

THE C H A L L E N G E:

This article challenges:

1. President Richard Nixon
2. Congress
3. The American Press and Communications Industry
4. Any Inquiring Reporter
5. The American Public

The challenge takes the form of one specific check on the validity of the Warren Commission's conclusion that Lee Harvey Oswald was the lone assassin of President Kennedy. It is only one of hundreds of checks that have never been made, by anyone, not by the Warren Commission, not by Jim Garrison, not by private researchers, and certainly not by responsible Dallas law officials.

Yet, facts recorded by the Commission and by the cameras of three Dallas news photographers indicate the distinct possibility that the men in the pictures shown herein, participated in the assassination of President Kennedy.

The President of the United States, or a legally constituted group with the power to subpoena Dallas officials and news-men, should check on the following points.

Recommended Investigation:

1. Who are these men?
2. What were they doing in Dealey Plaza?
3. Who are the two policemen who arrested them and escorted them to the sheriff's office?
4. Why were they released with no record kept of who they are?
5. Who released them?
6. Did they fire a shot or shots from the grassy knoll area?

Either - Or:

Either the Warren Commission is right, and these men were completely innocent "Tramps," or they are wrong and these men may have been involved in the assassination. The real

challenge is: If the Commission is right, there should be no reluctance whatsoever on the part of the Dallas police and sheriff's office, and also the "Tramps" themselves, to answer quickly and in an innocent way, each of the six questions listed above.

On the other hand, if the Commission is wrong, any group investigating these men can not only expect to meet with severe resistance from Dallas officials, but possibly violent resistance from unknown sources.

It is for this reason the Challenge is being made primarily to the President and Congress. Although an inquiring reporter or a group from the communications industry might try to conduct the investigation. If the men were involved, such an inquiry might actually be very dangerous. Certainly, it would be blocked at every turn without interstate subpoena power.

The Facts:

A. Testimony

There are two items of testimony recorded in the 26 Volumes of Hearings and Exhibits to the Warren Report, having a bearing on the "Tramps" in the photographs.

These are:

1. Sgt. D. V. Harkness - Dallas Police - Vol. VI, page 312.
2. Sheriff Harold Elkins - Dallas Co. Sheriffs' office - Vol. XIX, page 540.

A third witness was interviewed and tape recorded privately by Mark Lane. Lee Bowers, railroad signal tower operator, gave statements reported in "A Citizens Dissent." The detailed testimony of all three witnesses is reproduced in the last section of this article.

B. Photographs

Seven photographs were taken of the "Tramps" by three Dallas and Ft. Worth newsphotographers; Jack Beers of the Dallas Morning News (2), William Allen of the Dallas Time Herald (3), and George Smith of the Ft. Worth Star Telegram. Four of the latter five photos are reproduced in this article. All seven photos were taken as the "Tramps" were being escorted, presumably under arrest by two Dallas policemen from the rail yards behind the parking lot west of the

Texas School Book Depository Building (TSBD) to the Dallas Co. sheriffs' office in the County building at the north-east corner of Houston and Main Streets in Dealey Plaza.

The Story Constructed From the Facts:

Approximately 1/2 hour after the shots were fired,¹ Sgt. D. V. Harkness of the Dallas police was instructed by Inspector Sawyer, in command of Dealey Plaza activities after the assassination, to go back to the railroad tracks and stop a freight train which was being moved out and search it.² (Refer to Photo #1.) The area where the freight cars were located is to the north and west of the TSBD and north of the grassy knoll area.

Harkness says he arrested some "Tramps" or "Hoboes" who he found in one of the box cars in the railroad area. He says he took them to the station, without saying what station he meant.

The route that Harkness would naturally take if he went to the sheriffs' office with the three "Tramps" is exactly the route portrayed in the series of four photographs shown herein. (See photos 2 through 5.) Photo #3 is on the cover, photos 2, 4 and 5 are in the appendix. Two policemen can be seen escorting three "Tramps" eastward from the direction of the rail yards along the Elm Street extension in front of the TSBD. (Photo #2 and Cover Photo #3.) They turn south in front of the TSBD (photo #4) and proceed down Houston Street to the sheriffs' office. A back, or vehicle entrance, to the sheriffs' office is located in the center of the block on the east side of Houston Street between Elm Street and Main Street. This entrance is directly in front (behind the cameraman) of the five men as they proceed toward it in photo #5.

