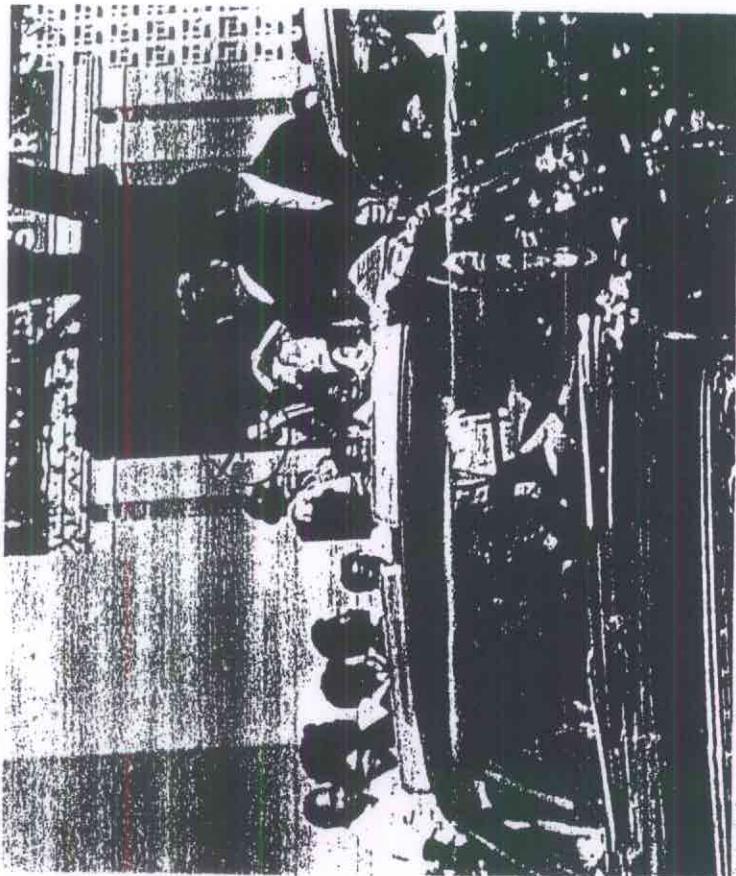


This picture shows how the police carelessly kept evidence. Here you can see that the placket and the stay were touching. This could explain the fibers found on the org. Evidence #8 shows the shirt Oswald was wearing which matches the shirt shown in Exhibit 369.



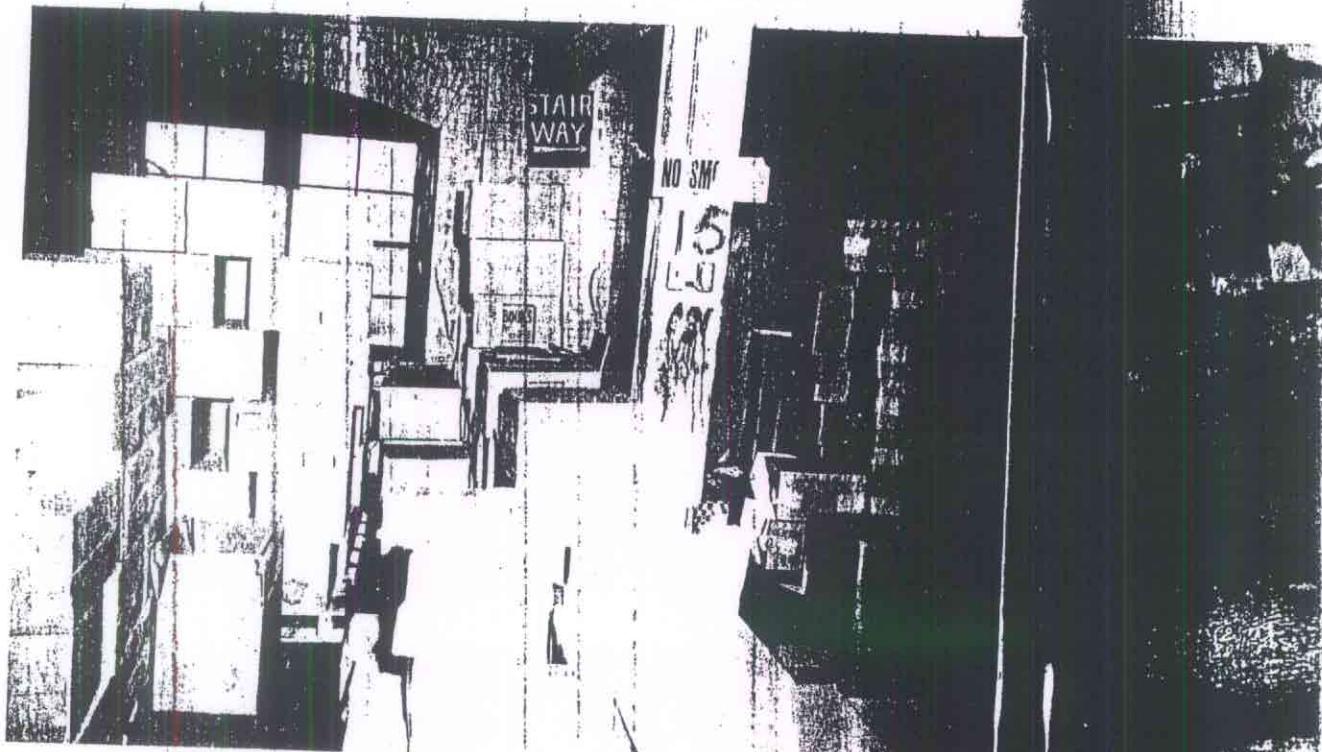


Commissioner DeMaur 300

This picture could possibly prove Oswald's innocence. The man circled looks very similar to Oswald. Also, the shirt the man is wearing is the same shirt style that Oswald was wearing that day.

This picture shows how it would be impossible  
for Oswald to walk directly across that sixth floor.  
Many stacks of books would be his hinderance.

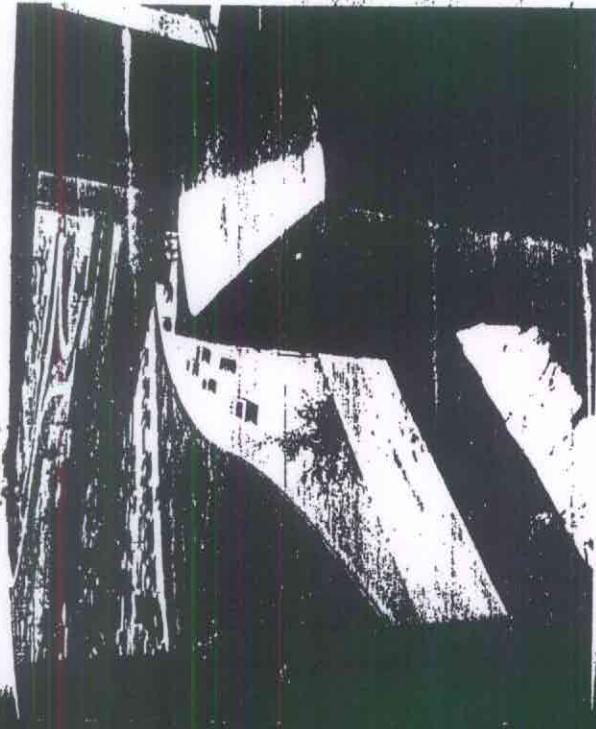
53



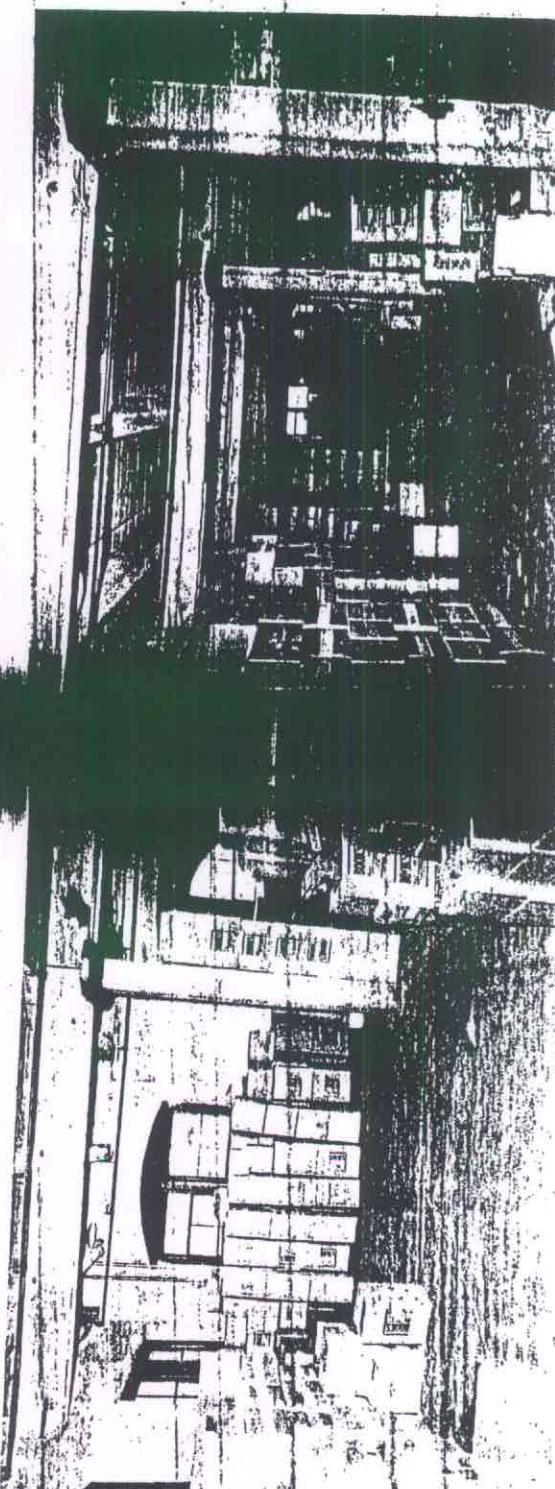
COMMISSION EXHIBIT 719

Exhibit 724 shows a setup  
of the snipers nest. This does  
not agree with pictures taken  
outside "line TBC."

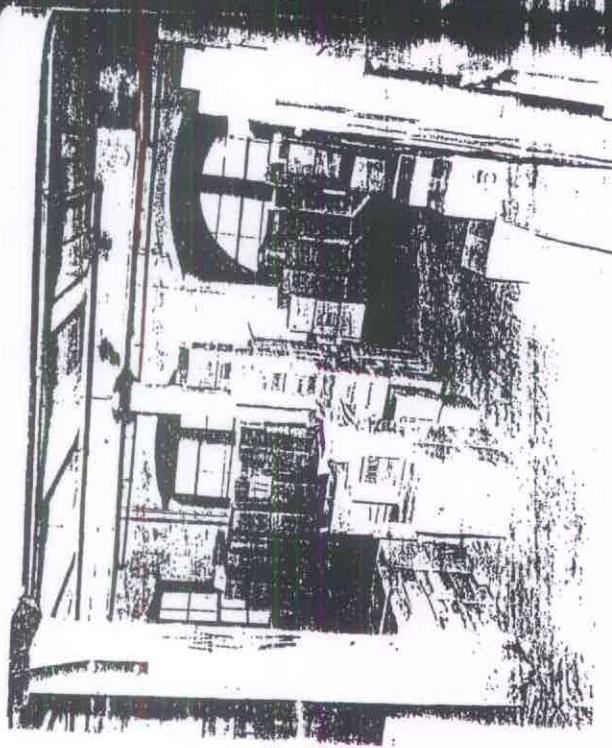
These other pictures also show  
how cluttered the sixth floor  
was back then.



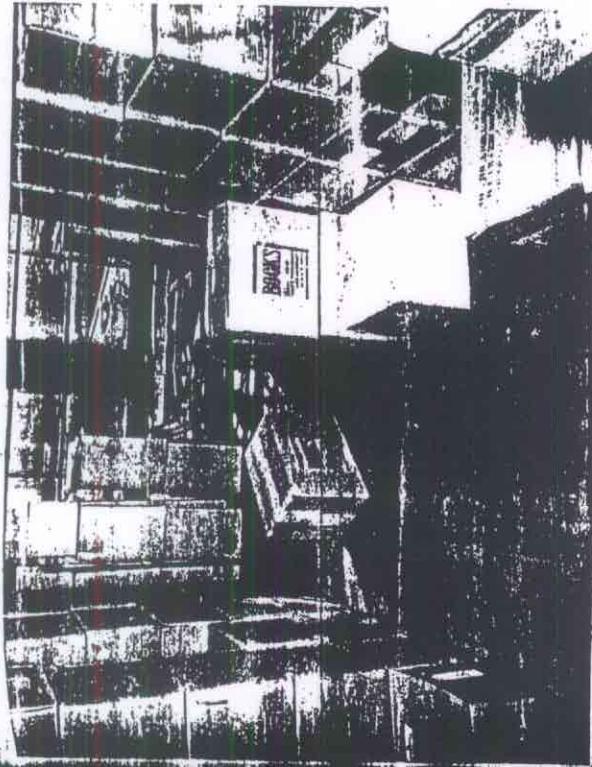
COMMISSION EXHIBIT 724



54.

