

## TIPPIT KILLING

Testimony of - (Mrs. Helen Markham. March 26, 1964, (3 H 304-31; 340-2;  
Deposition - ( July 23, 1964 7 H 499-506)

Mrs. Markham is presented to the Commission as an eyewitness to the slaying. There has been considerable public dispute about the accuracy of her testimony and her reliability as a witness. The Commission itself is hard put to explain her admitted description of the assassin as having wavy hair, which it attempts to do in the report.

Charles Murray is listed in the appearances as "observer".

Before her testimony begins, the questioner, Asst. Counsel Ball, is impelled to say, "Take it easy, this is just - ", at which point she interrupts him to say, "I am very shook up." She has an 8th grade education which ended when she got married. In her almost 25 years of married life (not married on the day of her testimony), she spent about 8 as a housewife. She has 5 children, including one son who "stays with me". She is a waitress. (p.305)

On the day of the assassination she left home a little after 1 intending to catch the bus at Patton and Jefferson. Her address is 328 East Ninth. Asked again about the time, she says, "I wouldn't be afraid to bet it wasn't 6 or 7 minutes after 1." She usually gets her bus at 1:15 so it was before 1:15. Asked which side of the street she lives on, she says, "That would be on the left", to which Mr. Ball replied, "You're right", and she says, "Yes, it would be right." At the corner of Tenth and Patton she had to stop (p.306) because of traffic. She was on the northwest corner but is uncertain whether it was, in fact, the northwest corner. She saw, presumably while she was standing on the corner waiting for traffic, a man on the opposite side of Tenth, almost across Patton Street. Asked in what direction, she said, "I guess this would be south." Mr. Ball gently corrects her, saying, "Along 10th, east? Was it along 10th?" She says it was, and

he was walking away from her. When she first saw the police car, "He was driving real slow, almost up to this man ... kept walking, you know, and the police car ~~kept~~ going real slow now, real slow, and they jist kept coming into the curb, and finally they got way up there a little ways up, well, it stopped."

By this she meant that at a point both the man who was walking and the police car stopped. Then, "I saw the man come over to the car very slow, leaned and put his arms just like this, he leaned over in this window and looked in this window." Ball asked, "He put his arms on the window ledge?" Mrs. Markham replied, "The window was down." This is repeated a couple of times without Mrs. Markham being asked how, in fact, she knew that the window on the side of the car away from her and with the bulk of the body of the car between her and it, was, in fact, down. The policeman was sitting behind the wheel on the driver's side, alone. At this point the testimony takes the form of statement by Ball with affirmation by Mrs. Markham. Meanwhile she says, traffic continued to flow and "in a few minutes this man ... drew back and he stepped back about two steps," following which "The policeman calmly opened the car door, very slowly, wasn't angry or nothing, he calmly crawled out of this car, and I still just thought a friendly conversation, maybe disturbance in the house, I did not know; well, just as the policeman got in - " (p.307). Ball interrupted to ask, "Which way did he walk?" and Mrs. Markham replied, "Towards the front" and he had gotten even with the front wheel on that side when the man shot him. She heard three shots, after which "The man, he just walked calmly, fooling with his gun," back toward her, toward Patton Street, the direction he had just come. She repeats "He didn't run. When he saw me he looked at me, stared at me. I put my hands over my face like this,

3 - Markham

closed my eyes. I gradually opened my fingers like this, and I opened my eyes, and when I did he started off in kind of a little trot," this time towards Jefferson. Then she ran to the policeman. She said before she put her hands over her eyes, she didn't do anything "because I couldn't". She said nothing for the same reason. Asked "You looked at him?" She replied, "Yes, sir. He looked wild. I mean, well, he did to me." As he was going toward Jefferson Street, away from her, she said, "I was afraid he was fixing to kill me." She declined to estimate her distance from him the shooting. (p.308)

Apparently, from her testimony, he "kept fooling with his gun". Asked in what hand he had it, she replied, "He had it in both of them." Asked if there was anybody else there, she said, "I was there alone by myself." She saw no one "until I was at Mr. Tippit's side. I tried to save his life, which was I didn't know at that time I couldn't do something for him." Then she said, "I was screaming and hollering and I was trying to help him all I could, and I would have. I was with him until they put him in the ambulance." She said she never made an estimate of the distance between her position and Tippit's. Asked again about the distance, she says, "Now I couldn't tell you how many feet or nothing because I have never had no occasions to measure that." Dulles wanted to know, "Was it further than this table, the length of this table?" She replied, "It was across the street." Dulles then inquired, "It was two or three times the length of this table?" Her reply was, "Across from the street. That was too close." At this point Ball said, "We have a map coming from the FBI. We thought it would be here this morning." (p.309)



4 - Markham

She says she was taken to the Police Department "immediately" and later that day attended a lineup. She thinks there were 4 men in the lineup, similar in build, size and coloring and "all about the same height." Asked who else was in the lineup room, the Commission could get nothing more than "policemen" from her. She denied seeing "a picture of anyone" on television or elsewhere prior to the lineup. She also denied being spoken to by the police and especially denied a statement such as "we had the right man" or something of that sort, when asked by Ball. She denies she was told in what position the man would be. Asked if she had ever seen any of the men in the lineup, she said she could not identify any and had never seen any of them before. (p.310)

At this point Ball, who had been testifying for her with fair consistency, resumed this method of questioning and said, "Was there a number two man in there?" She replied, "Number two is the one I picked." Ball said then, "Well, I thought you just told me that you hadn't - " at which point she interrupted to say, "I thought you wanted me to describe their clothing."