Two questions arise concerning the second policeman in the photos, assuming Harkness to be the stockier policeman in the rear in photo #2. First, Harkness never identifies a second policeman helping him take the men to the sheriffs' office so we don't know who he was. Second, he is wearing two very strange objects. The first is a pair of strange shoes, or possibly rubbers, and the second is either a hearing aid or a radio communications device in his right ear. (See photo #2.)

¹The approximate time is established by the angle of the shadows in the photographs and by Sgt. Harkness' testimony.

²See Harkness' testimony in the appendix of this article.

Lee Bowers (now dead) tells a somewhat different story. He says he stopped the freight train from his signal tower (see photo #1). He also says about fifty police swarmed all over the freight cars with shotguns and tommy guns and shaking out some "winos" who had been hiding in the box cars. This train would apparently have left the area with the "Tramps" in it if Bowers (or Harkness) hadn't stopped it. Since there were no Dallas police in Dealey Plaza that day (as proven by hundreds of photos of them) with any weapons except shotguns, Bowers' statement must be taken with a grain of salt. Nevertheless, he does confirm the arrest of the "Tramps."³

The story picks up next with Sheriff Harold Elkins⁴ who says that a Dallas policeman turned some prisoners over to him after having arrested them in the railroad yards. Elkins says he took them to the Dallas city jail, a few blocks away from Dealey Plaza, and turned them over to Will Fritz, police captain.

Will Fritz says nothing whatsoever about the "Tramps" in his testimony, nor is there any record in any of the 26 volumes of the arrest or booking or release except what is cited herein.

Speculation:

The physical appearance and expressions on the faces of two of the "Tramps," lead one to the speculation that they were not tramps.

In photo #4 in the appendix the shorter man in front is wearing what appears to be a European style coat and neither of the first two men seem to be wearing tramp-like clothes, upon close examination. The third man (in the felt hat) does look like a tramp, but he also bears a strong resemblance to one of the witnesses called to New Orleans by Jim Garrison. The fact that a majority of witnesses thought at least one shot came from the grassy knoll⁵ coupled with the undeniable evidence of a shot from the knoll area,⁶ leads to the conclusion that the assassin on the knoll (or assassins) must have proceeded west and north after the shots.⁷

³See Bower's statement in appendix.

⁴See Elkins test in appendix.

⁵For proof, see Sylvia Meagher's, "Accessories After the Fact" or Mark Lane's "Rush to Judgement."

⁶See Josiah Thompson's analysis of President Kennedy's head motions at the time of the fatal shot or shots in "Six Seconds in Dallas." See also R. E. Sprague's monograph, "What the Photographs Show."

⁷All photos and movies taken at the time of the shots

Further speculation can be made that three of the assassins on the knoll moved quickly back into one of the freight cars either to hide there temporarily (since the parking lot area and the autos in it would obviously be searched immediately) or to use a railroad train mode of escape.

The greatest suspicion about these three men, however, stems from the fact that no mention is made of their official booking or release by the Dallas police officials. If they were booked and fingerprinted and photographed, then let the Dallas police or FBI (who it is understood, have the police files) produce these records, identify the men, and tell the American people where they are now, so we may hear their story.

Witnesses to be Interviewed:

1. The three "tramps" (if they can be found)
2. Sgt. D. V. Harkness
3. The second policeman in the photos (Harkness should identify)
4. Sheriff Harold Elkins
5. Sheriff C. L. Lewis
6. Will Fritz
7. Jesse Curry
8. Lonnie Ray Wright
9. Sheriff William Decker
10. FBI Officials - Dallas (if they have the police records)
11. The booking-photo-fingerprint officers on duty in the police station November 22.

and later show that no one moved south or east from the knoll area except Mr. Zapruder for some time.

Appendix: Testimony and Photographs

Testimony:

Following are verbatim quotations of the three witnesses' testimony excerpted directly from the Volumes of evidence attached to the Warren report and from Mark Lane's interview with Lee Bowers in "A Citizens Dissent."

Sergeant D. V. Harkness - Dallas Police - Vol. VI, page 312 - Interviewed by David W. Belin.

Mr. Belin: Then what did you do?