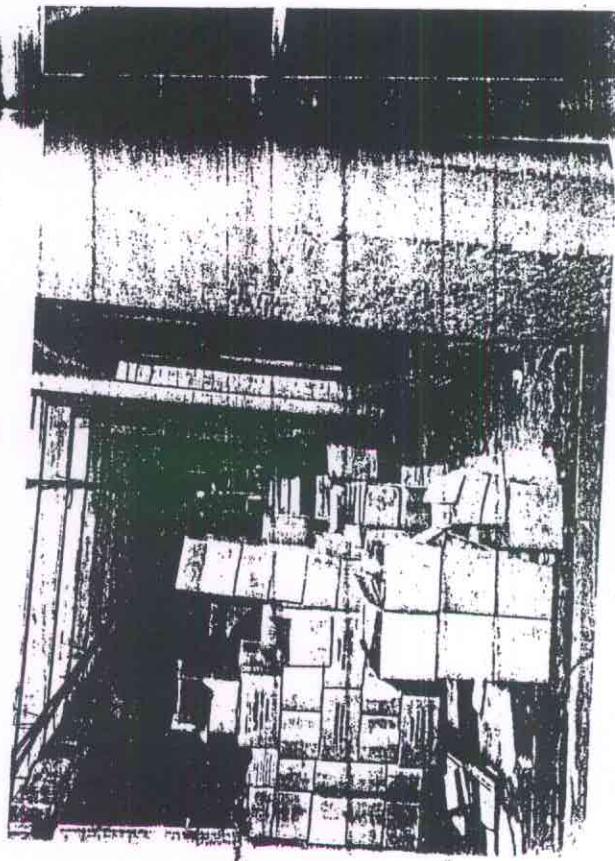


COMMISSION EXHIBIT 728



COMMISSION EXHIBIT 728 \*

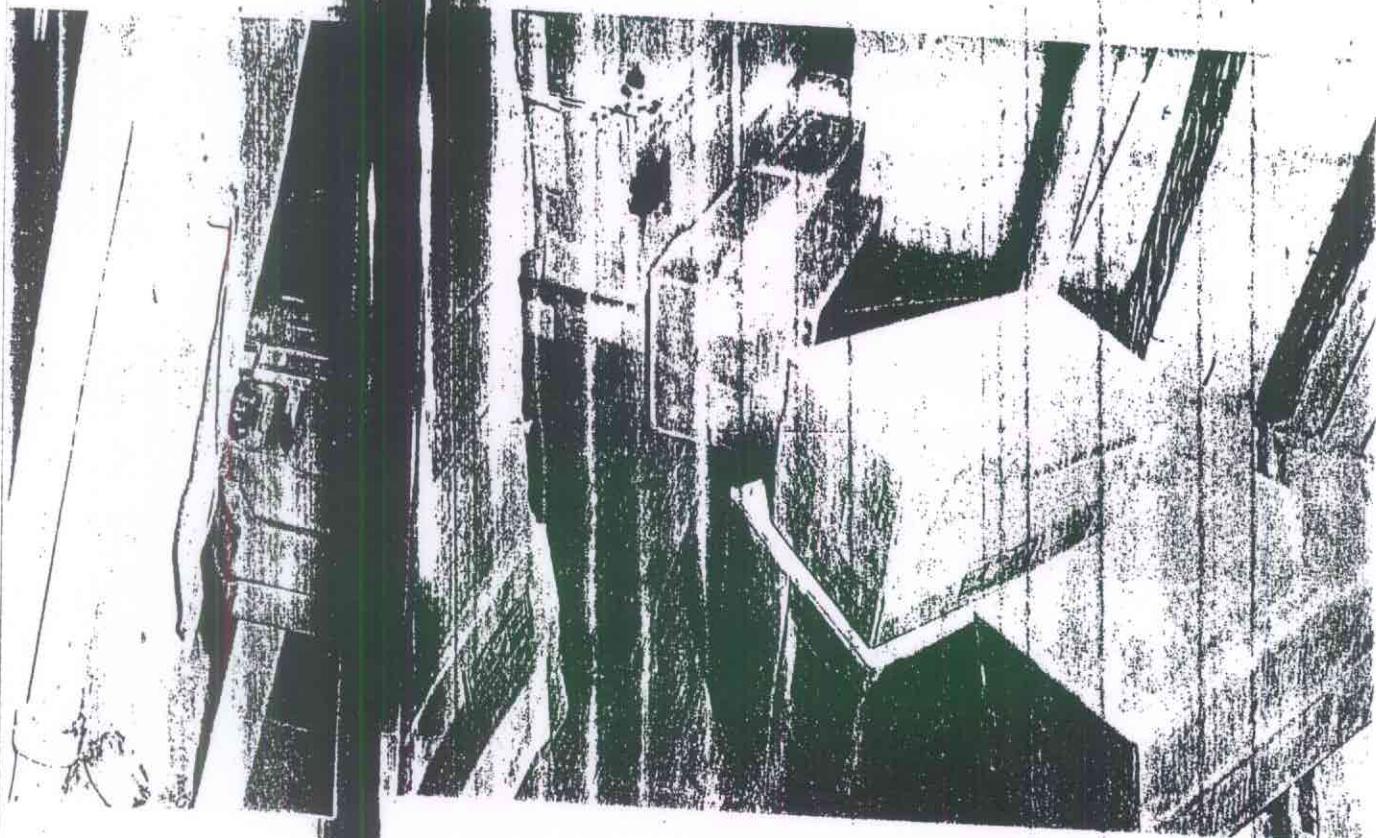
These picture also support the idea that Oswald could not have walked directly across the sixth floor as suggested by Posner.



COMMISSION EXHIBIT 782

56

- 1071a



COMMISSION EXHIBIT 783

This shows the alleged sniper's nest.



To the doubtless reader, Posner's book Case Closed may be a plausible conclusion to the assignation of John Fitzgerald Kennedy. But if the reader checks the credibility of Posner's facts, he will realize that Case Closed is nowhere closer to closing the case than others. In order to prove a suspect is guilty, investigators must either obtain substantial evidence and or positive identifications. Neither of which the Warren Commission had. To convict Lee Harvey Oswald, the investigators had to alter the testimonies of witnesses and ignore legal procedures. Throughout Posner's book, he never mentions any of this happening, but in fact it happened one time too many. These events occurred when the attorneys would lead the witness on by giving hints to the witness as what to say. This was also done by taking unaltered testimony and leaving out important facts which would hinder their desired results.

One of the most notable instances cases of ignoring legal procedures occurs in one of the Warren Commission's interview with Helen Markham. The attorneys who were interviewing witnesses had previous knowledge of the witnesses and what they would say. Knowing that Mrs. Markham was a hysterical woman whose opinion could easily be swayed, the attorneys got her to say what they needed with little effort. Mrs. Markham claims that she was a witness to the Tippit murder because she was standing on a street corner near the scene of the crime(Posner 275). Having witnessed the shooting, Mrs. Markham was taken to the line-up to identify the killer. From her testimony, the Commission stated that she identified the killer as Lee Harvey Oswald. But looking at the transcript of her testimony at the line-up we can see otherwise.

*Ball:* Now when you went into the room you looked theses people over, these four men?

*Mrs. Markham:* Yes, sir.

*Ball:* Did you recognize anyone in the line-up?

*Mrs. Markham:* No, sir.

*Ball:* You did not? Did you see anybody-I have asked you that question before-did you recognize anybody from their face?

*Mrs. Markham:* From their face, no.

*Ball:* Did you identify any of these four people?

*Mrs. Markham:* I didn't know nobody...I had never seen none of them, none of these men.

*Ball:* No one of the four?

*Mrs. Markham:* No one of them.

*Ball:* No one of all four?

*Mrs. Markham:* No, sir.

*Ball:* Was there a number two man in there?

*Mrs. Markham:* Number two is the one I picked....Number two was the man I saw shoot the policeman....I looked at him. When I saw this man I wasn't sure, but I had cold chills just run all over me....

(3H 310-311)

According to Posner's view of the lineup, "There, she quickly selected Oswald" (Posner 275). Only in a footnote does Posner quote her actual testimony but conveniently leaves out portions which contain the most significant importance, "But when asked if she picked Oswald out of the line-up because of his clothes or face, she said,'Mostly from his face....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'(Posner 275).

William Whaley drove the taxi which picked up Oswald after his bus ride and dropped him off about five blocks from his boarding house. Posner only mentions Whaley's involvement in Oswald's flee from Dealy Plaza. He fails to discuss Whaley's testimony at the line-up.

...you could have picked [Oswald] out without identifying him by just listening to him

because he was bawling out the policeman, telling them it wasn't right to put him in line with these teenagers....He showed no respect for the policemen, he told them what he thought about them...they were trying to railroad him and he wanted his lawyer....Anybody who wasn't sure could have picked out the right one just for that  
(Meagher 257)

After reading only two testimonies of Lee Oswald's line-up, it makes no wonder how almost all of the witnesses picked him as the killer. What is surprising is why some didn't identify Oswald, perhaps they were honest witnesses who knew that Oswald wasn't at the scene of the Tippit murder.

One of the most crucial aspects of investigating the Tippit murder is the time at which things occurred. Oswald could have easily been acquitted by proving that there was no possible way for him to have left Dealy Plaza, run into the witness, and shoot officer Tippit. The Warren Commission proved this on accident only they don't parade their results around. Both Posner and the Warren Report try to add as much time as allowable to Oswald's flight in order to prove that he could have shot Tippit. Try they may, but to honestly add the times together gives a figure that proves without a doubt that Oswald wasn't at the murder scene. But Posner recreates Oswald's path using false times. He does this by shaving off a few minutes here and there from a few witness' testimonies and completely disregarding others. The most obvious example of this is when Posner doesn't account that T. F. Bowley looked at his watch immediately after the murder. Bowley's watch said 1:10(CE 2003, p.11). This is five to ten minutes before the Commission had stated possible for Oswald to even arrive to the scene. The Warren Commission, FBI, and the

CIA are just as much to blame because they never asked Bowley to testify. This more than likely occurs because his time didn't match with what they needed to prove LHO's guilt. Since no one else was completely sure of the time these groups felt that they would get away with this.

Returning to some of the witnesses in the Tippit murder, the lineups aren't the only problems with most of them. Many of those whose testimony is relevant to the murder are questionable at best. Having left his boarding house at 1:03 or 1:04 PM, the estimate of the Warren Commission, Oswald somehow had to make it nine tenths of a mile in ten minutes tops, in order to be on Tenth Street by the time Posner claims. Of course, this is already an impossibility because the commission's own findings indicate that this particular walk takes somewhere around seventeen minutes and forty-five seconds, causing him to arrive much later than T. F. Bowley's call to the police following the murder. Needless to say, the commission did not call Bowley to testify.

William Whaley is the first of the witnesses from whom it is difficult to attribute much credibility. During his testimony he claimed three different addresses where he dropped off Oswald (Whitewash 53). Also, as it seems the case with most of the Tippit witnesses, he is not entirely clear on what Oswald was wearing, mentally putting him in either a grey or blue jacket. Both colors were incorrect (Whitewash 53).

Following his departure from his boardinghouse, where housekeeper Earlene Roberts says he appeared to be waiting for a northbound bus (in the opposite direction of the

murder, as stated in her affidavit), he walked roughly southeast. This the commission had to establish in order to get him anywhere near Tenth Street on time, in which they failed, anyway. Here Helen Markham, she of the infamous lineup mentioned earlier, testified at one time (inconsistent with her claims at others) that Oswald was walking southwest to northeast, the exact opposite direction that the commission and Posner want people to believe (Whitewash 56). Posner apparently forgot to allot enough time for Oswald to overshoot the scene of the murder and then return.

Mrs. Markham's description of the killer does not exactly reflect Oswald, either. She described him as having black hair and wearing a white shirt and a white jacket. Oswald's hair is brown and he was not wearing those clothes at the time of his arrest at the Texas Theater (Whitewash 57). Judging from her condition after the murder, it is perhaps understandable as to why her testimony wavered so much. She was hysterical to the point that she was given sedatives before her participation in the lineup, and she also claimed that Tippit had tried to speak to her for some twenty minutes (Accessories 256). It is accepted that Tippit died instantly from his wounds. Posner, feeling sympathetic toward one of his star witnesses, decided to reduce "sedatives" to "smelling salts" (Case Closed 275).

After removing two shells from his gun, which will be discussed later, Oswald supposedly walked directly past cab driver William Scoggins, who was eating his lunch nearby and later identified Oswald in a lineup. Scoggins said he witnessed the murder, but in actuality a bush was blocking his view (Accessories 256). From here he reportedly walked in the direction of the theater. Incidentally, the Warren Commission inadvertently established in its findings that Oswald, on average, walked a block a minute. However, it took him thirty minutes according to their reconstructions to stroll the five blocks from the murder scene to the theater.

One other witness that the commission decided not to call on was Johnny Calvin Brewer, a shoestore manager near the theater. He described a man who later entered the theater: "He just looked funny to me. Well, in the first place I had seen him somewhere before. I think he had been in my store before. His hair was messed up and looked like he had been running, and he looked scared, and he looked funny" (Whitewash 60). Posner himself describes Oswald through the entire time between the assassination and his arrest as very calm, not the disheveled, out of breath person that had just run the last many blocks as Oswald should have been. Brewer was also left out of the Warren Commission's proddings (Whitewash 60).

The ballistics of the incident also have to be explored. Five witnesses, whether eye or ear, claim to have heard two or three shots. But the autopsy report is missing, and the commission established Tippit's wounds as four in number. This is in direct conflict with the Dallas police report which states that Tippit sustained three wounds, "one time each in the hand, chest and stomach" (Whitewash 57).

Posner makes no attempt at all to explain why a man who had just shot a police officer in plain view of other people decided to stand there for a few moments to discard a couple of empty shells from his gun. The shells were found by the two Davis women after "Oswald" had already "fled" the scene, and along with two shells picked up by Domingo Benavides, it would seem that four wounds may have been an accurate number for Tippit (Whitewash 58). However, the police also located an automatic casing which did not correspond with Oswald's .38 caliber gun (Whitewash 58). Also, the other shells were too badly mutilated to match to Oswald's gun (Accessories 258). Posner claims one of the bullets had matched well enough with the gun, but apparently this is not true.

Another problem with the gun is why Oswald would have elected to remove shells one at a time from his gun. According to Harold Weisberg, Oswald's .38 appeared to have

an ejecting mechanism of some kind, which would automatically eject all cases at the same time (Whitewash 58). Weisberg ponders why anyone with any intelligence would deliberately remove shells one at a time. He states, "...nothing could be more suspicious than the discarding of empty shells at the scene of the crime. Nobody is that stupid and nobody ever accused Oswald of being stupid. Dropping the empty shells could be intended for only one purpose, to have them found and identified" (Whitewash 58).

Perhaps the best question that could be posed to Gerald Posner and the Warren Commission is this, in reference to the commission's reenactments of Oswald's nonsensical flight by Weisberg: "If Oswald had shot both the President and Tippit, the one time he was really clear began within a minute or two of the second shooting. He had left \$170.00 in Irving; he had \$14.00 with him. He was unseen for almost a half-hour. When he had made his getaway, so far as he knew and as the evidence shows, why would he have bottled himself up in the blind alley of a theater?

"The answer of the Report is that he wanted to get caught. Then why run?" (Whitewash 63).

Good question.

#### Works Cited

Meagher, Sylvia. Accessories After The Fact. New York: Vintage Books, 1967.