There had been no reference to clothing. It had begun with the simple question, "Did you recognize anyone in the lineup?"

She also interrupted Ball's next question which was, "No. I wanted to know if that day when you were in there if you saw anyone in there - " and at this point she interrupted to say, "Number two." She said, "they kept asking me which one, which one. I said, number two. When I said number two, I just got weak." By this she meant number two was "the man I saw shoot the policeman." Ball said, "You recognized him from his appearance?" and Mrs. Markham said, "I asked - I looked at him. When I saw this man I wasn't sure, but I had cold chills just run all over me."

Ball asked, "When you saw him?" and she replied, "When I saw the man. But I wasn't sure, so, you see, I told them I wanted to be sure, and looked at his face is what I was looking at, mostly is what I looked at, on account of his eyes, the way he looked at me. So I asked them if they would turn him sideways. They did, and then they turned him back around, and I said the second, and they said, which one, and I said number two. So when I said that, well, I just kind of fell over. Everybody in there, you know, was beginning to talk, and I don't know, just - ". <sup>She had remarkably</sup> /Good vision to see his eyes diagonally across the intersection.

As to his clothing, "He had on a light short jacket, dark trousers. I looked at his clothing, but I looked at his face, too." Asked then, "Did he have the same clothing on that the man had that you saw shoot the officer?" Her reply was, "He had these dark trousers on." Then, "Did he have a jacket or a shirt? The man that you saw shoot Officer Tippit and run away, did you notice if he had a jacket on?" She said, "He had a jacket on when he done it." She described it as a "short jacket, open in the front, kind of a grayish tan," which she told the police. Asked then, "Did any man in the lineup have a jacket on?" She said, "I can't remember that." Asked if the number two man did, she replied negatively. She said he was wearing a light shirt and dark trousers. Asked again, "Did you recognize the man from his clothing or from his face?" she replied, "Mostly from his face", and she was sure it was the same man.

Dulles asked her to explain what she meant by "on account of his eyes" (p.311), and she said, "He looked wild. They were glassy looking, because I could see - ". Dulles interrupted to ask, "He had no glasses on?" She said no and then after a few more comments, "I would know the man anywhere, I know I would." This seems like an odd comment to make

6 - Markham

when the man in question has been dead for so long.

She is then shown Exhibit 162 (15 H 520). Of it she says, "But that jacket it is a darker jacket than that, I know it was." She repeats this in response to another question, saying, "No, it was darker than that, I know it was. At that moment I was so excited - " Ball showed her a shirt then, Exhibit 150. She said, "The shirt/<sup>that</sup>this man had, it was a lighter looking shirt than that." She repeats this, saying, "I think it was lighter." At this point Mr. Ball, "All right," and refers to Exhibit 521 (17 H 228) which she identifies as the corner of Patton and 10th. She is asked to "put an X as to the point when he looked at ~~you~~ and you looked at him." She points to the spot, Ball again says, "put an X" and she says, "I don't know. I am too nervous." Presumably she did it because then Ball says, "At the time the man was standing at X ... where were you?" and she said on the opposite corner. Ball starts to ask, "Were you as close to the curb as - " and changes this to say, "were you close to the curb at that time?" to which she replies/ affirmatively. My point here and the slip of Ball's tongue was the X that Mrs. Markham put was close to and almost at the center of the arc of the curb, ~~now~~ more than 3 feet away. This I am certain is in direct contradiction to the testimony of other witnesses; and, of course, Ball was aware of it.

When Dulles asks where the car is, Ball cuts him off and says, "No." and shows her Exhibit 522 (17 H 228) showing Dallas Police car No. 10 near a white house which she identifies and a driveway. She says, "That is the big old white house, 404."

At this point Ball shows her "a general diagram", Exhibit 523 (17 H 22) showing the intersection of Patton and 10th, the corner properties on what is more or less the west side of Patton and the 4 properties on the ~~South~~ <sup>east</sup> side of 10th on the ~~north~~ side of Patton. (p.312.)