Mr. Harkness: I went back to the front, (of the TSBD) and Inspector Sawyer - helped to get the crowd back first, and then Inspector Sawyer assigned me to some freight cars that were leaving out of the yard, to go down and search all freight cars that were leaving the yard.

Mr. Belin: Then what did you do?

Mr. Harkness: Well, we got a long freight that was in there, and we pulled some people off of there and took them to the station.

Mr. Belin: You mean some transients?

Mr. Harkness: Tramps and hoboes.

Mr. Belin: That were on the freight car?

Mr. Harkness: Yes, sir.

Mr. Belin: Then what did you do?

Mr. Harkness: That was all my assignment, because they shook two long freights down that were leaving, to my knowledge, in all the area there. We had several officers working in that area.

Mr. Belin: Do you know whether or not anyone found any suspicious people of any kind or nature down there in the railroad yard?

Mr. Harkness: Yes sir. We made some arrests, I put some people in.

Mr. Belin: Were these what you call hoboes or tramps?

Mr. Harkness: Yes, sir.

Mr. Belin: Were all those questioned?

Mr. Harkness: Yes sir, they were taken to the station and questioned.

Deputy Sheriff Harold Elkins - Vol. XIX, p. 540. Excerpt from Supplementary Investigation Report to Dallas Co. Sheriff 11/26/63.

"A while later a City of Dallas policeman came to our office with three prisoners who he had arrested on the railroad yards. I took these three to the city jail and turned them over to Capt. Fritz."

Lee H. Bowers - Statement given to Mark Lane, taped and filmed and reported in Lane's book, "A Citizens Dissent," page 215.

Bowers: "During this period there were some trains moving through the railroad yards and these trains had been stopped for some reason or another just a little south of my area (Bowers Signal Tower) and since there was the possibility that someone could have climbed aboard these, this freight train primarily, I pulled the train up immediately opposite the tower after alerting the police that I intended to do so, and I stopped the train and I gave them a chance to examine it, and to be sure that there was no one on it."*

*"As a matter of fact," Bowers told me, "there were three people on it (the freight train) who appeared to be winos, and were perhaps the most frightened winos I've ever seen in my life, since there were possibly 50 policemen with shotguns and tommy guns and various other weapons shaking them out of these box cars. And this was perhaps their rudest shakedown off of a freight train in their lives, perhaps their last. It might have cured them."

Photographs:

The following five pages contain photographs taken by news photographers, as follows:

Photo #1: Aerial view of Dealey Plaza, TSBD and freight yard area. Taken by Jerrold Cabluck, Ft. Worth Star Telegram at approximately 3:00 p.m. on November 22, 1963. Lee Bowers' tower can be seen in the upper left corner in the railroad freight yard area. Several freight cars are still in the area, although the train Harkness referred to has

undoubtedly moved out since nearly two hours had elapsed between the arrest and the time of this photo.

The direction toward the top of the photo is north. The TSBD is in the top center on the Elm Street extension and the Sheriff's office is on the right side of Houston Street which runs north and south.

Photo #2: Showing three "tramps" and two policemen walking east on the Elm Street extension in front of the garage entrance to the TSBD.

Taken by George Smith of the Ft. Worth Star Telegram.

Photo #3: (Cover Photo) Showing the three "tramps" in front of the TSBD walking east on the Elm Street extension.

Taken by George Smith of the Ft. Worth Star Telegram.

Photo #4: Showing the "tramps" and policemen proceeding across the corner of Houston and Elm, south and away from the TSBD toward the vehicle entrance to the Sheriff's Office on Houston Street.

Taken by William Allen of the Dallas Times Herald

Photo #5: Showing the "tramps" and policemen approaching the Sheriff's Office, vehicle entrance on Houston Street (just off camera to the right).

Taken by William Allen of the Dallas Times Herald

8/29/69

Dear Dick,

Thanks for the copy of your article.

Hear you've done a book, too.

Did have a pleasant visit with Bob Cutler. Very nice guy.

I told Longbottom to write you because he may have photogrammetry facilities available in England.

I've just finished and am reading and correcting a book-length addition to one of the limited editions I've done. Keeps me busier than the busy usual.

No word from N.O., where I'm as unpopular as a man can be who accurately calls the shots in advance. Have you gotten any of the transcripts? Some of very good, important. Oser did some fine work, with Alford. Two nice guys.

Thanks and best to everyone.

Sincerely,