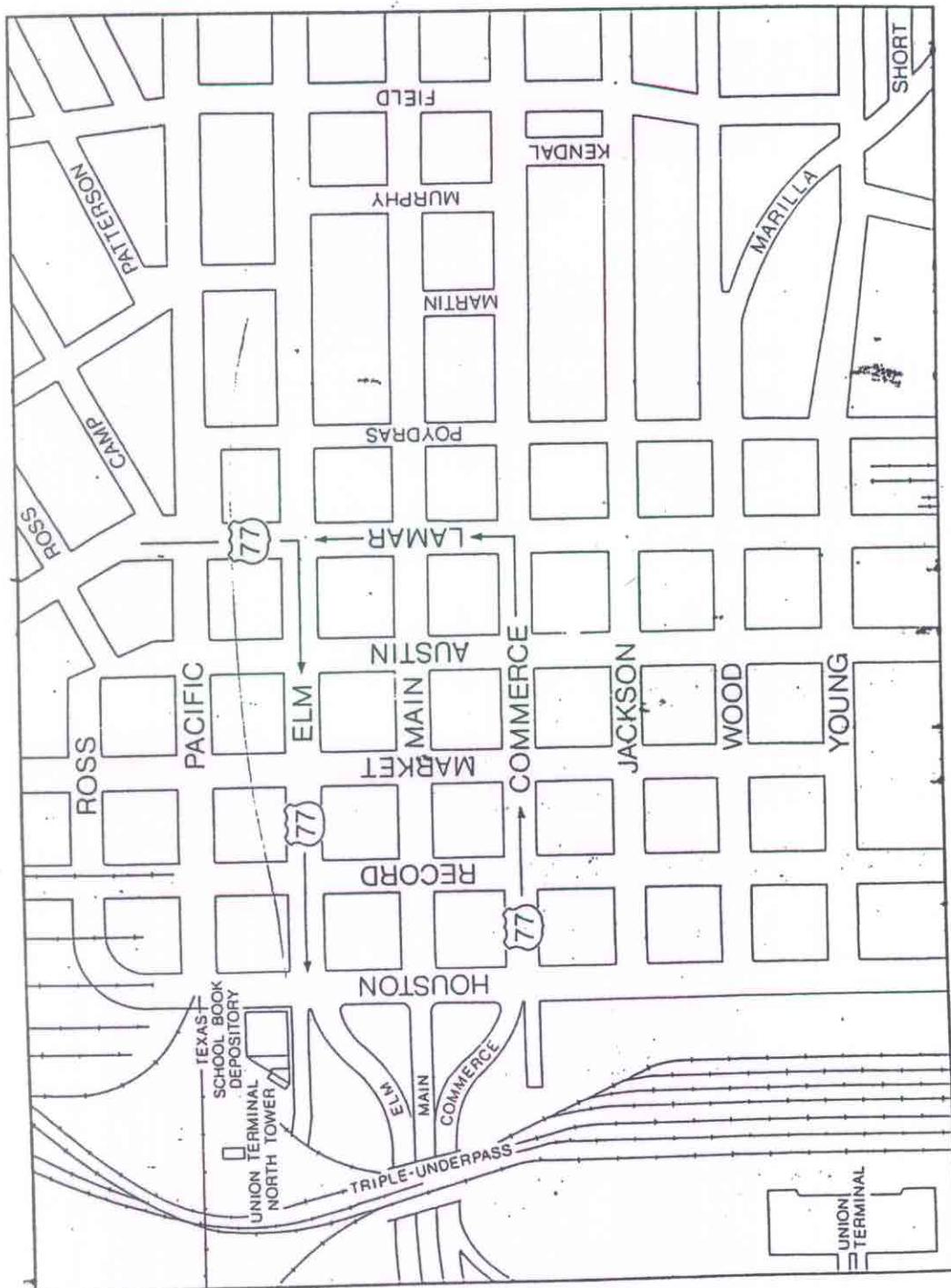
Posner, Gerald. Case Closed. New York: Random House, 1993.

Weisberg, Harold. Whitewash: The Report On The Warren Report. Hyattstown, MD:

Weisberg, 1965.

Weisberg, Harold. Whitewash II: The F.B.I.-Secret Service Cover-Up. Hyattstown, MD:

Weisberg, 1966.



Map 1. General Assassination Scene



them (Barbara Jeanette Davis, Virginia Davis, Ted Callaway, and Sam Guin) identified Oswald after viewing a line-up on Friday. I discount those four identifications for the reasons already given. Moreover, there is reason to question whether Callaway really saw a man fleeing the scene, as he claimed, as may be seen from the testimony of Domingo Benavides (Callaway's employee).

... when Ted Callaway got around there, he opened the car door and picked up the phone and called in and told them there was an officer that had been killed.... Then he jumped out and ran around and asked me did I see what happened, and I said yes. And he said let's chase him, and I said no. . . . So he then turned around and went to the cab that was sitting on the corner. . . . And so Ted then got in the taxicab and the taxicab came to a halt and he asked me which way [the killer] went. I told him he went down Patton Street toward the office, and come to find out later Ted had already seen him go by there.

Indeed, it is paradoxical that Callaway, who supposedly had seen the killer after he turned the corner and was out of Benavides' range of vision, should have asked him "which way he went." The lawyers for the Commission seem to have been immune to discrepancies of this kind; predictably, they did not pay attention to this contradiction.

Other witnesses who saw a man fleeing the scene were never contacted until the end of January 1964, two months after their fleeting glimpse of an unknown man. Several of them identified Oswald from a photograph as the man they had seen two months before—however, they did not select his photograph from a group, according to standard practice, because they were shown only Oswald's picture. That such "identifications" are worthless is, of course, self-evident. The Commission makes itself ridiculous by asking us to regard them as serious evidence.

Some of the witnesses who were contacted at the end of January did not identify Oswald. One of them, Warren Reynolds, was shot in the head the next day. (This will be discussed in a later chapter.) He recovered and conveniently reversed himself, in July 1964, and at that time identified Oswald from a photograph shown him during his Commission testimony. L. J. Lewis, on the other hand, maintained that he had been too distant from the man to identify him—an obstacle that did not deter two witnesses in the same location as Lewis from identifying Oswald from a photograph, on January 22, 1964.

The eyewitness identifications are highly vulnerable and would have been torn to shreds in a courtroom. What other evidence, then, remains to incriminate Oswald? A jacket discarded near the Tippit scene, which will be discussed in detail later, and the fact that four discarded shells matched the revolver which Oswald is said to have had on his person when he was arrested in the Texas Theater. As we shall see, the four shells do not correspond exactly with the four bullets recovered from Tippit's body, and the bullets themselves were too mangled to be identified as having been fired from any specific weapon. Conse-

sequently, the Commission has no conclusive proof of Oswald's

first-person story by Dallas Police Officer N. M. McDonald, in which he gives an account of the arrest of Oswald in the Texas Theater. The story appeared in the *Dallas Morning News* of November 24, 1963.<sup>4</sup> McDonald wrote that while he was cruising toward Oak Cliff the police got a tip that a "man acting funny was holed up in the balcony of the Texas Theater. . . . The cashier at the picture show was the one who called in to say this guy was acting suspicious and hidden out in the balcony." There were ten to fifteen people in the theater, "spread out

good" (only two of whom gave evidence, the others remaining unknown to this day). "A man sitting near the front, and I still don't know who it was, tipped me off." The man I wanted was sitting in the third row from the rear, not in the balcony" (this is not the story as told in the Warren Report or in the testimony of Johnny Calvin Brewer, the shoe-salesman who supposedly pointed Oswald out). "I went up the aisle, and talked to two people sitting about in the middle. I was crouching low and holding my gun in case any trouble came." McDonald, according to his published story, then approached Oswald, who muttered that it was all over now and hit him "a pretty good one" in the face with his fist. "I saw him going for his gun and I grabbed him around the waist." They struggled; McDonald got his hand on the butt of the pistol but Oswald had his hand on the trigger. McDonald pulled the gun toward him and heard the hammer click. "The primer was denied and it didn't fire."

There are many discrepancies between McDonald's newspaper story and the final version of the arrest. For example, here is a passage from the testimony of FBI firearms expert Cortlandt Cunningham.

Eisenberg: Now, Officer McDonald's statement that the primer of one round was dented on misfire: as far as you can tell, could this statement be confirmed?

Cunningham: No, sir; we found nothing to indicate that this weapon's firing pin had struck the primer of any of these cartridges.

Did an experienced police officer really make so gross an error as to see a dent where there was none?

Even more intriguing is McDonald's statement that he was crouching low and holding his gun as he approached Oswald. Here is a truly sensational admission, one which undermines the whole official version of the arrest—for no one of sound mind can possibly believe that Oswald punched McDonald, or tried to draw his own gun, while the policeman's gun was already pointing at him.

After the story of November 24, McDonald never suggested in his testimony or reports that he had his revolver in his hand as he approached Oswald, but that is what he wrote right after the event, when the predispositions of the case were not yet clear.

The Warren Commission undoubtedly studied the contents of the Dallas newspapers which appeared both before and after the assassination. Surely the Commission did not overlook McDonald's signed story, with its startling implications. Yet when McDonald testified before the Commission, he was not

(5) The dispatcher tried to contact Tippit at 1 p.m. for an apparent purpose which is completely inconsistent with the authenticity of the 12:45 and messages.

(6) Tippit's failure to respond to signals at 1 p.m. remains unexplained. 1:08 call to the dispatcher comes after too long an interval to be regarded as response to the 1 p.m. signal, if Tippit was merely cruising at a leisurely speed on quiet streets where there was no incident requiring police action until he himself was shot.

(7) The dispatcher's signals to Tippit after a citizen's report of a shooting without reason to believe that Tippit was in the district and before any indication that Tippit was the victim—remain unexplained and may point to clandestine activities on Tippit's part which would nullify the official theory of his murder.

### Tippit and the Pedestrian

In the early days of the case police spokesmen maintained that Tippit had been the police radio description of the suspect in the assassination and on that basis had halted the pedestrian who shot him. Skeptics ridiculed this as being ultra inconsistent with the facts and with an eyewitness description of the encounter. Rumors circulated that Tippit and Oswald were known to each other, and published speculations suggested that the two men were involved in a plot to assassinate the President.

The Warren Report later asserted that there was no evidence that Oswald and Tippit were acquainted, had ever seen each other, or had any mutual acquaintances. There was no way to determine with certainty whether Tippit recognized Oswald from the description broadcast on the police radio, but it was "conceivable, even probable," that Tippit had done so. (WR 651)

Information in the Hearings and Exhibits provides cause for serious reservations about the Commission's assertions and reasoning. I have already pointed out that the radio log throws grave doubt on the official explanation of Tippit's movements and that at 1 p.m. he was mysteriously absent from his car, often confused for other reasons to reply to the dispatcher's signal. We do not know what Tippit was doing between 12:54 p.m. and the time he was shot, but there is nothing to suggest that he was stopping pedestrians who fit the description of the assassination suspect, an "unknown white male, approximately thirty, slender build, height five feet ten inches, weight 165 pounds, reported to be armed with a .30 caliber rifle." (CE 705) It would be amazing if Tippit saw no male pedestrian on the streets of Oak Cliff between 12:45 and the time he was shot given that vague description. Did Oswald, viewed from behind, fit the description? He was younger than thirty by six years; was not armed with a rifle. It would be even more remarkable, then, if Tippit stopped him and no one else.

education on the police radio? Only one witness claims to have seen what happened. Mrs. Helen Markham:

*Markham:* He was driving real slow, almost up to this man, well, say this man, and he kept this man kept walking. You know, and the police car going real slow now, real slow, and they just keep coming into the curb, and finally they got way up there, a little ways up, well, it stopped.

*Bell:* The police car stopped?

*Mrs. Markham:* Yes, sir.

*Bell:* What about the man? Was he still walking?

*Markham:* The man stopped. ... 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. ... The window was down. ... Well, I didn't think nothing about it, you know, the police are nice and friendly and I thought friendly conversation. Well, I looked and there were cars coming, so I had to wait. ... This man, like, I told you, put his arms up, leaned over, he—just a minute, and he drew back and he stepped back about two steps. ... The policeman calmly opened the door, very slowly, wasn't angry or nothing, he calmly crawled out of this car, and I still just thought a friendly conversation. (3H 307)

This encounter as Mrs. Markham has described it is compatible with any number of causes. Tippit might have stopped the man to ask for a match, and they might have exchanged comments about the shooting of the President less than an hour before. Tippit might have stopped an acquaintance and stopped to ask about his sick mother was feeling. The scene sketched by Mrs. Markham suggests that the pedestrian made no attempt to avoid the policeman and that he exhibited no signs of alarm or tension. This hardly suggests a man unnerved by fear and guilt or a man who had spent the preceding 45 minutes darting about on foot and by vehicle in an "escape." Tippit's behavior is even less compatible with the Commission's theory. He should have known better than to leave the car if he had been suspicious of the man he stopped. He should have summoned reinforcements on the police radio, just as another officer did who was working alone and found a man whom he wished to arrest, as shown in the radio log. (CE 1974, pp. 48-51) He might have told the man to get into the car to be taken to the police station for questioning. But why should Tippit leave the car under the circumstances which the Commission considers "conceivable, even improbable?" He did not leave the car in order to search the pedestrian for a concealed rifle. He did not leave the car to subdue by force a suspect who had made a gesture of resistance and didn't try to run away. If Tippit had stopped the pedestrian—whether Oswald or someone else—on suspicion that he was the presidential assassin, it was reckless and probably against regulations for him to leave his car. It seems to me that a solitary policeman seeking to apprehend a dangerous criminal would first have called on the police radio to give information, ask instructions, and seek help.<sup>6</sup> That is what was done by other officers.

(Black)

## 6. THE TIPPIT MURDER

If the Tippit murder had not happened, it would have had to be invented. There is reason to believe that, in effect, that was.

The assassination case against Oswald was no case at all. It was on coincidences, conjectures, speculations, and eyewitness accounts of such dubiousness or non-sensicality that the court. Above all, it depended upon a willingness to believe. The willingness was supplied by the murder of Tippit. As the police based upon this "coincidence" and wholesaled their version to an up-world clamoring for the capture of the assassin, there seemed to be no question in this murder. Innumerable dependable witnesses saw nothing - the shooting, the flight, and the capture.

Nothing could be further from the truth. The so-called evidence in the Tippit case is a tissue so thin, the Commission should be seen through it without difficulty. But its myopia in the Kennedy assassination turned into blindness in the Tippit killing. The Commission accepted the police version of the Tippit slaying without any audible question. With all of its powers, with the qualified investigative resources upon which it could draw, even with ability to compel testimony sheltered from cross-examination, for of the wanted eyewitnesses and the so-called "ballistics evidence", it wound up with a case so feeble that it lacks even the official certification that Tippit is dead!

As with the solution of the assassination, when the Commission faced with undesirable alternatives, choosing the unbelievable version of the Dallas police and launching its own real investigation, Commission chose to stick with the pat story which most Americans had been cozened into believing. The police lost all interest in any suspect when they had Oswald in hand. This is clearly established by the 362 typecast pages of the three otherwise contradicted versions of the same radio logs, which reveal the existence of the consequences of destroying the reconstructed "solution" of the Tippit murder. Had it done so, the "solution" of the assassination had have been jeopardized. Then all the questions crying to be decided would have been heard.

Both the police and the Commission made the same decision: With Lord in hand, why beat the bushes?

The result in the Tippit case was that the Commission proved old could not have been the murderer. For all the care used in writing the Report, with all that its authors were able to suppress the evidence - and no other word will do - there emerged a highly questionable story. Examination of the misrepresented, scattered, avoided and suppressed evidence in the supplementary volume's was a shocking story.

Having gotten Oswald out of the Texas School Book Depository building at 12:33 P.M., in defiance of its own unimpeached evidence, Commission then got him to his roominghouse at 1026 North Beck Avenue in the Oak Cliff area by a combination of fast shuttle and snuffle - the shuttle on the transportation and the shuffle of

the witnesses and their testimony. To get to his roominghouse, Oswald had to take a bus that went past the Book Depository Building to the west. With the confusion already beginning in the area and the even greater confusion certain rapidly to ensue, we are to believe that he walked seven blocks to the east to catch an oncoming bus that would be bound to get caught in the traffic jam. He stayed on this bus just long enough to involve the Commission with two of the most fantastic of its witnesses and left in time to involve it with another. The reader is encouraged to compare the testimony quoted by the Report with what they actually said. This section of the Report is entitled "Oswald's Movements After Leaving Depository" (RL57-65).

Cecil McWatters was the busdriver. He had his own private candidate for assassin - not Oswald - and voted for him at the McWatters' recollection alone was too vague to be a basis for placing Oswald on the bus" (RL59).