When Markham sees it and Ball asks her "Do you understand that?" she said, "This would be the corner I would be at." But apparently this was in error for Ball replied, "No, this would be Patton. This is north and south. Jefferson is down here. Can you locate yourself?" She then orients herself. Ball asks her on which corner she was standing and she says, "Northeast corner is where I was standing." Ball says, "Northeast or northwest? This would be northeast and this would be northwest. Here is where the squad car would be. Right there. Here is 404." Markham then said, "It would be this corner then", and Ball says, "Well, that is northeast and that is northwest. Were you kitty-cornered?" Markham ~~aggs~~ agrees, "I was kitty-cornered from it like this." Ball said, "Like that?" and she said, "Yes, sir." Ball finally said, "Well, this is northwest, this is northeast, southeast, southwest, and here is the car. We are going down the street now."

Some witness! She lived in the neighborhood, and after all of this, she never did say what corner she was standing on. Again Ball asks her, "Look at a number on that and tell me where you were standing." She replied, "I was standing right at the curb." And he asks again, "Do you see a number?" to which she replies, "Number 5." Ball then says, "Number 5 on this diagram would be indicating the place where you would be standing, is that right?" and she says in return, "I was standing on the opposite corner from that." With infinite patience, Ball says, "I know, but I have got to get you to tell me where you were standing. Picture yourself going down Patton towards Jefferson." She asks, "Going down Patton?" and again he explains patiently, telling her the direction from which he was coming, the direction in which her home was, and so forth. Finally, he gets her to take a pen and "show your course down the sidewalk". When she does this, Ball says, "Is there a number there

8 - Markham

that shows where you were?" and she says, "Yes." Ball then says, "Near 5, is that right?" and she agrees, saying, "Yes." Dulles then wants to know, "That is the northwest corner?" and Ball says "Northwest corner; that is the northwest corner. Here is a picture. Do you recognize that?"

If this woman couldn't tell where she was standing when she was about a block away from home on a corner she crosses daily on her way to work, how <sup>could</sup> she be depended upon to testify about anything? She never did say she was standing on the northwest corner.

She is then shown Exhibit 524 (17 H 230). After she said that she recognized the picture and that it shows where she was (it is identified as a picture of "Markham standing at corner from which she saw Tippit killing"). By this time, Ball is as confused as the Commission's witnesses. He asks her, "Where was the man shot?" and she replies, "Right here," and that place doesn't even show on this picture, which is a view of Patton, rather than 10th Street. So, perforce, it was impossible for Mrs. Markham to do what he asked <sup>of</sup> her, but she was <sup>and</sup> quite willing, nonetheless did it. Ball quietly corrects himself by saying, "Put a mark where you first saw him. Mark that A. Then he went which direction down the street?" She pointed out the direction and, under Ball's instruction, drew an arrow indicating it. (p.313)

Not trusting her to testify, Ball testified for her, saying, "The police car had not come into sight yet?" and she replied, "That is right."

But this is a contradiction of her testimony on p.307 where, when Ball asked of this man "had he reached the curb yet?", she replied "almost ready to get up on the curb" and Ball then asked, "What did you notice then?" and she replied, "Well, I noticed a police car coming."



9 - Markham

Ball asks her to "put an X where the police car was when you first saw it," put an X there and we will mark that B."

If she did it, I can't see it. There is only one mark that it might be, and even after the performance she has thus far given, I am reluctant to believe that Mrs. Markham put the police car on the opposite side of Patton street on what apparently was a sidewalk and several carlengths away from the corner.

In the same question, Bell then told her, "Now, after the shooting, where was the man when you looked at him?" He told her to "mark that C". She says she was still standing in the same position.

Whereas earlier Mrs. Markham had marked this spot as approximately the center of the arc of the curbline and about 3 inches in from the curb, she at this point puts it on 10th Street and in the street rather than on the sidewalk.

Ball now begins a series of questions about photographs which is subsequently marked Exhibit 525 (17 H 230) and being very careful to try to eliminate all the possibilities for Markham to make a mistake, he draws her to the proper place ever so gently, saying, "It shows a corner." Note that even the court reporter knew this was not a question. She agreed. He then said, "On the picture make a mark where the man was when he came back and looked at you," and she replied, "Yes, sir. He was a little behind this." Ball said, "Just make an X there in general." Markham then said, "That is supposed to be on the sidewalk". Here she put the man in an entirely different position. It is, as she said, on the sidewalk. But it is not at the same <sup>point</sup> ~~mark~~ on the sidewalk where she initially located him. This time it is considerably to the left in the picture, considerably closer to the <sup>police</sup> ~~police~~ car, and in any event instead of a spot such as could be marked by an X, it is a line that is fully

10 - Markham

half the width of the property nearby. Apparently Ball assumed she had followed his instructions because, in offering the photograph in evidence, he said, "The X marks the position of the man who did the shooting on the corner after the shooting, and the arrow points to the squad car." The arrow had been put on in advance, and there is no X. In this photograph the police car was located as per Mrs. Markham's instructions to those who arranged for the pictures.

