interest have not been formulated. Congress, alone, may complete the job.

FOOTNOTES

Footnotes from the original Warren Commission Report are labeled "R" and then the page number from the hardcover edition follows. Sources from the twenty-six volumes of testimony begin with the volume number and are then followed by the letter "H" and the page number cited (i.e.—3H445 means you will find the reference in volume three of the hearings on page 445). Each sentence from other than the first or last two paragraphs will have a corresponding footnote. Our Group hopes to put together complete sets of the documents and testimony referred to in this outline distributed and distribute them.

Our group hopes to put together a complete set of the documents and testimony referred to in this outline and then distribute a copy of the set to a central location in each of the five House and Senate office buildings for individuals wishing to see them in context.

**PLACING OSWALD AT THE SCENE OF THE CRIME—
JFK ASSASSINATION**

1. R 5, 63.
2. 22 H484, Commission Exhibit (C.E.) 1311, 1312.
3. 3 H144.
4. 3 H148-50.
5. a) R62, C.E. 477.
- b) *ibid.*
- c) 3 H144.
- d) 3 H154.
6. R 113, C.E. 900.
7. R 77, C.E. 1797, Shaneyfelt Exhibit 24.
8. R. 644, R 149.
9. R 149.
10. R 162, 3 H253.
11. *ibid.*
12. R 63-5.
13. R 140-1, C.E. 1301.
14. 7 H106-7.
15. 3 H241-70.
16. 24 H199, Commission File 1546.
17. R 151, 3 H255, C.E. 1118.
18. 17 H212.
19. C.E. 1118.

**OSWALD AND THE MURDER WEAPON—THE
MANNLICHER-CARCANO RIFLE**

1. 2 H248-50, 2 H225-6, R 133, 7 H531, 6 H376-7.
2. R 133, 3 H395, C.E. 139.
3. 4 H77-8, R 592.

THE FIRST SHOT

1. 2. R 112, 7 H492-5.
3. 15 H696, C.E. 885, Shaneyfelt Exhibit 25.
4. *ibid.*
5. 7 H571, Welsberg, Harold, *Whitewash II*, p. 200-1.
6. R 98.

COMMISSION EXHIBIT NO. 399

2. R 81.
- 3-9. R 582-5.
10. 6 H105-6, newly released document also supports this.
11. R 150, 4 H132-6, 4 H147.
12. R 106-10, 6 H221.

THE SERIES OF SHOTS

1. a) R 111.
- b) R 108-9.
- c) R 109-10.
2. R 111.
3. R 117, 3 H407.
4. R 115.
5. R 191-95, 3 H411, 445, 17 H241, 19 H16-8, 25 H759.

THE INTERIM

1. R 144, 649.
2. R 5, 144, 19 H470, C.E. 2005.
3. 22 H484.
4. C.E. 1311.
5. a) R159, 2 H280-3.
- b) R159, 6 H412-4.
- 6-9. 2 H260, 2 H261, 2 H292-4, 6 H430-1.

**PLACING OSWALD AT THE SCENE—OFFICER
TIPPETT**

1. R 7, R 168.
2. R 163-4.
3. R 167.
4. 3 H306-8.
5. R 166-7.
6. 6 H434.
7. 3 H334.
8. R 7, R 166, 6 H451-2, Bowley Affidavit, OSWALD AND THE MURDER WEAPON—38 CALIBER REVOLVER

1. R 171, 17 H417.
2. R 172.

UNINVESTIGATED AREAS

1. 2 H352-69.
2. 3 H244-55, 7 H592-3; 3 H141-85; 6 H401-11; 2 H253-62, 6 H428-34; 3 H308-17, 7 H500-6. . . .
3. 1 H59-60, 1 H125-5.
4. The Zapruder Film.
5. *Weisberg v. U.S. Government* (1975).
6. Affidavit not cited in the report.
7. 11 H368-85, 11 H370-4, C.E. 2907, 2942.

*MINNE
ES*

[From Warren Commission File, GD 1347, pp. 119-20]

**THREAT TO KILL PRESIDENT KENNEDY,
NOVEMBER 9, 1963**

Re: Threat to kill President Kennedy by J. A. Milteer, Miami, Florida, November 9, 1963.

On November 10, 1963, a source who has furnished reliable information in the past and in addition has furnished some information that could not be verified or corroborated, advised Sa Leonard C. Peterson that J. A. Milteer on November 9, 1963, at Miami, Florida, made a statement that plans were in the making to kill President John F. Kennedy at some future date; that Milteer suggested one Jack Brown of Chattanooga, Tennessee, as the man who could do the job and that he (Miltier) would be willing to help. Milteer reportedly said that he was familiar with Washington and that the job could be done from an office or hotel in the vicinity of the White House using a high-powered rifle.

U.S. Secret Service was advised of the foregoing information.

Re: Threat to kill President Kennedy by J. A. Milteer, Miami, Florida, November 9, 1963.

On November 26, 1963, a source who has furnished reliable information in the past and in addition has furnished some information that could not be verified or corroborated, advised Sa Peterson as follows:

On November 23, 1963, J. A. Milteer was in the Union Train Station, Jacksonville, Florida, and at about 4:25 p.m. on that date stated he was very jubilant over the death of President Kennedy. Milteer stated, "Everything ran true to form. I guess you thought I was kidding you when I said he would be killed from a window with a high-powered rifle." When questioned as to whether he was guessing when he originally made the threat regarding President Kennedy, Milteer is quoted as saying, "I don't do any guessing." On the evening of November 23, 1963,