He was reinforced by Mary Blodsoe. She generously, if injudiciously, provided the Commission with the kind of purple language it could quote and it did, but not in context. The Report cited the phrases: "I didn't like his attitude"; "just didn't want him around me"; "there was something about him I didn't like"; "he looked so bad in his face, and his face was so distorted" (RL59). Any meaning in all but the last quotation really has to be supplied by the reader. Mrs. Blodsoe was alone in her opinion of Oswald's viilage.

In half a sentence, the Report condensed Mrs. Blodsoe's testimony about Oswald's shirt, saying, "Mrs. Blodsoe identified the shirt as the one Oswald was wearing and she stated she was certain that it was Oswald who boarded the bus" (RL59). The Report found no space for the means by which she identified the shirt - it alone was shown her by government agents. Nor did it find it necessary to quote her testimony that prior to being shown the shirt she had never seen it.

Four blocks after leaving the bus on which, to the Commission's good fortune, he was seen by McWatters and Mrs. Blodsoe, Oswald took a cab driven by William Whaley. It was Whaley who in his testimony escalated the size of the four-man police lineup to six and delivered Oswald to three different addresses, including an intersection of two streets that run parallel. Of Whaley's identification of Oswald's clothing, the Report says he identified Oswald was wearing either the grey zippered jacket or the heavy blue jacket. He was neither, but Whaley swore he was wearing both. So is the Report. Oswald was wearing

Whaley's commentaries on the Dallas police, which began with the flat statement that they had prepared for him a statement to which he swore, identifying Oswald before viewing the lineup, the Report found unorthy of mention. It did, however, refer with Whaley's accuracy to his performance at the lineup: "Whaley said that Oswald was the man under No. 3" (RL61).

After a dose of Whaley, the authors of the Report may be forced to ignore the official numbers and count. Not from left to right, that is how Oswald got to be No. 3. In his final appearance before the Commission, Whaley resolved the problem with which he had confronted it with this affidavit in which he said Oswald was the No. 3 man. Although each position had a number over it, and Oswald was under the number "No. 2", Whaley decided to ignore the official numbers and count. Given almost anything, Oswald was under number 2, regardless of what the Report says (6RL30).

The confusion in the addresses to which Whaley said he took Oswald was resolved in the Report in the sense way it resolved the contradiction in Whaley's mandat, which showed the wrong time. It just got him to say he had been wrong and what the Commission

needed in its race against time was right. So, as Oswald had, according to the Commission, seen fit to walk seven blocks in the wrong direction to catch his bus, he also rode the cab five or more blocks past his roominghouse and then walked back (RL62-3). By means of clocking both the cab ride and the walk, with the help of Whaley's verbal correction of his written manifest, the authors of the Report felt they were able to say that Oswald got to the roominghouse at 1 o'clock. Perhaps the exact language, which makes mention of the other address Whaley gave, might be more interesting. Oswald "would have entered the cab at 12:47 or 12:48 P.M." because he left the bus at 12:44. The cab ride took six minutes.

"If he was discharged at Neely and Beckley (the Commission's preference) and walked directly to his roominghouse, he would have arrived there about 12:59 to 1 p.m. From the 500 block of North Beckley (the address in the manifest, two blocks farther from the roominghouse), the walk would be a few minutes longer, but in either event he would have been in the roominghouse at about 1 p.m." The Commission was going to get him there at 1 p.m. comes hell, high water or fact, because, as it will soon be seen, 1 p.m. was really too late, anyway.

The testimony that placed Oswald at his roominghouse was vague by even the Commission's standards. Instead of quoting it, they state it on their own authority, "about 1 p.m., he entered the house \*\*\*" (RL63). The section on the roominghouse is concluded with more of the *lif'a* evidence: "If Oswald left his roominghouse shortly after 1 p.m. and walked at a brisk pace, he would have reached 10th and Patton shortly after 1:15 p.m." Tippit's murder was recorded on the police radio tape at about 1:16 P.M. (RL65).

Mrs. Earlene Roberts, then housekeeper at the roominghouse, testified to almost what the Commission wanted on testimony as the source were too precious for the Report to quote her testimony as the source of its knowledge. There were too many hazards involved. Only once during her ten-page deposition (6H134-44) did the subject of time arise. The Commission knew in advance just about all the witnesses would testify to. Assistant Counsel Ball asked her "approximately what time Oswald arrived."

"About 1:15, I think, because I was walking down the street and I saw him, and I said, 'Oh, maybe it was earlier.' Mrs. Roberts answered (6H140).

The Report acknowledges Mrs. Roberts' statement that shortly after Oswald left the house she saw he was waiting at a bus stop. She did not use the word "seconds" as the Report does. Nor did this question even come up in her testimony. It was in an affidavit she executed December 5, 1963 (7H139). The Commission, of course, knew of the affidavit and quoted it in her testimony but avoided this part. In it she stated, "I saw Lee Oswald standing on the curb at the bus stop just to the right and on the same side of the street as our house. I just glanced out the window that once. I don't know how long Lee Oswald stood at the curb nor did I see which direction he went when he left there."

Understandably, the Report wanted to avoid this as much as possible.

The bus stop which Mrs. Roberts last saw Oswald is for the bus going north on Beckley. The Tippit murder was south of there.

The Report preferred not to explain why a man it wanted to

be going south without the waste of a fraction of a second was waiting for a northbound bus. Naturally, the amount of time waiting at a bus stop should have been deducted from the time Oswald had to get to the Tippit killing. The Report did not want to deduct it, and so it did not.

Although not at this point, the Report also acknowledges Mrs.

Roberts' testimony that after Oswald got home and before he left, a police car stopped in front of the house. It signaled with the horn several times, and drove off (R253).

A police investigation has not produced any evidence that there was a police vehicle in the area," the Report continues. It also pre-tends to account for all the vehicles with numbers similar to 106 or 107. Mrs. Roberts had made clear she paid no attention to these numbers and guessed it might have been one of these (6H143). Her vision is so bad - she is blind in one eye - she waived reading her deposition, a courtesy granted by the Commission (6H144).

Dallas police cars bear their numbers in relatively small and thin lettering within the word "Dallas", arranged like an arc above the word Police, lettered horizontally. In the combination of these numbers the Commission investigated, it avoided one - 10. The first two numbers given by Mrs. Roberts were one and zero, 10. That was the number of Tippit's car.

What kind of investigation the Commission conducted on the assignment of police cars is not indicated, but one thing is certain - it did not include examination of the police radio logs which clearly reveal one police car was assigned to that area - No. 10, Tippit's.

In Exhibit 705 (17H101), the dispatcher asked Tippit, "You are in the Oak Cliff area, are you not?" Tippit replied, "Lancaster and 8th." The dispatcher told Tippit, "You will be at large for any emergency that comes in." Tippit acknowledged. This conversation was between the 12:55 and 12:55 P.M. time checks. Lancaster and Eighth is about nine blocks from the roominghouse. Tippit and Ruby, did not reveal his address. In his questioning by the Commission, Ruby was not asked for his address. The Appendix on "Speculations and Rumors" (R662) says Oswald's room and Ruby's apartment were 1.3 miles apart. One unofficial account located Ruby's apartment at Ninth and Lan-

caster, a block from Tippit's broadcast location. Soon the dispatcher called Tippit again and got no response. The time is not given in Exhibit 705. The dispatcher's request for his location addressed to Tippit, according to another version of the log, Exhibit 1974, was about 1 p.m. It was prior to a 1:04 time check. By coincidence, this unanswered call from the dispatcher is just about the time Mrs. Roberts said the police car signaled.

At the rate the Commission said the Whaley cab drove, Tippit was about 2 minutes away from Oswald's roominghouse when he reported his location. Why he should have failed to answer the call from the dispatcher, which just happened to be about the time the only police car in the area, his, was reported outside the roominghouse, is, of course, a mystery.

If the Report can say of the above evidence in its possession that can be said of the investigation? In what light does it put all the investigations? While the text has avoided the exact time Oswald left the roominghouse, in a chart purporting to show Oswald's unseen movements, Exhibit 1119-A (RL50), the Report fixes this time at 1:03. The only evidence, Earlene Roberts', is to the contrary. If there is anything clear from Mrs. Roberts, evidence on time, it is that at 1:03 Oswald could not yet have started walking to the Tippit murder scene. But again, the Commission needed more time than it had. The Report agrees Mrs. Roberts was the last person to see Oswald before he allegedly appeared nine-tenths of a mile away, at Tenth and Patton Streets (RL65).

Undoubtedly, the Report reconstructs Oswald's walk without the hindrance of eyewitnesses. Exhibit 1119-A shows that he walked back down Patton, retracing the walk he allegedly took when leaving the cab, to Davis Street. For reasons known only to the Commission,

turned east on Davis to Crawford, which runs diagonally to the east. At Tenth he turned toward the northeast. A block ahead was the scene of the coming Tippit slaying.

The Commission's chart, for all the rare telepathic powers the agent had, enabling him to commune with the dead, omitted three of four streets crossing Beckley upon which Oswald could have turned. The one possible destination indicated by the Report or its Report is the Texas Theatre. He would have reached this by walking on Beckley to Jefferson and turning west a short distance, then on to Tenth. He was seen by no one. He went that way because the Report says he went that way.

There is but one thing that makes sense of this reconstruction. It is an effort to make it conform to the highly suspect testimony of Helen Markham. Mrs. Markham said she saw the man she later identified as Oswald cross Patton at Tenth, going from southwest to northeast. The most direct route in conformity with Mrs. Markham's "theory" was the one the Report used, whether or not it makes sense.

Using its new technique of willing the existence of proof, by wishing it into existence, the Report substantiates her. In a robbery needed substantiation, it certainly was Mrs. Markham.

The Report allows Oswald less than 13 minutes to walk from his roominghouse to Tenth and Patton. This generosity towards itself is accomplished by simply ignoring Mrs. Roberts' unquestioned testimony. As it did with its other Oswald movements, the Commission jed this one with a stopwatch on April 8, 1964. It did not bother to take sworn testimony from the staff members who did the timing. Assistant Counsel David W. Bellin merely noted while examining the evidence that he and others had walked by what he described as the long way around route" (6th & 1/2). How long did it take?

Seventeen minutes and forty-five seconds! Tippit was killed seven minutes before Oswald could have gotten to the scene of his murder!

It is now clear why this is the only one of the time reconstructions not quoted but "interpreted" by the Report.

So we begin our examination of the Tippit murder, with which Oswald was charged by both the police and the Commission, with the certain knowledge that he could not have been the killer. The Commission itself proved this, though unintentionally.

#### "Poor Dumb Cop"

Patrolman J. D. Tippit was cruising east on Patton Street at about 1:15 P.M. when he saw and stopped a man he must have recognized as the suspected assassin. The Report reaches this conclusion because the police radio had broadcast the suspect's description and Tippit had a radio (RL15). If Tippit had heard the dispatcher's call to him, he was just ignoring the dispatcher's call to him? Not follow through found it expedient to avoid the unanswered 1 o'clock call to the Report also avoids the likely implications.

the assassin found it "vague". The Commission's purposes were served by regarding this as a description from which an identification could be made. Therefore, it pretended the description was meaningful. Its purposes were served by assuming Tippit heard the broadcast. It so assumed. No contradiction is possible. Tippit is dead. The Commission represents power and authority. Its conclusions have been more widely reported and believed than those of any document in history. One of the foundations of its entire Report is this assumption, for it is this unsubstantiated hypothesis, without authentication, that provides the reason for Tippit's action.

Of the man the claim voyant Tippit stopped, there were enough readily available descriptions from the various witnesses so that almost any average size man who was not fat would have fit. The Report, as with the Kennedy assassination, was unable to come up with who gave the broadcast description. This is as incredible with the Tippit killing as it was with the assassination, even if the Commission was content.

Mrs. Markham was standing on the diagonally opposite corner. Although she lives in the area, she was unable to identify directions even with assistance, and strong hints from the Commission. She was standing there screaming after the shooting. She put her hands over her eyes but kept her fingers spread, baby-fashion, and through the cracks she saw the gunman. This is her account, in any event, even if other witnesses contradict it. Mrs. Markham's description and that of other witnesses led to the Police broadcast at 1:22 P.M. describing the slayer as "about 5'8", black hair, slender" (RL17). Omitted from this description is the fact that the pickup notice was not for the killing but for "investigation". It also gave a clothing description, including a white jacket and a "white shirt". This was not a description of the clothing Oswald was wearing (17H10).

There were serious problems with Mrs. Markham and her contradictory descriptions. The Report does not quote her as the source. It is satisfied with the police composite.

Prior to the murder, the Police car stopped and the man walked up to it and rested his forearms on the right-hand door and had a calm chat with Tippit. Then with equal calmness, Tippit got out of the Police car and started to walk toward the front. Having, as the Report informs us, suspected this man was the dangerous killer, the policeman did not find it necessary to draw his pistol. Instead, he just sat there, unarmed, and they had a quiet talk. In quoting Chief Curry's characterization of Tippit as a "very fine, dedicated officer", the Report merely adds to the incredibility of this account.

When Tippit was abreast of the hood of his car, the gunman fired. Three shots, according to Mrs. Markham (RL65). Three shots, according to Domingo Benavides, the only bona fide eyewitness who was 25 feet or less away and looking (RL66). Captain Glen King, three times (2ab154). The Davis women, two times. The Report, however, says four bullets were recovered from Tippit's body (RL72). Captain King, having placed the number of shots at three, also located them. At some point, there must be some record that states precisely what injuries Tippit sustained. He was taken by ambulance to Methodist Hospital. And they do have autopsies in Texas, even if the President did not get one. But the Report has no medical statement on Tippit and no autopsy report.

Further contradicting the account of the Report and compounding the uncertainty is an undated and unsigned Dallas Police Department memo report on which J. R. Leavelle is listed as the investigating officer (Exhibit 2003, 2ab253). Undescribed in the table of contents of the volume, which identifies this single exhibit of hundreds of pages of different - even unrelated - documents as "Dallas Police Department file on investigation of the assassination of the President", this "case report" says Oswald "... shot Officer Tippit three times: one time each in the hand, chest and stomach.

Having killed the policemen, did the murderer flee? Of course not. First he remained at the scene, in plain view of the eyewitnesses. He removed two empty casings from the revolver and carefully dropped them where Benavides (6H11) could not avoid seeing them. Then he took his time back down to the corner he had just crossed and repeated the performance in view of Mrs. Marshall and two other women named Davis whose exact relationship the Commission leaves unsettled.

At the corner he increased his pace a bit. He crossed Patton either there or near the next corner, depending upon which eyewitness you believe. Having gone south for a block on Patton, he turned west on Jefferson and was last seen near a parking lot in that block. Twelve people saw him during this short time. None followed him. If this man was Oswald, as the Report says, and if it was Oswald seen sneaking into the Texas Theatre with \$14.00 in his pocket, as the Report also says, it took this officially authenticated block-a-minute walker almost half an hour to traverse that five-block distance. However, according to the testimony, he got there looking as though he had been running.