Here Ball identifies Exhibit E22 which is a photograph looking east on Patton Street, showing Mrs. Markham standing on the corner and taken from an opposite rather than a diagonal corner. (p.314) Then Dulles asks Mrs. Markham to repeat "the scene that you saw where the man now known to be Oswald went up and put his arms on the door of the police car, as I understand it." She did not hear any conversation. She repeats approximately the same description she had given previously, describing the man Dulles said was Oswald as calm and "wasn't in no hurry." Then of Tippit, "calmly opened the door. Calmly crawled out like he wasn't angry." She saw no weapon in his hand, and "he was just calmly walking to the front of the car and when he got even with the wheel on the driver's side, front, you know, that man shot him." She gave Dulles a non-response to the next question, which was, "Did you see him draw his revolver?" Her words were, "He shot him like this." Dulles was satisfied to say, "I see." But Ball clarified it by telling her that she meant "from the hip or from the waist", and she agreed. Of the killer she then said, "It didn't seem like it bothered him, disturbed him. When Dulles asked, "The policeman hadn't made, as far as you could see, any menacing gestures toward him? He wasn't trying to grab him or anything of that kind?" Mrs. Markham said, "No. He was very calm, very. I would say like in slow motion, you know, like he was getting out to

11 - Markham

talk with the man, or go in the house for disturbance or something, I don't know."

Again Ball doesn't give her a chance - he testifies in the form of a question, saying "He shot across the hood of the car?" Mrs. Markham replied, "Across the hood." (p.315)

After Ball leads Mrs. Markham into saying that there was "a pool of blood where Mr. Tippit fell in the street" by the simple expedient of <sup>so stating</sup> ~~xxxxxx~~ himself and allowing her to say, "Yes, sir", he showed her Exhibit 527 (17 H 231) and asked if "it shows the approximate position where Mr. Tippit fell after he was shot?", to which she replied, "He fell right out this way", whatever that means. Ball instructs her, "Look at the discoloration in the street. Is that anywhere near where Tippit fell?" She replied, "It don't seem to me it was out that far." Then repeating herself, she proceeds to explain how the pictures lies. "Here's" the "back right this way" the "like this is" and things like that are not comprehensible from her testimony. The upshot, however, is that Tippit was not where the blotch that presumably represents the pool of blood was.

Dulles tries his luck by saying, "Is this splotch out here in front of the car a pool of blood?" and before Markham can answer Ball points out, "Out to the left." Markham's reply was, "It seems to me it ought to be here." There is no indication of where she meant by "here". Ball then said, "But there was a pool of blood?" and she agrees. (316) When Dulles asked if she actually saw the blood, he got a very graphic reply.

The Commission has been very careful to avoid asking Mrs. Markham how far away she was from the squad car. Exhibit 523, with a diagram, does have a scale. According to this scale, the streets are about 30 feet wide. The diagonal from curblin to curblin is under 50 feet.



12 - Markham

From Mrs. Markham's position to the closest point on the squad car is about 120 feet, and from this point to the spot where Tippit was killed is approximately another 20 feet.

Then Ball asked Mrs. Markham, "do you know a man named Mark Lane?" He asked this in a variety of descriptive manners, asking if she had ever spoken to a lawyer from New York, a lawyer investigating the case of Oswald, a man who said he was representing Oswald's mother, etc. Getting negatives to all, Ball quotes from Lane's testimony before the Commission (2 H 51) in which Lane said he had spoken to Mrs. Markham who "told me she was 100 feet away from the police car, not the 50 feet which appears in the affidavit." This is in reference to a statement she gave to the Dallas police. He then quotes the description Lane attributed to Mrs. Markham, "... short, a little on the heavy side, and his hair was somewhat bushy." She denied saying that to Lane, "or anybody else." Then she denied ever telling "anyone that the man who shot Tippit was short, a little on the heavy side, and his hair was somewhat bushy". She also denies that she recalls the man as having been of this description. (p.317) When asked by Ball, "Is it your memory that his hair was bushy?" she replied, "It wasn't so bushy. It was, say, wind-BLOWN or something. What I mean, he didn't have a lot of hair." The emphasis is mine. Note that it represents a very clear retreat from Mrs. Markham's position. Instead of saying it wasn't at all bushy, she said it wasn't "so" bushy. Then Mrs. Markham, again unsolicitedly, says, "I never talked to nobody." Ford asks, "by telephone or any other means?" and she replies with an unequivocal "No, sir". Ford asked if she ever got "an anonymous phone call from a person who asked you these questions?" and again her answer was an unequivocal negative. Ball then quotes Lane as follows: "Helen Markham said to me she was taken

to the police station on that same day, that she was very upset. ... identified Oswald as the person who had shot Officer Tippit in the lineup, ... no one pointed Oswald out to her, ... She said when he asked her how she could identify him, she said she was able to identify him because of his clothing, a gray jacket and dark trousers." She denies having made that statement, to him or anyone else, saying, "Not to anybody."

At this point I want to quote Oswald's complaint to the police, as represented in the police statements themselves, about the manner in which he was dressed at the lineup, and his allegation that his dress was different from that of the others.