At the murder scene, meanwhile, Benavides had reported the slaying over the dead officer's radio. The place was soon crawling with police, despite the apparent inability of the dispatcher to give the right address. He was given it immediately, but each time he answered a call he gave a different wrong address. Benavides carefully recovered the two empty shells he saw fall. The police appear to have made no real search for the others. Barbara Jeanette Davis, Mrs. Charles Virginia Davis and Mrs. Barbara Jeanette Davis had different apartments in the old house on the southeast corner of tenth and Patton. At the time of the shooting, Charlie Virginia was on a bed in Barbara's living room. Later that day, she found one of the empty casings dropped at the corner. Still later, Barbara found the other (3E14). They turned the casings over to the police.

Although the police appear to have made no serious search for the empty cartridges, there are two indications of a police interest in them. Both were recorded in the radio logs. One reported the finding of an empty automatic pistol shell (17H17). It would seem that policemen would know the difference between revolver and automatic casings. And it would seem they should all count to four without error. But after the two Benavides shells and the finding of the automatic shell, the dispatcher ordered two cars back to the theatre, saying, "They want the theater shaken down good for two bulls (Dallas police jargon for empty shells). Believe the subject reloaded his pistol in the theater. We need the two bulls, 2:26 p.m." (17H129).

There is no further interest in the automatic shell. Oswald had been arrested and was on his way to police headquarters before 1:51 (17H120). His revolver could not accept the .38 caliber automatic shell reported found at the scene.

Prior to the 2:26 broadcast, the police had had graphic descriptions of how the suspect had emptied his gun with such ostentation. The reason for the belief the suspect emptied his revolver in the theatre is not indicated and the subject is forever forgotten. Why the weapon had to be emptied one shell at a time also is not indicated. Most revolvers have automatic ejector mechanisms. When some are opened, all the shells, empty or full, are ejected simultaneously. Others have an ejection mechanism that accomplishes the same result. The photograph of this pistol (R170) seems to show such a mechanism. Whether the mechanism was on the pistol and whether or not it was working, nothing could be more suspicious than the discarding of the empty shells at the scene of the crime. Nobody is that stupid and nobody ever accused Oswald of being stupid. Dropping the empty shells could be intended for only one purpose, to have them found and identified.

The witnesses on the shell-dropping episode were not consistent.

Some had him dropping them, others had him taking them out. One even saw him "pulling a half block away". Inconsistencies are the rule rather than the exception in the Tippit killing. The clothing, for example, was mildly troubling to the Report. The white shirt was just abandoned. Oswald was wearing a dark one. The white jacket that had been edited out of the text of the police broadcast became a "night-colored" one after a jacket was found (R175).

Later, the Report had to cope with the discrepancies in color description and at that point quotes the rest of the description broadcast by the Police (R175). It repeatedly refers to the jacket in its possession as "light-colored", however. It quotes Mrs. Roberts as believing the jacket Oswald was wearing was darker. Helen Marshall and Barbara Davis thought the jacket they saw on the Tippit killer was darker, but William Scoggins, a cabdriver, thought it was lighter. It was Scoggins who reported the killer was muttering "poor dumb cop" or "poor damn cop" while passing Scoggins' cab (R166). Barbara also told the Commission the man was wearing a "black coat" (3H347).

The Report did not think "Charlie" Davis' description worthy of mention (R176). She did have some trouble distinguishing between what she saw and what she heard or thought (6H156). She heard only two shots. The killer "didn't look like he was over 20". He had light brown hair and was wearing a "light-brown-tan jacket". He had light brown hair and was wearing a "light-brown-jacket". Open, but he did not see the shirt (6H457). The four men in the police lineup were five to her (6H162). Although the man she identified in the lineup (that magical number, "2"), Oswald, was "for sure" the man she saw leaving the scene of the crime, she was not certain when she saw Oswald's picture on television that he was Oswald. She wouldn't say for sure he was the man she saw leaving the scene. She and her sister notified the police before they knew (6H162). She and her sister pondered long at the Commission's request (6H167). In a sworn statement, she said she had given the shell she found to Detective Ducret. But she told the Commission she had never heard that name (6H164).

This is a sample of the accurate observers from whom the Commission drew its witnesses.

Where, then, did the police get the description? The jacket was found about 1:25 p.m. It was lying on the ground in a parking lot (17H11). A few moments later, Sergeant G. L. Hill radioed from Twelfth and Beckley, "We've a man in the car with me that can identify the suspect if anybody gets one" (17H112). This may not be as much of a joke as it seems.

A description closer than any other came after the jacket was found. In a broadcast after 1:32 p.m., Patrolman H. H. Summers reported he had an eyeball witness who saw a white male, 27, 5'11", 165 pounds, black wavy hair, fair complexioned (sic), wearing light gray Eisenhower type jacket ... (17H116).

That black wavy hair was a problem. Oswald's was medium brown and anything but wavy. Mrs. Marshall gave a similar description of the hair of the man she saw, although she also denied giving it. The Report does not account for the disposition of the eyeball witness as such. He is the only one to have described the found jacket, which was also barren on the lawn.

During a conversation with the dispatcher at 1:44 p.m., Sgt. H. H. Stringer said, "The jacket the suspect was wearing over here on Jefferson bears a laundry tag with the letter B 9738. See if there is any way you can check this laundry tag" (17H11, 18H925). If you be comforting to know that this tag enabled the police to make a positive identification of ownership. On the other hand, the silence of the Report strongly suggests the check of the marking did not lead Oswald. But perhaps detective story readers have been under a mis-  
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ension about laundry marks as important means of clothing identification.

Within a few minutes it all became academic. Johnny Calvin Morris, 22-year-old manager of a shoe store on Jefferson near the 13 Theatre, had been listening to accounts of the crimes on the radio. He saw a man looking in the window of his shoe store and rejected him for the most logical and scientific reasons: "He looked funny to me. Well, in the first place, I had seen him places before. I think he had been in my store before. His hair was mussed up and looked like he had been running, and he looked red, and he looked funny" (7H19). The man's shirttail was also out. After his struggle with the police, Oswald's hair was still not set up. He never looked frightened, even in the arrest pictures. For the time it took him to go the last alleged six blocks, why did he have been running?

This man then went to the Texas Theatre where neither the cashiers, Mrs. Julia Postal (7H14), nor the usher, Warren E. Burroughs (14-7), saw him enter. Brewer called this to Mrs. Postal's attention. Because children had crashed the theatre in this fashion by only means of getting past Burroughs, walking up the stairs to balcony, Brewer and Burroughs checked the balcony and the man was not there. So Mrs. Postal called the police (7H5), giving them a description of a "ruddy-looking" man. They promptly told her, "It fits the description" (7H11).

For no clear reason, the Report slighted Brewer, leaving the station of his shoe store off the chart of Oswald's movements (RL58). Then, at 1:45 p.m., a hordes of police were converging on the theatre (RL78). They surrounded it. Brewer took Patrolman M. N. onial (3H29-304), who had entered by a rear door, and pointed immediately to the suspect, who was in the back of the theatre, onial played it smart. Not fearing this dangerous killer might shoot him, he turned his back on the suspect, and worked his way and the back, asking the other patrons as he went. Asked if he had his eye on the suspect, McDonald replied, "Yes, sir. He was to back. I was looking over my shoulder at him" (3H299).

During this man-by-man search of the theatre, Oswald remained seated. When McDonald got abreast of him and ordered him to his feet, "he rose immediate, bringing up both hands . . ." What is proper police procedure on approaching a dangerous killer who had accommodated the arresting officer by raising his hands in surrender? Dallas-style, the policeman does not order the suspect to move, such as out from between the seats. The policeman grabs the surrendering suspect and starts a fight. At least, it is McDonald's version. When he grabbed Oswald by the waist, it had hit him, and he hit back. Meanwhile, Oswald was withdrawing his gun from his waist. McDonald got his other hand on Oswald's gun and they fell down, struggling, with McDonald's hand on "the gun," presumably meaning the mechanism. McDonald called for help. A number of named officers approached. McDonald then got his id on the butt of the pistol and jerked it free" (3H300).

The Report also credits McDonald with taking possession of the gun from him. Carroll, who was standing beside McDonald, seized the gun from him. Carroll's name was not on those given by McDonald.

Assistant Counsel, Bill asked McDonald, "And did you put your mark on the revolver?" McDonald replied, "Yes, sir. I did." There were six live rounds in the revolver, one of which McDonald said was a slight indentation on the primer, the center of the end of a shell containing the detonating charge. But of these six bullets, he put his identifying mark on but one (3H301-2). Had not Captain Cooper asked at the end of the hearing, "Did you mark the pistol at that time, before you turned it over?" the Record would dictate the identifying mark was immediately put on the weapon.

McDonald said he marked it later at the police station (R304). He also said he turned the revolver over to Carroll.

Carroll is a special service bureau detective who sought and got permission to leave the Depository Building where he was participating in the shooting (7H19). In the search when he heard of the Tippit shooting (7H19), his radio call is not given in any of the variations of the radio logs. This is his own version of Oswald's arrest: Oswald and McDonald were struggling and then when I got up close enough I saw a pistol pointing at me so I reached out and jerked the pistol away and stuck it in my belt, and then I grabbed Oswald" (7H20). When they got in the car, he gave the weapon to Sergeant G. L. Hill. At a time of which Carroll is not certain, Hill unloaded the revolver (7H22). He also "could see what looked to me like a hammer might have fallen on" one of the bullets when he later examined it (7H23).

The time Carroll put his mark on the firearm was not asked. Carroll had given the weapon to Hill, and McDonald lost possession to Carroll before either put any identification on anything. How did they know what they were identifying when it was not in their possession?

For had the arresting officers searched their mad killer, Captain W. R. Westbrock testifies it was a wonder Oswald did not get hurt worse than he did. He had gotten a cut and was bruised. The lack of a search is only one of the many facets of the strange Tippit case not mentioned in the section of the Report on "Oswald's Arrest (RL76ff)." Detective Richard M. Sims testified he and E. L. Boyd searched Oswald at about 4:05 p.m. the day of his arrest, more than two hours after the capture. There were then five revolver cartridges in Oswald's pocket (7H73).

The history of these bullets and shells in the hands of the police is approximately the same as that of the rifle shells. This evidence never was secured or tamper-free. The revolver was traced to Oswald through a mail-order slip in the name of A. J. Hidell. Experts identified the handwriting as Oswald's. The weapon was sent to his Dallas Post Office box. As of the time she was taking her famous one and only picture, showing Oswald armed, Marina thought this was the holstered revolver in that picture. The Report has a section on "Ownership of Revolver" (RL72-L). Except for Marina, no one connects Oswald with that or any other revolver. Marina's qualifications in firearms recognition include the inability to distinguish between a rifle and a shotgun.

This section makes no reference to ammunition. Oswald just had it - two different kinds - but there was none in his property. There is no reference to any police search to see if or where he bought it, as with the rifle. There is not even a hint suggestion he ever once fired this revolver. Nor is there even a hint from the ever-available Marina to suggest he ever practiced with it. Each of the shots that hit Tippit, however, would have been fatal; there is no evidence of a missed shot. Revolver ammunition is also sold by the box, not by the piece. What happened to the remainder of two boxes of different ammunition? The Report solves this with one of its standard procedures: It just ignores it.

When he got back to the roominghouse, according to the Report, Oswald picked up the revolver and put it in his belt. The only proof offered is that an empty holster was found there. The evidence connecting this holster with Oswald is Marina's opinion it could have been the one he wore when she photographed him. We are not told the revolver fit the holster. We are told that the housekeeper never saw either a firearm or holster in his cubicle when she cleaned and straightened it up.

Two policemen each claim to have disarmed Oswald. In McDonald's version, he turned the revolver over to Carroll. Carroll

said he "jerked" it when it was pointed at him. Was one policeman about to point a loaded revolver at another while he was fighting with a desperate killer? Each of these policemen saw fit, for reasons nowhere cited, to turn the weapon over to another. If the Commission ever asked why, there is no record of it. Why did either have to let the weapon be called upon to identify, to the exclusion of all others, out of his possession without first following the normal police practice of placing an identifying mark upon it? If the struggling McDonald turned it over to Carroll while he was fighting, he could have repossessed it after the struggle or at least have marked it before leaving it in Carroll's possession.

Carroll had no such excuse for giving the weapon to Hill. Even the police testimony about the snapping of the firing-pin and the denting of the cartridge is denied by the Report, elsewhere, to be sure. In Appendix X, almost 400 pages later, it admits "none of the cartridges found in the revolver bore the impression of the revolver's firing-pin" (R560). Did the police swear falsely? Were the bullets switched?

These may, in print, seem like minor considerations. In court, they have a different impact. American justice requires proof, not supposition, and these witnesses would have been subject to the most intensive examination by defense counsel - had Oswald lived and been tried. Expert testimony proved the four empty shells from Tippit's body could not be proved to have been fired from it. "Three of the bullets recovered from Tippit's body were manufactured by Winchester-Western, and the fourth bullet by Remington-Peters, but only two of the cartridge cases ... were of Winchester-Western manufacture." This is the dilemma of the Commission - bad arithmetic again. The Commission got around this by concluding, in opposition to almost all the witnesses, "that five shots may have been fired, even though only four bullets were recovered." To get around the single Remington-Peters bullet for two Remington-Peters cartridge cases, the Report decided "either one bullet of Remington-Peters manufacture is missing or one used Remington-Peters cartridge case, which may have been in the revolver before the shooting, was discarded along with the others . . ." (R172).

Would it not have been interesting, however, if the methods of the Tippit case had been applied to the assassination? In that case, as the previous chapter of this book shows, the Commission decided to heed, not speculation, but hard proof that its empty rifle shells had been in another or other weapons. The scientific evidence, not conjecture, that the "missed" rifle bullet was of a different type from the one the Commission presumed - it had no proof - was ignored. The aborted search for the source of the rifle bullets was left from the Report and the search appears to have been dropped when proof of reloaded ammunition was found.

In the Tippit case, speculation was converted into conclusions; in the assassination, evidence was abandoned in favor of speculation. With the assassination, the Commission decided upon the number of bullets fired on the basis of the testimony of the majority of witnesses. In the Tippit case, it preferred the testimony of but two remote witnesses to that of an overwhelming majority. In the Tippit case, the Commission found a needle of fact in its haystack of confusion. It would not pick up the needle. Its own time reconstruction proved Oswald could not possibly have shot Tippit. It got but a single meaningful description of the criminal, from Behaves. That description included identifiable characteristics that eliminated Oswald. Behaves was the only person close to the killing. He was the only one not taken to a police lineup. This meant nothing to the Commission.

The testimony the Commission preferred was of the most dubious credibility. Its major witness tenaciously swore falsely about ma-

terial points. But like the police, the Commission had a bird in hand. Even if it was a crow, the Commission was willing to eat it.

There is much more that can be said about the total incredibility of the reconstruction of the Tippit case. However, it is not the purpose of this book to mimic the Report and swamp the reader in a sea of unnecessary detail. Let there remain one conspicuous consideration which should have been pondered by the Report but was not.

If Oswald had shot both the President and Tippit, the one time he was really clear began within a minute or two of the second shooting. He had left \$170.00 in Irving; when he had \$11.00 with him, he was unseen for almost a half-hour. When he had made his getaway, so far as he knew and the evidence shows, why should he have bottled himself up in the blind alley of a theatre? The answer of the Report is that he wanted to get caught. Then why run?

One hour and twenty-one minutes after the first shot rang out in Dealey Plaza, the dead President was being readied for return to Washington, the Governor was in the first stage of the three-part surgery that saved his life, and Lee Harvey Oswald was in the hands of the police, where he was to lose his life. Nine minutes before 2 p.m., he was in the rear seat of a police car on his way to police headquarters, "his hands shackled behind his back and his pockets unbuttoned, at that moment, the entire nature of the case and the responsibilities of the Commission had already changed.

Until now we have reviewed the assassination and much of the tangible evidence the police agencies and the Commission related to it. We began with the alleged assassin the night before the crime and the victim from its awakening the morning of his assassination. Step by step we have reviewed the Commission's information and the steps we have taken to the assassination. Now the law and public authority are center stage. This is a new act of the drama. Oswald is no longer only a suspect. He is now a prisoner. He is no longer in real or fancied flight; he is to be subject to American justice.

The Commission, in reconstructing the crimes, manages to prove the only suspect could not have committed them. The several chapters of the next section of this book will spotlight what happened to Oswald during the less than two days he was a police prisoner. The Commission looked at this unprecedented performance which had ended in 4½ hours with the murder of Oswald. At that moment, all opportunities for a legal solution to the assassination ended. With no one to take into court, there could be no trial. And with the interment of Oswald's body, the only then known source of information about the crimes was also buried. Oswald was and remains the lone suspect.

In turning our attention to what happened to Oswald while he was in the hands of public authority, our focus may seem to be on the police, his custodians. However, because this is an analysis of the police, his custodians. Through its Report, the ensuing chapters relate also to the Commission. Through its Report the Commission was to reveal everything it could learn about the assassination. Those last 4½ hours of Oswald's life, therefore, became a most important means of appraising both the Commission and its Report.

of lever to use, if necessary, on federal personnel. Its existence alone reduced the possibility of federal complaint or action for the federal police, by their silence and assent, were automatic according to the deficiencies and errors of the local police.

That the transcripts of the police radio logs were made almost immediately and were known to have been erroneous is revealed elsewhere in File 87 in a December 6, 1963, report to "chief" by Inspector Kelley covering what he described as an "improved transcript of the radio logs previously submitted". The six-page "transcript" of the several hundred pages of the real transcript is signed by Officer Gerald Hensle (WHITEWASH 98). It is dignified by the designation "farcical". Its unquestioned acceptance by the Secret Service and its description as "improved" are culpable.

2. THE TIPPIIT MURDER

Marina's testimony was used, in the Report and in prior it to the press, she poisoned the public mind against her band. On November 22, 1963, the murder of Officer J. D. as put to a similar use.

he police had no solid evidence proving Oswald was the assassin. Ultimately the Government had nothing better than conjecture, coincidence, dubious and less than credible witnesses, flimsy circumstantial evidence, prejudice, and a willingness to believe. The case or the Report is in the writing, not the police case required a willingness to believe. Immediately the police affixing to Oswald the opprobrious. This was provided by affixing to "cop-killer". Here again, the evidence proved his innocence, not his guilt.

By the time the evidence was gathered or, more precisely, since the evidence not avoided was in the files, little was done for the public image of "cop-killer" was so firmly established that the Report needed no legal case against him. It was, either (WHITEWASH 52-61). With no legal case, it reported

Our re-investigation of the Tippit murder began with a quest for missing autopsy report. It disclosed other documents of considerable and related interest. These further diminish the responsibility of the staff and redundantly destroy the public-relations case against Oswald that exists only in semantics, not in evidence.

Our first document relating to the Tippit murder, a Secret Appendix in one volume.

The Commission's files have disclose that from the very beginning of their radio broadcasts, which are made automatically; that it immediately transcribed the recordings into cripts which, from the record, the Commission and all the police agencies then ignored; that the staff of the Commission, including the investigative agencies, knew upon receipt

The local police transcriptions of these logs were inaccurate and incomplete; and that no one police force had a special kind

Without a full, complete and accurate transcription of all the police radio logs as a beginning point, no thorough or serious investigation of the assassination and the related crimes was possible or intended.

The second item in this Secret Service report is an account of that agency's early time reconstructions of both the assassination and the "ripit" murder. (There are references to the various reconstructions on 40 pages of WHITEMASH: 6,13,16,32-8, 43-5,49-52,55-6,62-3,75,105,110-1,-2,155-7,161-2,165,175,181, 185,194,201,204,5.) If the Secret Service is right, the Report and the Commission are wrong, and vice versa. Because for the most part these were readily measured things being timed, there can be no legitimate explanations of the "mistakes", or any not tending to impugn motives, of the considerable differences between the official accounts. Both versions, it should be understood,

Item 1, Oswald's "flight" from the sixth-floor window, was entirely impossible in the 2:25 minutes allotted by the Secret Service with what, at the time of the assassination, it was known he would have had to do. It was also impossible in the Comis-

the new "reconstruction" of but 35 seconds more (WHITEWASH 36-8;

Item 7 is a bald misrepresentation and was also completely impossible, even as an "estimate." The semantic deception is as bad. It allowed a half-minute for Oswald's entrance into the house, change of clothing, swining, departure and trip to the corner bus stop, including "very short time at bus stop." This description of a "very short time" is not the description of Mrs. Earlene Roberts, who alone saw Oswald there, nor is the language of the Report, "seconds" (WHITEWASH 54). It is further not honest, because the question goes in the opposite direction,

not toward the scene of the Tippit murder.

Item 9 is consistent with the facts of the murder exactly on time. It is not consistent with the time required in the Commission's reconstruction, grossly misrepresented in the Report which does not state the time (WHITEWASH 65). The Secret Service time in its report is "12 minutes". The time actually required by the Commission staff and witnesses was 17:45 minutes. Thus, the staff got Oswald to the scene of the Tippit murder 5 minutes after the murder was broadcast on the police radio. But the Secret Service got him there too soon. The motive of the Secret Service, as early as the week after the assassination, is indicative of a frameup.

Item 9, ten minutes for the half-mile walk to the theater, is consistent with the actual time needed but not the reality.



But the official documentation raises other questions. Inspector Kelley quoted the police radio on the time of death. It broadcast at 1:28 p.m. The death, let us hope, preceded its unceremony. The Police Homicide Report, from the Commission's File 811 and stamped "Indexed", places the time of all death at 1:30 p.m. It accounts for but three wounds, "once he right temple, once in right side of chest and once in center of stomach". No other bruises, wounds or marks of any kind of stomach". This homicide report was typed 5 p.m. that same day. The mystery of the Tippit murder is not solved by the official homicide report. That merely complicates it. That report, as it is, is wrong and was known to be wrong. Here we turn to the Commission's File 87 for our documentation, and for her conflict and confusion.

For reasons known only to the participants, for "it is not the Report, the Tippit autopsy report was delayed for three days. Because the question was ignored, we have no official answer. Can there be any acceptable one?

Special Agent Edward E. Moore of the Dallas Office of the Medical Examiner Service on December 11, 1963, reported his previous two reports of investigation. His report of that date, countersigned by Chief Agent in Charge Forrest Sorrells, is Document 563 in File Dr. Earl F. Rose reads:

December 9, he reports, the county medical officer told him Tippit autopsy report was not completed. December 10, he got copy. His summary of the information given him by Medical Examiner Dr. Earl F. Rose reads:

Dr. Rose informed me that at the time the officer was hit with four shots but that only three of the bullets penetrated and the fourth bullet apparently hit a button on the officer's coat and this kept it from penetrating the body. When the examination was performed, three bullets were removed from the body and turned over to the Police Crime Lab.

(These are now in the possession of the FBI)

The County Medical Examiner "is of the opinion that one of the bullets will be suitable for ballistics comparisons".

On getting the autopsy report Moore said it "shows that three of the bullets hit Tippit in the chest and the other bullet hit him in the head".

One of the four bullets, according to Moore, was taken from the stomach of Officer Tippit after Officer Tippit was pronounced DOA at Methodist Hospital.

The attached autopsy report, Number M63-352, gives the autopsy date as "11-22-63, 3:15 P.M." and the place as Parkland Hospital. This was, perhaps, the date of the examination, if not of the report unless Dr. Rose or Secret Service Agent Moore or both lied.

It says, "There are four entrance types of wounds", and it describes and locates them, noting that of the one not covered by clothing, the head wound, "no powder tattooing is noted at the ergans".

Unlike the meaningless identification of the President's body, which were oriented with only flexible points of the body, four of Tippit's wounds were measured from a point that does not involve his body dimensions or position and has inflexible meaning, the "midline" of the body. This is also true of the Oswald autopsy. Only the President got less than the best.

- Scars, tattoos and "abraded areas", or bruises, both

"crusted", or scabbed over, and "fresh", are noted. The fresh bruise on the back of the right hand, measuring only a quarter of an inch each way, is unexplained.

Unlike the bullet that entered the President's head and in his autopsy report was said to have exploded, the bullet that struck Tippit in the head did not. Its recovery is not noted, although recovery of the bullet from what is called the number two and three wounds is noted. The fourth wound, the third in the torso, is described as "superficial and no penetration of the rib cage is noted . . .". Yet Moore said of this non-penetrating wound, "that statement was obtained from Officer R. A. Davenport, Dallas Police Department, concerning the recovery of a .38 caliber projectile from the stomach of Officer Tippit . . . at Methodist Hospital".

Neither an original nor a carbon copy of the official copy of the autopsy is in this file. An indistinct and in some parts illegible Xeroxed copy of a carbon copy is used. A number of body charts locating Tippit's wounds are attached.

What happened to the bullets? And to the unfired bullets taken from Oswald sometime after his arrest? Nobody was in any hurry to do anything with them. The FBI was not; the Commission also was not. This is apparent in Document 774. It consists of pictures of three bullets marked C251, C252 and C253 and a covering letter of March 27, 1964, more than four months after this meeting, from FBI Director Hoover to Commission General Counsel murkin, from FBI Director Hoover to Commission General Counsel Rankin. The first bullet is described as badly mutilated, the second as less so, and the third as slightly mutilated. The first, C251, has pieces missing. The beginning of this latter describes these as "The remaining three bullets from Officer J. D. Tippit's body" and says they "were recently received from the Dallas Police Department . . . By Pony Express, no doubt?"

The fourth bullet, marked as "C13", is parenthetically identified as "(the first bullet submitted by the Dallas Police Department in the Tippit case)". After reference to the spectrographic comparison of the cartridges (WHITEWASH 16b), Hoover competent testimony in all 26 volumes (WHITEWASH 16b), Hoover identifies them as having come from the revolver, from Oswald's pockets, and from the U.S. Secret Service. The two shells from the Secret Service got to the FBI 111 days earlier, according to Document 146 of File 87!

More than the outright lie of the Report, which says that four bullets were taken from Tippit's body (WHITEWASH 62), it was never possible to meet the minimum requirement of the law. This means an unbroken chain of testimony linking all the bullets, those fired at Tippit and those unfired - to the exclusion of all other bullets - from the pistol to the witness stand.

Is it any wonder the Report lacks the official certification of Tippit's murderer?

What would it not have indicated? The conduct, the unrelieved irresponsibility, the unseemly flippancy with murders, including that of the President, the departures from the norms of police practice and requirements and those well-known demands of the law, lead to the conclusion that misrepresentation was intended on all levels and of all agencies, including the Commission.

The Autopsy of JFK and Medical Testimony About Connally

Colleen Cunningham, Missy Hamilton, and Chip Robbins

Interim Project 309

Dr. Ginocchio

February 3, 1995

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#### The Autopsy of JFK and Medical Testimony About Connally

Never judge a book by its cover. This statement has never been more true than in the book Case Closed by Gerald Posner. If someone were to look at that cover they might think that Posner had an airtight case in support of the Warren Commission findings. However, anyone who dares to venture into this book realizes that it is full of falsehoods and absurd theories. In chapter thirteen entitled "He Had a Death Look," Posner thoroughly demonstrates his lack of knowledge of the Warren Commission he is trying vainly to defend. This is made evident in several ways. For example, on more than one occasion Posner cites the wrong testimony. When he does find the correct testimony, many of his references support no major claim, nor do they make a point of interest on their own. A further illustration of his deficiency with the Warren Commission is shown in the endnotes. Instead of making use of the testimony available in the twenty-six volumes of the Warren Commission, Posner conducts his own interviews in 1992. He cites these twenty-nine year old recollections sixty-four times in chapter thirteen alone. Perhaps Posner forgot that "[t]estimony closer to the event must be given greater weight than changes or additions made years later, when the witness's own memory is often muddled or influenced by television programs, films, books, and discussions with others" (Posner 235). Aside from Posner's well-demonstrated shortcomings, there are many aspects relating to the autopsy of President Kennedy and the treatment of Governor Connally that deserve to be examined carefully. It is important to begin at Parkland Hospital in order to establish what treatment Kennedy and Connally received. This reason for this is shown in the examination of the neck wound which was covered by the tracheotomy procedure to

facilitate the President's breathing. From there, it is interesting to see how Kennedy's body was taken from Dallas. Then comes the autopsy itself. The autopsy brings many speculations and doubts. Many of these have a great deal of credibility and should be given careful consideration.

After President Kennedy and Governor Connally were shot in Dealey Plaza at approximately 12:30 central time, they were immediately taken to Parkland Hospital. At Parkland, Connally was treated for five gunshot wounds by Drs. Robert Shaw, Charles Gregory, and Dr. George Shires. Connally received what was considered an entrance wound to the back with the exit wound being just below the right nipple. Connally also had an entrance wound on the anterior side of the wrist and an exit wound to the dorsal side of the right wrist. The last wound was to Connally's left thigh. According to Parkland doctors the bullet that caused the thigh wound barely penetrated the skin and fell out on a stretcher in the form of Commission exhibit 399. Darrell Tomlinson, the hospital's senior engineer, testified to the Warren Commission that he was not sure which stretcher the bullet fell off of, but it could only have fallen off of the stretcher that Connally was on. When Posner tries to make this point on page 294 of Case Closed, he cites pages 49, 56, and 130 of volume 6 of the Warren Commission. However, the testimonies on pages 49 and 56 belong to Doctors Jenkins and Jones respectively. This is one of several instances where Posner should have checked his sources. The bullet that fell off the stretcher raises the question of how a bullet that was barely able to penetrate the skin waited until Connally was on the stretcher to fall out. If the bullet were going to fall out, one might believe it would have fallen out when Connally struggled out of the limo and then collapsed into the arms of a Parkland Hospital doctor. The bullet responsible for the chest wound shattered approximately 10 centimeters of Connally's fifth rib. The shattered rib caused a collapse of Connally's right lung.