Mrs. Markham is then led by Ball through a series of denials, including a denial of the fact that the man she identified was wearing a gray jacket.

When cautioned by Dulles, "You have considered your answers very carefully, have you, on this point?" she finally says, "I talked to two men, and this man who told me he was from Paris, France. ..." Dulles asks her if the man said he represented a French newspaper, but she didn't know the name (p.318) Note she said two men. Mrs. Markham gets a little confused in her description of the man, first saying, "this man told me the government sent him", and in the very next response saying, "He had - he showed me who he was. He was a news reporter." Dulles asked her if she could recall the questions she was then asked. They were "very few" and "about if the police had taken me down to the police station and did I see anything after I went into the police station, hear any TV, or see any TV, any radio, newspapers, or anybody talked to me, and I said they did not." Her employer, James Gambolis, was present and listened. At this point they took a recess. And at this point I want to note that some of these questions she has not yet been asked by the Commis

14 - Markham

Especially, had she seen a newspaper with Oswald's ~~own~~ picture. On p.310 she was asked merely, in connection with the lineup, "Before you went into this room, were you shown a picture of anyone?" and she was asked if she had seen television. She was not asked if she had seen the evening newspaper or any other source of a picture of Oswald, such as shown her by someone not a Dallas policeman.

After the recess Mr. Ball asked if "on the 22d of November, 1963, ... did you talk to an FBI agent named Odum? ... " She said she talked to people at the police station. Ball then quotes Odum as saying, "you described the man who shot Tippit as a white male, about 18, black hair, red complexion, wearing black shoes, tan jacket, and dark trousers. Do you remember that?" to which she replied, "I never said anything about his shoes because I never did look at his feet." She denied saying he was 18, but she did remember saying he was black-haired (p.319) She denied the red complexion part.

Then, asked who the other man was to whom she spoke, she said, "He was a newspaper reporter by Life magazine." She said the LIFE story was accurate, but "Very little of what I told him did he put in." Then she denies ever talking to anyone else about "your testimony or your appearance in the lineup?" At the time of the killing, she said, under questioning, that another man did come up, but "not immediately", but "soon." He was in a pickup truck. She does not recall what the man looked like, and when Ball tries to lead her by saying "A dark man, looked somewhat Spanish?" she insisted, "I don't recall." (P.320)

She said she saw Scoggins and before the killing, while he was "sitting in his cab".

Perhaps she did, but if she did, her eyes certainly focused separately. Scoggins was on Patton and the man she said shot Tippit was



15 - Markham

walking away from Patton on 10th. She also said there was heavy enough traffic to keep her from crossing the street. At this point Ball finishes his interrogation. It is conspicuous that neither he nor any member of the staff or any Commission member has asked Mrs. Markham to compare her description of the killer's hair as "wasn't so bushy" (p.318) with her accounts to the authorities. It is also conspicuous that, if Lane has quoted her affidavit to the police correctly, the Commission has not asked her to reconcile the differences between the 50 feet she estimated as the distance between her and Tippit and the approximately 120 feet that the Commission's own exhibit shows it to have been.

Dulles said that he thought Mr. Ford "would like to have the witness repeat what she ~~saw~~ saw the man, now known as Oswald, do~~x~~ after the shooting..." This is something the staff has been avoiding because it will lead inevitably to contradictions between Mrs. Markham and just about all the other witnesses. She said, "he turned around, came back around toward Patton Street. He wa<sup>sn</sup>s't he didn't seem to be in a no hurry. I thought he hadn't done anything, and he was fooling with his gun in his hands, and he seen me, and he stops."

Now this is the woman who has just testified she saw this same man shoot Tippit over the hood of Tippit's car. At this point she said, "I put my hands over my face and closed my eyes because I knew he was going to kill me. I couldn't scream. I couldn't holler. I froze." She then gives essentially the same description of the man "trotting off". Here Mrs. Markham changed her story somewhat to say "He ran back, turned and came back down 10th to Patton Street. He cut across Patton Street like this." Her earlier version describes the calmness of his walk from the police car at least to the intersection.

Although Mrs. Markham was excused, and it is understandable how anxious the Commission would be to get rid of her, as an afterthought Dulles asked the attorney-general of Texas if he had any questions/ he wanted to ask, and then said, "Could you wait for just a moment. We are sorry to detain you. There is something that might come up with the next witness, and we might wish to ask you another question. I do not think we will. We are very grateful to you, Mrs. Markham."

The Commission was so afraid to question Mrs. Markham that it even failed to confront her with the contradictions it knew exist between her testimony and that of others.

She was followed by the cab driver, William W. Scoggins. Following his testimony, she resumed on p.340.