While Connally was being attended to, a desperate struggle was being fought in emergency room one. Drs. Charles Carrico, Ronald Jones, Malcom Perry, William Clark,

Charles Baxter, and Marion Jenkins were the ones who attempted to keep President Kennedy alive. They immediately performed the tracheotomy to give Kennedy an airway. Those doctors were the only ones to see the neck wound before it was cut over. At a news conference later that day, Dr. Perry is asked the question, "[w]here was the entrance wound?"(news conference 11/22/63). Dr. Perry answers that question by stating, "[t]here was an entrance wound to the neck. [a]s regards to the one on the head, I cannot say"(news conference 11/22/63). To clarify this he was asked what direction the bullet responsible for the neck wound took. Perry responded with, "It appeared to be coming at him"(news conference 11/22/63). These statements not only contradict the findings of the autopsy, but the results of the entire Warren Commission. This also provides an example of Posner distorting a quote. Posner says, "Dr. Perry said in response to a question that the throat wound he saw 'appeared to be an entrance wound'"(Posner 305). According to Posner, "[t]he doctors had worked futilely for more than twenty minutes" (Posner 292) before it was determined by Dr. William Clark that the head wound was so great that Kennedy could not be saved. President Kennedy was pronounced dead at 1:00 central time. On page 309 of Case Closed Posner quotes Dr. Perry as saying, "I don't think any of us got a good look at the head wound"(Posner 309). Apparently, Dr. Clark got a good look if he was able to determine that Kennedy was unable to be revived. If none of the doctors got a good look at the head wound, then how can anyone take the doctors descriptions of the wound seriously? It is hard to believe that after twenty-nine years someone can remember something they never had a good look at.

As of November 22, 1963 the assassination of the President of the United States was not a federal offense. For this reason the body of President Kennedy should have remained in Texas for an autopsy. There was a Dallas justice of the peace present at the time the President's staff was trying to take the body, but he did nothing but watch another crime be committed. Posner claims that Dr. Baxter told him he authorized the body's removal for two reasons: "One, the President was above state laws. And second, Earl

was sort of a sensationalist, somebody always on the fringes, and I did not want him to do that autopsy. Earl was experienced and good, but I am sure he would have missed points that have since come up"(Posner 295). Both of these points made by Dr. Baxter prompt questions. First, who gave him the authority to interpret the law? Secondly, what right allows him to determine who does the autopsy?

Mrs. Kennedy was given the choice of what hospital was to perform the autopsy. She chose Bethesda Naval Hospital because Kennedy had been in the Navy. A team of three doctors were chosen to perform the autopsy. The head of the autopsy team was Dr. James J. Humes. At that time Humes, 39, was a commander in the Navy. Commander Humes chose J. Thorton Boswell to be his assistant. Army Lieutenant Colonel Pierre A. Finck was selected to round out the autopsy team. Posner claims that Colonel Finck "had never done an autopsy involving a gunshot wound"(Posner 300). This is not only incorrect, but it is way off the mark. In volume 2 page 378 of the Warren Commission Finck testifies that between the years 1955 and 1958 he performed nearly 200 autopsies. He stated that many of those involved trauma "including missile wounds"(WC 2H 378). Later Finck served as Chief of the Wound Ballistics Pathology Branch of the Armed Forces Institute of Pathology. In this position, Finck testified that he had reviewed 400 cases involving gunshots. Not only was Finck certified in anatomical pathology (1956), but was certified in the area of forensic pathology in 1961. Despite this Warren Commission testimony, Posner states that "[n]o forensic pathologist was included on the team"(Posner 300). Humes' qualifications are stated at the beginning of his testimony which is found in volume 2 on page 348. Posner also neglects to mention that although Commander Humes did not have extensive experience with gunshot wounds he did complete a course in forensic pathology as part of his training. There is no reason for Posner to leave out this information. If he is trying to "close" the case, then he would want to make the doctors look as impressive as possible in order to make the autopsy look credible.

According to Dr. Michael Baden there are "two very different types of autopsies available. There was the usual hospital one, which is what the President received, and there was the forensic one"(Posner 300-301). There are many peculiarities surrounding the autopsy. Dr. Baden comments, "[a] lot of things weren't done, such as inspecting the spine, dissecting the neck organs, tracing out the bullet tracks, and inspecting the clothing"(Posner 303-304). The failure to shave the head in order to examine the head wound was another crucial procedure not performed. Another unusual fact was that the autopsy only took just over three hours. A thorough autopsy should have taken several days. This was not the autopsy of a nobody found on the side of the street, but a president. Posner claims that Humes was in complete control of the autopsy and took orders from no one. If this were true then why were so many things omitted from the autopsy? According to Colonel Finck there was more than one person giving orders "because there were others, there were admirals"(Weisberg 235). Finck also testified that "when you are a lieutenant-colonel in the Army you just follow orders..."(Weisberg 235). What Finck says here is crucial because he was under oath when he said it. This means that Finck either committed perjury, or the autopsy was not all it was made up to be.

To begin the autopsy Commander Humes ordered that 14 x-rays and 52 photographs be taken. Colonel Finck, who arrived late, realized x-rays had not been taken of the entire body and ordered that it be done. Posner would like us to believe that Earl Warren was the only one to see the x-rays because Robert Kennedy hid them to protect the family. Posner must have overlooked executive session transcript of 1/21/64 in which Mr. McCloy asks "[t]hey talk about the colored photographs of the President's body -- do we have those?"(executive session 1/21/64). Mr. Rankin replies, "Yes, it is part of it, a small part of it"(executive session 1/21/64). This shows that the Warren Commission did have access to the photos. There was another strange occurrence surrounding the x-rays. Years later when the Clark Panel reviewed the neck x-rays they found that "several small metallic fragments are present in this region"(Weisberg 592). This finding is of profound

importance. If one considers that Commission exhibit 399 was not fragmented yet caused the wound to the neck, then it would be reasonable to expect that there would be no fragments in the neck. Commander Humes even testified that there were no fragments in the neck. This means that either Commission exhibit 399 is fake, it did not cause the wound to the neck, or Humes committed perjury as well. Yet another interesting observation relating to the x-rays pertains to the back wound. Posner says that the Select Committee determined that there was "a stress fracture to the first thoracic vertebrae" (Posner 307). However, the Clark Panel found "no evidence of fracture of either scapula or of the clavicles, or of the ribs or of any of the cervical and thoracic vertebrae"(Weisberg 592). This is also significant, because if there was no fracture of the vertebrae then there would be no severing of the nerve to cause the Thorburn Reaction. After considering all of the above evidence Posner should not have come to the conclusion that these panels "confirmed the autopsy results and the Warren Commission conclusions"(Posner 304).

It was determined that the size of Kennedy's back wound was 7 x 4 mm. Humes testified that the wound was located "approximately 6 inches below the top of the collar and 2 inches to the right of the middle seam of the shirt"(WC 2H 365). This location is supported by notes written by Special Agent Bennett. These notes were written before doctors had even noticed the back wound. In the notes Bennett says, "I heard a noise that immediately me of a firecracker. Immediately, upon the supposed firecracker, looked [sic] at the boss's car. At this exact time I saw a shot that hit the boss about 4 inches down from the right shoulder"(Commission Exhibit 2112). As with the neck wound, there are several problems surrounding the back wound. First, the doctors did not use a fixed point like the midline of the skull, but they used the mastoid and acromion process. Perhaps the autopsy doctors should have consulted with the people in Dallas who performed Oswald's autopsy. They actually used the midline of the skull. Another botch on the part of the Warren Commission is found in exhibit 385 and 386. Both of these drawings show the back wound as being closer to the base of the neck. Through the testimony listed above it

is obvious that this can not be true. It was later revealed that these drawings were made without the benefit of the photos of the body. As discussed earlier, we know that this is not true. Posner once again illustrates his wisdom when he says, "measuring placement of the holes in the clothing is not an accurate means of determining precisely where the bullet entered the body"(Posner 305). However, on the following page Posner wants to support the House Select Committee by saying, ". . . it also examined JFK's clothing, which confirmed the direction of the neck shot"(Posner 306). He wants to interpret the evidence in a manner that supports his theories, even if it means contradicting himself on consecutive pages. It does not take a expert of the Warren Commission to figure that one out.

As previously mentioned, the neck wound was cut over at Parkland Hospital. However, the wound was measured as 3 x 5 mm. If this wound is compared to the wound to the back it can noted that the neck wound is smaller, and by definition, an entrance wound. As noted earlier, Dr. Perry agreed with this in the news conference. This wound definitely establishes that the case is not "closed." In an effort to support his theory, Posner uses a reconstruction of the neck shot conducted by Dr. John Lattimer. Posner states that Lattimer is a physician, but there is no mention that he is also a ballistics expert. This is the same man who shoots bullets through two feet of elm wood with no damage to the bullet. In the section describing the recreation, it does not say whether or not Lattimer used the same copper jacketed ammunition Oswald supposedly used. There is also no mention of the type of rifle used to do the shootings.

The head wound, like the others, raises many questions and speculations. Posner seems to think that "the head wound was a textbook example of entrance and exit for a bullet. Once again making reference to Commission Exhibit 386, it is not possible for a shot from a sixth floor window to hit at that point in the back of the head and then cause an exit wound of to the right side. The wound measured approximately 6 inches at its

largest diameter. It was calculated that Kennedy lost most of the right hemisphere of his brain.

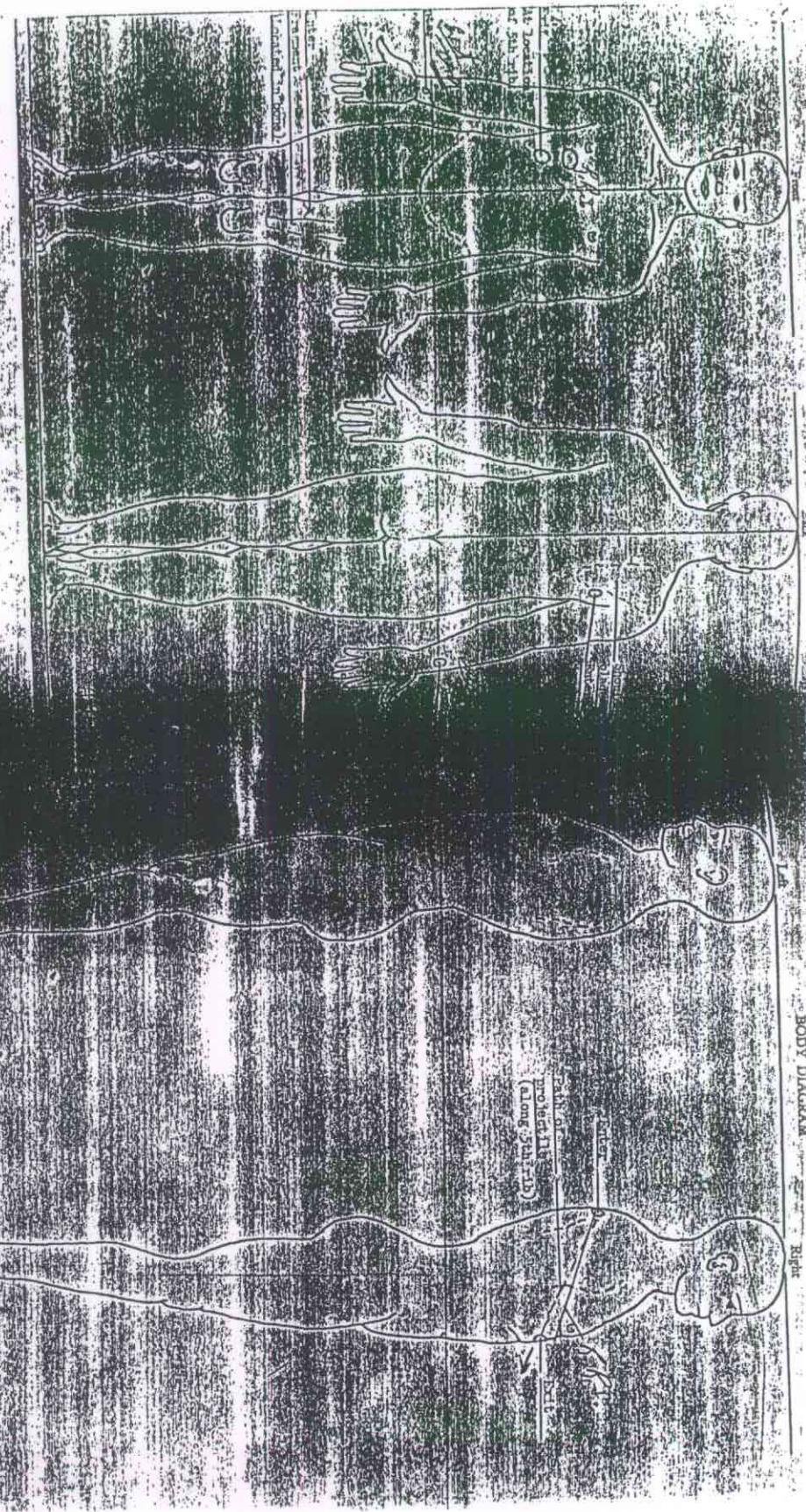
There are several other miscellaneous observations surrounding the autopsy, such as the infamous exhibits 385 and 386 that are insults to the intelligence of Americans. These drawings were produced under the supervision of Commander Humes. They were put in the Warren Commission because the x-rays and photographs were not going to be added. It is also interesting to note that Commander Humes burned his original autopsy notes because they had blood on them. Although he claims to have copied them verbatim, he should not have been allowed to burn them in the first place. The autopsy of an assassinated president was written from memory without the benefit of x-rays or photographs. This just further demonstrates how poor the autopsy was. This caused discrepancies between the Warren Commission and the House Select Committee which noted that the back wound was misplaced by 2 inches and the head wound was off by 4 inches. Throughout the chapter Posner tries to make Robert Kennedy the cause of the major faults of the autopsy. He claims Robert Kennedy was responsible for speeding up the autopsy and keeping the x-rays and photographs. These accusations have no truth to them. Robert Kennedy had no authority to do either of those things, and had Humes exercised the control he claimed to have it would not have mattered. Had Robert Kennedy sat on the materials from the autopsy he could have been taken to court for hindering an investigation into the assassination of a president.

The autopsy of President Kennedy is crucial to the overall assassination for several reasons. First, by examining the evidence it can be shown that the single-bullet theory is false. The autopsy can be used to establish a shooter from the front. By making use of the facts given above it can also be shown that there was either a cover up pertaining to the autopsy, or there are doctors who need to be prosecuted for perjury. Posner may also want to reconsider his claim to have read all 26 volumes of the Warren Commission. After wading through the lies and distortions presented by Gerald Posner and the Warren

Commission it is fitting to conclude with a quote from Emerson concerning the truth. "The greatest homage we can pay to truth is to use it." Perhaps Posner makes a better statement in his preface of Case Closed when he states "[t]he only casualty is truth." Hopefully in the future Posner will not make a casualty of truth, but pay the homage he has neglected for so long.

## **APPENDIX**

92



Body Diagram Connally

COMMISSION EXHIBIT 680

two pages from  
A NEWS CONFERENCE  
with Parkland  
Hospital doctors

## NEWS CONFERENCE

This Copy For \_\_\_\_\_

WAGGONER #1

AT THE WHITE HOUSE

WITH WAYNE HAWKS

NOVEMBER 22, 1963

3:16 P.M. W CST

Friday

Dallas, Texas

MR. HAWKS: Let me have your attention, please.