Ball

Here ~~Dulles~~ shows her Exhibits 535 and 536 (17 H 235), two newspaper photographs of Mark Lane, and asked, "if you have ever seen the man who is pictured there ...". Her answer is "No." Ball asks if he could have been one of the 2 men she spoke to, and this time she says, "No, no." Then Dulles says, "We are inquiring whether you had ever seen him after the assassination." She replied, "Yes, I know. No; not this man. This man I have never seen <sup>I have never seen</sup> -/this man in my life." At this point, after himself asking only three questions, Ball said, "I have no further questions." But Dulles continued, asking Mrs. Markham if she knew who the man is, and she said she didn't; again Mr. Ball had "no further questions". (p.340)

Cong. Ford asked if she had ever had any difficulty with the law, to which she replied negatively, including even traffic violations. At this point she is again excused. It is conspicuous that the Commission has not asked whether her son has had any difficulties with the law. He had. She was involved in them. The police captured her son when he

17 - Markham

was wanted in her home. He was injured in an effort to escape. And, of course, it is possible this was a pressure point upon her, if any pressure point were needed. After some discussion, Dulles calls upon Redlich to identify the pictures as those of Mr. Lane, which he does.

Belin wants the record to show that the pictures bore no identification. Then Cong. Ford wants to know "What kind of eyesight do you have, Mrs. Markham?" Her reply was that it is good.

And that is it. If anything developed in Scoggins' testimony about which the Commission wanted to ask Mrs. Markham, they didn't. The Commission should have known there would be discrepancies between the testimony of Mrs. Markham and that of the sisters-in-law Davis. Mrs. Barbara Jeanette Davis followed Mrs. Markham on the stand.

#### Deposition:

July 23, 1964, Mr. Liebeler took a deposition from Helen Markham (77 H 499ff.). He begins by repeating the quotation of the testimony about Mark Lane and the various capacities in which Lane might have represented himself to her, and she said that she had never talked to him, including by telephone (p. 449). She

She also says she hadn't talked to him between the time of her appearance in Washington and that day. After the most positive kind of denial from Mrs. Markham, Liebeler then says, "Well, now, I'll tell you very frankly, that we have a tape recording of <sup>a</sup> ~~the~~ conversation that purports to be a conversation between you and Mark Lane on the telephone and I have a transcript which we will make <sup>rk</sup> ~~as~~ as Markham Exhibit No. 1 - ". She interrupts to say, "Let me tell you now - " and Liebeler interrupts her to say, "I ask you to read the transcript and I will make arrangements - I hadn't thought you would be here until 1 o'clock this afternoon, so I don't have a tape recorder here, but I think I can have



18 - Markham

the Secret Service bring one over. Would you like to hear the tape, so you can tell us whether or not that is your voice?" She said, "Yes; sure." She then said, "U am going to tell you this, now, there was someone - let me tell you this - there was someone one day - this was all to me - I was scared, and I was, you know, frightened, and one day - now, this brings me back - the memories /referring to the tranascript heretofore mentioned/. One day on my job there was someone that called, but he told me he was from the city." She then said this man represented himself as "Captain Fritz - over this telephone - Capt. Will Fritz" and she repeated this again. Liebeler then tells her, the ~~trans~~ transcript indicates a telephone number that was called and asks for the telephone number where she worked. She said she had forgotten it, but "It's a Riverside 8 number." Liebeler asks her, "Is there such a number as Matthew 7-6897a" to which she replies negatively. He then informs her that the transcript indicates that such a number was called. (p.500).

Liebeler tries to cut her off by saying, he'll have the Secret Service bring a tape recorder there, but Mrs. Markham continues, saying, "Sure, and this man - what this man told me - he told me he was from the Dallas Police Department and he said it was concerning the Oswalds and they had to get a little more information from me." Again Liebeler tries to cut her off, saying, "Well, let me call the Secret Service", but she won't stop, continuing, "And listen, that was the only call I know of. ...". Liebeler again says, "Why don't we suspend momentarily ..." and this time she shuts up.

The proceedings began at 10 o'clock. They were resumed at 11:40. Liebeler introduced John Joe Howlett, of the Secret Service, who had brought the tape recorder and was going to operate it. Liebeler told her to listen to the conversation and "tell us whether or not this is

an accurate reflection of a conversation that you had over the telephone some time ago?" When the reporter asked how much of the recording to take down, Liebeler replied, "I don't want any of this on the record now ...". After the beginning of the playing of the tape, the reporter noted that "when the witness, Mrs. Markham, began to indicate reactions to the recorded conversation, the reporter resumed recording same as hereinafter shown and the record begins with the question and answer at the time Mrs. Markham began to indicate her reactions."

Liebeler said, "You are shaking you head, as you listen to this tape recorder, Mrs. Markham. John Joe, let's stop the recorder for a moment. What do you mean to indicate by that?" Mrs. Markham said, "I never talked to that man." Liebeler asked was it her voice, and she replied, "I can't tell about my voice, but that man - I never talked to no woman or no man like that." Liebeler then asked, "And does this memorandum appear to be an accurate and exact transcript of the recording?" Her reply consists of a series of incomplete and unconnected thoughts, concluding with "that's nothing like the telephone call I got - nothing." Liebeler then said, "Let's continue with the recording and see if you recognize your voice here on the tape." (p.501.)

After about 1-3/4 pages of the uninterrupted tape recording, Liebeler interrupts to say, "Now, you are shaking your head at this point, Miss Reporter, you are taking the transcript down." The reporter answered, "Yes". Liebeler then asks Mrs. Markham what she had in mind (this is in the middle of p.503). Her response is, "This man - I have never talked with. This lady was never on the telephone. This man that called me like I told you, he told me he was from the city hall, the police department, the police department of the city hall." Liebeler asks, "do you remember having this conversation with somebody?" Her

reply is, "Yes; I do, but he told me he was from the police department of city hall and he had to get some information, a little more information from me. That was my boss that told me - the one that said, 'Wait a minute,' that was my boss, Mr. Sam Gambolus." She agreed when Liebeler asked, "And you received this call at the place where you work?", following which he asked, "Do you remember specifically that when the telephone calls started, that this man told you he was from the city hall of the police department?" Her reply begins, "Yes, sir; yes, sir; right. What follows is non sequitur, but she in part repeats, "he was from the police department of the city hall ... and so I got permission from this boss, Mr. Gambolus, to talk with this man ..." She repeats again that he was from the police department.

Liebeler points out the tape recording shows "This man is asking you what the police did," which she said she knew, and Liebeler further shows the man said, "the police took you and your affidavit."

Her reply is, "That man - I have never talked to that man. I talked to a man that was supposed to have been from the police department of the city hall." She does not recognize the man's voice. (p.503)

Liebeler asks, "How do you explain the fact that the woman's voice on this tape recording is your voice?" which at first she doesn't answer but then she responds as follows: "And I never heard this lady's voice before - this is the first time." Liebeler then asks, "Do you have any doubt in your mind at all that the lady's voice on the tape now is your voice?" Her response is, "It is my voice, but this man told me he was from the city police."

Liebeler then attempts to point out some of the contents of the tape which indicate Lane was not representing himself as from the police - entirely aside from the fact that the transcript of the tape is clear



and explicit on his identification of himself, his purposes, and so forth. Her reply was, "Man, I have never heard such a thing as this." Liebeler continues with the same line of examples, concluding with the statement, "You couldn't have thought he was from the police department if he was asking you what you were telling the police before - do you agree with me?" and she did agree, saying, "Yes; but he told me he was from the police department ... " Liebeler then sums it up this way, "So, it is your testimony that even though you engaged in this conversation here, the man - when he started out, he told you that he was from the police department; is that right?" and her reply was, "Yes, sir; I wouldn't have never talked to this man. ... and this lady never talked to me." Liebeler asks, "Which lady is that?" Her reply was, "On this tape." He asks, "Which lady on the tape?" and her response is, "It was a woman talking."

Liebeler asks, "I thought that was your voice?" to which she responds, "Not at the first there." Liebeler asks if she is referring to the telephone operator who placed the long distance call. She replies, "No; my boss called me to the telephone." After coming to the phone, he wants to know if she "then engaged in this telephone conversation?" and her positive response was "Yes; he certainly did." Liebeler then says, "So that, in fact, your testimony is that you had never had anybody introduce themselves to you as Mark Lane?" Her response: "No, sir. Liebeler rephrases it as follows, "And you haven't talked to him over the telephone?" She again denies that she did. Liebeler again asks, "You don't have any doubt, however, that you did engage in this particular conversation, except that you are having trouble at the beginning and end of it because you said that the man told you that he was from the police department when he called?" She insisted, "Yes, sir; he certainly did. I know he did." (p.504.)

22 - Markham

Liebeler then asked, "Did you ever tell anybody that this man who shot Officer Tippit was short and stocky and had bushy hair?" In saying "No", Mrs. Markham, in the words of the reporter, "handed instruments to Mr. Liebeler". Liebeler described them as "a couple of pieces of paper here that you want me to look at?" She said, "Please - this here doesn't make sense and let me show you - I don't know what to think about it, but I got this, but my daughter wouldn't let me have it because I was very upset at the time and I don't know what it even means." These turned out to be a letter postmarked Dallas, Texas, July 11, 1964, from James Kerr, P.O. Box 2897, asking her to contact him about "a matter which I believe will be mutually profitable"; and a telegram from the United States Information Agency telling her that they would like her to appear on a television program they are making on the findings of the Warren Commission and on which the President of the United States, Commission members and selected witnesses will appear. With respect to the former, although there was a telephone number given and a post office box, she couldn't get in touch with him; asked about the telephone number that appeared, she said, "I believe it was either the police department - I don't know, but I called." (p.505)

Agent Howlett interrupted to say he had discussed the matter of the USIA telegram with Mrs. Markham when she had called him and that it was a legitimate operation of the United States Government. She asked Liebeler what she should do, and he told her that neither he nor Howlett could advise her, but she might write to Rankin, the Commission's general counsel. After this diversion, Liebeler returns to the tape and says, "we have listened ... part of the way through, to about page 6, and you followed it through to that extent, have you not?" She had. "And you are satisfied," Liebeler says, "that to the extent we have

listened to the tape, that it is accurately set forth in this memorandum?" to which she also agrees. Nonetheless, she insists, "but that man is wrong. Why would anybody want to do anything like that?" He asked her to initial what he described as "that memorandum", and she wrote her name on it.

Thereafter, he says, "Thank you very much, Mrs. Markham. I don't have any other questions at this time." Her response was, "Well, that just worries me." Liebeler's answer is, "Well, we will have to do further investigation into this." After another meaningless statement from Mrs. Markham, Liebeler said, "Thank you very much, Mrs. Markham", again trying to terminate it, but she persisted and asked, "Well, will I get into any trouble over this?" Liebeler's assurance in the face of her clear and admitted perjury is simply incredible. He replied, "I don't think so, Mrs. Markham. I wouldn't worry about it. I don't think anybody is going to cause you any trouble over that /referring to the telegram/.

How could anyone possibly believe that Mrs. Markham was referring to the telegram? She then said, "That was dirty in that man doing that." Liebeler asked her to repeat it and she used exactly; the same words, after which Liebeler responded, "Well, I would think that's right." Her last words were, "Well, he's not no better than Oswald - that's right." (p.506)

The full text of the tape recording is in Vol. XX, Markham Exhibit 1, pp.571-99, and was transcribed by the Federal Bureau of Investigation. The source of the tape recording is not indicated. The date is July 16, 1964, and the caption is:

LEE HARVEY OSWALD, aka

INTERNAL SECURITY - RUSSIA - CUBA

Sometimes one wonders.



24. - Markham

With respect to the text of the transcript, it begins with a female voice placing a telephone number, another ~~female~~ voice saying "Long distance calling Mrs. Helen Markham, please," Mrs. Markham identifying herself on the phone, and then on the second typed page (p.572) Mark Lane introduces himself by name, identifies himself as an attorney investigating the Oswald case, says he is about to testify before the Warren Commission, about the results of the investigation he has been conducting and so forth, and thereupon launches into a series of questions, <sup>to</sup> /not one of which she objects and all of which she answers. Many of them are in contradiction to some of the things she is represented as having said in official documents. She says the man who shot Tippit was short, that his hair was "just a little bit bushy", that in the police lineup he was wearing a "light gray-looking jacket", that Tippit rolled o the window of his car down and if it wasn't in her affidavit it should have been: that at the time of the Tippit killing, the police asked her only about his clothing and not about how he looked; that she could not, in fact, see his eyes, "it was so far"; that she was told by several FBI agents, 2 or 3 Secret Service agents, and 4 or 5 Dallas city detectives "for my own good, I don't cause I don't want to get, you know, involved in nothing," as the reason for her not discussing the case with anybody; she concluded by thanking Lane, "very much, and I, if you need any more or anything else well just call me or come down."

This woman has, on several occasions, under oath, insisted she never spoke to anyone, never spoke to Lane, never heard of Lane, never had a telephone conversation, and except for a LIFE and a French reporter, never had any discussion with anybody about her testimony in any way. She persisted after being cautioned by Dulles to think through what she was saying carefully, she persisted when she was cautioned by

Liebeler; she persisted after she had the transcript of the tape recording in her hands; she persisted after she heard the tape recording; she ~~xxxxx~~ pretended that she was one Helen Markham and the woman on the tape was another Helen Markham, at the same time admitting that they were one and the same; and she offered no explanation that made any sense whatsoever. In fact, some of her explanations might, in themselves, constitute perjury.

This is the woman upon whom the Commission/ draws so heavily in the Tippit part of its report. How the Commission could have even considered such a witness is beyond comprehension. Even with the great tact and delicacy with which they handled her, her testimony in itself is of no value. It is contradictory within itself, and is in contradiction of other things she has said under oath. Even with the Commission not asking any of the oh, so many questions, any one of which would have proved she was talking about things she just didn't know about and had said she had seen things other than what she did see, - and these were things the Commission staff and members certainly knew should have been asked - she comes through as a witness of whom the most generous comment would be that she was highly undependable. Actually, much worse is the case.

But in addition to that, the Commission knew her to be a perjurer. In addition to that, Mark Lane had challenged to confront him and Mrs. Markham each with a perjury charge. The Commission handled Lane in a manner that even his enemies would probably concede was improper.

Do they confront Mrs. Markham with her admitted perjury? No. When she expresses her concern over getting in trouble, Liebeler assures her he doesn't think she will, tells her not to worry about it, and agrees with her description of what Lane has done in an effort to bring the

26 - Markham

truth out of her perjury, "that was dirty"!

Once the Commission had a tape recording and the transcript thereof, normal procedure would have been to recall the witness and to confront her with her perjury. The Commission elected, instead, to have a staff member go down to Dallas and offer her a chance to cover it up on the ~~ax~~ q.t. When she couldn't, he nonetheless, told her not to worry.