You wanted to talk to some of the attending physicians. I have two of them here, Dr. Malcolm Perry, an attending surgeon here at the Parkland Memorial Hospital. He will talk to you first, and then Dr. Kemp Clark, the chief neurosurgeon here at the hospital. He will tell you what he knows about it. Dr. Perry,

Q. Were you in attendance when the President died?

Q. Let him tell his story.

DR. MALCOLM PERRY: I was summoned to the Emergency Room shortly after the President was brought in, on an emergency basis, immediately after the President's arrival. Upon reaching his side, I noted that he was in critical condition from a wound of the neck and of the head. Immediate resuscitative measures --

Q. Would you go slower?

DR. PERRY: I noted he was in a critical condition from the wound in the neck and the head.

Q. Could that be done by one shot?

DR. PERRY: I cannot conjecture. I don't know.

Q. A wound of the neck and of the --

DR. PERRY: -- of the head. Immediate resuscitative measures were undertaken, and Dr. Kemp Clark, Professor of Neurosurgery, was summoned, along with several other members of the surgical and medical staff. They arrived immediately, but at this point the President's condition did not allow complete resuscitation.

Q. What do you mean by "complete resuscitation"?

DR. PERRY: He was critically ill and moribund at the time these measures were begun.

Q. Completely ill and what?

DR. PERRY: Moribund.

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Q. Where was the entrance wound?

DR. PERRY: There was an entrance wound in the neck. As regards the one on the head, I cannot say.

Q. Which way was the bullet coming on the neck wound? At him?

DR. PERRY: It appeared to be coming at him.

Q. And the one behind?

DR. PERRY: The nature of the wound defies the ability to describe whether it went through it from either side. I cannot tell you that. Can you, Dr. Clark?

DR. CLARK: The head wound could have been either the exit wound from the neck or it could have been a tangential wound, as it was simply a large, gaping loss of tissue.

Q. That was the immediate cause of death -- the head wound?

DR. CLARK: I assume so; yes.

Q. There is a rumor that Lyndon Johnson had a heart attack, and I would like to check that out.

DR. CLARK: I have no information.

MR. HAWKS: I don't believe these gentlemen were in attendance with the Vice President.

Q. Where was he when this was going on?

MR. HAWKS: That is not the question you should put to this doctor.

Q. Can you tell us where he is?

MR. HAWKS: I can't now, but Mr. Kilduff will be available later and we will take those details then.

Q. We can't bear you.

MR. HAWKS: They are asking where the Vice President was, but I don't know at the moment. That is not the proper question to put to these gentlemen. They were busy with the President at the time.

Q. Where was Mrs. Kennedy?

MR. HAWKS: I don't know that detail either. As you might suspect, we were all busy around here.

Q. Can't we clear this up just a little more? In your estimation, was there one or two wounds? Just give us something.

DR. PERRY: I don't know. From the injury, it is

MORE

Even for high military mucky-mucks, hardened as they may be to the consequences of war, there would seem to be no joy in watching the dissecting of a human body, not ordinarily, anyway, not for normal people. Nor does it seem that medical personnel would find pleasure in watching the taking apart of a President. Surely most normal people would prefer to avoid so gruesome an examination, especially because it is made on the corpse of a murdered President.

Nor were these high-ranking military personages required as official observers. The Secret Service served that function.

Finck departed from strict truth (p.52) in claiming that "The room was crowded with military and civilian personnel and Federal agents, Secret Service agents, FBI agents ..." The only "civilians" permitted in the autopsy room were the "Federal agents". Other than these agents, despite Finck's claim, there were no civilians there during the autopsy, the military having seen to that. They posted a military guard and excluded civilians.

Finck did acknowledge he did not have "to take orders from this Army general that was there directing the autopsy ... because there were others, there were admirals."

"Admirals?" asked Oser, to whom I had given the names of two.

"Oh, yes," Finck expanded, "there were admirals," adding in attempted self-defense the Eichmann/Nuremberg concept utterly irrelevant in the United States and in a medico-legal function, "and when you are a lieutenant-colonel in the Army you just follow orders . . ."

Now, it happens that the all-anticipating military establishment did anticipate medico-legal needs. The specific and written orders and directions, special regulations and an entire Armed Forces Institute of Pathology manual on "The Autopsy", do not include being told what to do and not to do for political purposes, real or fancied.

Finck continued (with no omission in quotation), "and at the end of the autopsy we were told - as I recall it, it was by Admiral Kenney, the Surgeon General of the Navy - this is subject to verification - we were specifically told not to discuss the case," to which he added "without coordination with the Attorney General."

That never-ending effort to blame the Kennedys!

(Although the Navy declined to be helpful when the admiral's name first appeared in news accounts of the New Orleans testimony as "Kinney" and thereafter was variously spelled, Paul Hoch checked three standard sources. The 1968-9 edition of Who's Who in America reads: "born 2/19/04; M.D. U.Cin. 1929; advanced through grades to rear adm., 1957; surgeon general of the Navy, 1961-5; rear admiral, ret., presently Dir. Med. Edn., N. Broward Hosp Dist. Office address: 1600 S. Andrews Av., Fort Lauderdale, Fla." The Fort Lauderdale telephone-book listing of Edward C. Kinney is Middle River Drive. The New York Times for January 28, 1965, announced his plans to retire on page 11, column 5.)

Throughout his testimony, reluctant as he was to admit it and hard as Shaw's lawyers tried to testify for him, to come to his rescue when he was pressed and did not want to admit what was damaging to the official account of the Presidential assassination, Finck nonetheless was forced to acknowledge that the nature of the examination made and not made was not determined by the requirements of the law or regulation but by direct orders given on the spot by top brass.

Important as was the tracing of the path of that magical Bullet 399 through the President's body to learn if, in fact, there was any bullet that did or could have taken this guessed-at path, Finck finally admitted the doctors were ordered not to do this obviously necessary testing (2/22, pp. 1-3, 1-4-1; 2/25, pp. 1, 32-4). First he tried to blame Robert Kennedy (pp. 1-5). In the end, after what amounts to repeated

Excerpt from 1/21/64  
EXECUTIVE SESSION TRANSCRIPT.

that it would be  
 had a page proof or  
 obtained from the  
 Public Printer for their consideration. The General Counsel was  
 thereupon instructed to make arrangements for delivery of such page  
 proof to each of the Commissioners promptly upon receipt of the same  
 from the Public Printer.

A Motion was made, seconded and carried that there be provided  
 100 copies of the Report and Hearings bound in buckram for the  
 Commissioners to distribute as they may determine and that in addition  
 500 copies of just the Report be provided for such distribution.  
 A Motion was made, seconded and carried that leather bound copies  
 of the Report and Hearings with the names of the proposed recipients  
 stamped on them in gold be provided for the President and such persons  
 as he might select, for members of the Kennedy family in accordance  
 with the direction from the White House, and for the Commissioners.

A Motion was made, seconded and carried that one set of the  
 Report and Hearings with the proposed recipient's name stamped in gold  
 be furnished each of the staff members who have been with the Commission  
 for a substantial period of time in the work of the investigation  
 and preparation of the Report.

In addition we are talking to the FBI and the Secret Service and  
 obviously also. We would like you to have that. That will give  
 you a really good picture along with the synopsis you have as to  
 what we think might be some further guidance in this further pic-  
 ture.

Is that the kind of thing, Senator Cooper, that you had in  
 mind, would that be helpful?

Sen. Cooper. Yes, I know we have to finish the agenda but  
 I thought after that even at this point, there have been questions  
 raised in your own mind about —

Mr. McCloy. About direction.

Sen. Cooper. And in our own mind, I have one or two it might  
 be well to discuss it.

Mr. McCloy. Let me ask you about this raw material business  
 that is here. What does it consist of? Does it consist of the raw  
 material of the autopsy? May I talk about the colored photographs  
 of the President's body — do we have those?

Mr. Rankin. Yes. It is part of it, a small part of it.

Mr. McCloy. Are they here?

Mr. Rankin. Yes. But we don't have the minutes of the  
 autopsy, and we acted for that because we wanted to see what doctor A  
 said about searching while he was saying it, to see whether it is  
 supported by the conclusions in the autopsy and so forth, and then  
 we have volumes of material in which people have purported to have  
 said, or say to various agents certain things, they are not shown.

96  
 This is Page 35 of the Executive Session of 1/21/64. Despite later contrary testimony, Rankin is here explicit in saying the Commission did have "the colored photographs of the President's body", this autopsy photographs. This means there was no "no photograph" or "no photograph" statement made by the Commission. The reason for this is that the Commission did have "the colored photographs of the President's body", this autopsy photographs. This means there was no "no photograph" or "no photograph" statement made by the Commission.

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*Except  
from  
Clark  
Panel*

Neck Region: Films #8, 9 and 10 allowed visualization of the lower neck. Subcutaneous emphysema is present just to the right of the cervical spine immediately above the apex of the right lung. Also several small metallic fragments are present in this region.

There is no evidence of fracture of either scapula or of the clavicles, or of the ribs or of any of the cervical and thoracic vertebrae.

The foregoing observations indicate that the pathway of the projectile involving the neck was confined to a region to the right of the spine and superior to a plane, passing through the upper margin of the right scapula, the apex of the right lung, and the right clavicle. Any other pathway would have almost certainly fractured one or more bones of the right shoulder girdle and thorax.

Other Regions Studied: No bullets or fragments of bullets are demonstrated in X-rayed portions of the body other than those described above. On film #13, a small round opaque structure, a little more than 1 mm. in diameter, is visible just to the right of the midline at the level of the first sacral segment of the spine. Its smooth characteristics are not similar to those of the projectile fragments seen in the X-rays of the skull and neck.

#### Examination of the Clothing

Suit Coat (CE 392) A ragged oval hole about 15 mm. long (vertically) is located 5 cm. to the right of the midline in the back of the coat at a point about 12 cm. below the upper edge of the coat collar. A smaller ragged hole which is located near the midline and about 4 cm. below the upper edge of the collar does not overlie any corresponding damage to the skirt or skin and appears to be unrelated to the wounds or their causation.

In describing the all too few X-rays of the "neck region" the panel demolishes the Cullen Report and the integrity of the autopsy doctors' testimony. Humes had sworn there were no metallic fragments in the neck region on the X-rays. (CE 361). CE 392 is clearly unrefuted, yet it had to have caused the neck wounds for the Commission's case to survive. Thus, the panel's statement that "several small metallic fragments were of significantly varying lengths, one on the buttonhole considerably longer than the other." Thus, it is highly doubtful that the panel's findings on which it was based are irreversibly wrong.

Shirt (CE 394) A ragged hole about 10 mm. long vertical and corresponding to the first one described in the coat, located 2.5 cm. to the right of the midline. In the back a shirt at a point 14 cm. below the upper edge of the collar has linear holes 15 mm. long are found in the overlapping hem. There is no evidence of fracture of either scapula or of the clavicles, or of the ribs or of any of the cervical and thoracic vertebrae.

Tie (CE 395) In the front component of the knot of the tie the outer layer of fabric a ragged tear about 5 mm. in diameter is located 2.5 cm. below the upper edge of the tie to the left of the midline.

#### Discussion

The information disclosed by the joint examination of the foregoing exhibits by the members of The Panel supports the following conclusions:

The decedent was wounded by two bullets both of which hit his body from behind. One bullet struck the back of the decedent's head in the external occipital protuberance. Based upon the observation that he was leaning forward with his head turned oblique left when this bullet struck, the photographs and X-rays show that it came from a site above and slightly to his right. Bullet fragmented after entering the cranium, one major fragment passing forward and laterally to produce an explosive effect on the right side of the skull as it emerged from the head.

The panel does not explain what a "linear hole" is. The damage to the shirt cannot accurately be described as "holes." Two slits were produced at this point, and, as the photograph of them reproduced at p. 596, they were of significantly varying lengths, the one on the buttonhole considerably longer than the other. Thus, it is highly doubtful that they have accurately measured both slits as being the same length, 15 mm.

shirt, and 395 being the President's tie, and at this time move for their admission into evidence.

THE CHAIRMAN. It may be admitted.

(The articles of clothing referred to were marked "Commission Exhibits No. 393, 394 and 395 for identification, and received in evidence.)

MR. SPECTER. Taking 393 at the start, Doctor Humes, will you describe for the record what hole, if any, is observable in the back of that garment which would be at or about the spot you have described as being the point of entry into the President's back or lower neck?

COMMANDER HUMES. Yes, sir. This exhibit is a grey suit coat stated to have been worn by the President on the day of his death. Situated to the left of the midline high in the back portion of the coat is a defect, one margin of which is semicircular.

Situated above it just below the collar is an additional defect. It is our opinion that the lower of these defects corresponds essentially with the point of entrance of the missile at Point C on Exhibit 385.

MR. SPECTER. Would it be accurate to state that the hole which you have identified as being the point of entry is approximately 6 inches below the top of the collar, and 2 inches to the right of the middle seam of the coat?

COMMANDER HUMES. That is approximately correct, sir. This defect I might say continues on through the material.

Attached to this garment is the memorandum which states that one half of the area around the hole which was presented had been removed by experts, I believe, at the Federal Bureau of Investigation, and also that a control area was taken from under the collar, so it is my interpretation that this defect at the top of this garment is the control area taken by the Bureau, and that the reason the lower defect is not more circle or oval in outline is because a portion of that defect has been removed apparently for physical examinations.

MR. SPECTER. Now, does the one which you have described as the entry of the missile go all the way through?

COMMANDER HUMES. Yes, sir; it goes through both layers.

MR. SPECTER. How about the upper one of the collar you have described, does it go all the way through?

COMMANDER HUMES. Yes, sir; it goes all the way through. It is not—wait a minute, excuse me—it is not so clearly a puncture wound as the one below.

MR. SPECTER. Does the upper one go all the way through in the same course?

COMMANDER HUMES. No.

MR. SPECTER. Through the inner side as it went through the outer side?

COMMANDER HUMES. No, in an irregular fashion.

MR. SPECTER. Will you take Commission Exhibit 394 and describe what that is, if at all, please?

COMMANDER HUMES. This is the shirt, blood-stained shirt, purportedly worn by the President on the day of his assassination. When viewed from behind at a point which corresponds essentially with the point of defect on the jacket, one sees an irregularly oval defect.

When viewed anteriorly, with the top button buttoned, two additional defects are seen. Of course, with the shirt buttoned, the fly front of the shirt causes two layers of cloth to be present in this location, and that there is a defect in the inner layer of cloth and a corresponding defect in the outer layer of the cloth.

MR. SPECTER. Is there any observable indication from the fibers on the front side of the shirt to indicate in which direction a missile might have passed through those two tears?

COMMANDER HUMES. From an examination of these defects at this point, it would appear that the missile traversed these two layers from within to the exterior.

MR. SPECTER. Would it be accurate to state that the hole in the back of the shirt is approximately 6 inches below the top of the collar and 2 inches to the right of the middle seam of the shirt?

COMMANDER HUMES. That is approximately correct, sir.

MR. SPECTER. Now, how, if at all, do the holes in the shirt and coat conform

Notes of Special Agent Bennett

Shake hands with THE PRESIDENT. THE PRESIDENT'S CAR, THE MOTORCADE, HAD BEEN TRAVELING FOR APPROXIMATELY 30 MINUTES ENROUTE TO THE TRADE MART, WHEN WE MADE A LEFT HAND TURN AND THEN A RIGHT. THE PRESIDENT'S AUTO MOVED DOWN A SLIGHT GRADE AND THE CROWD WAS VERY SPARSE.

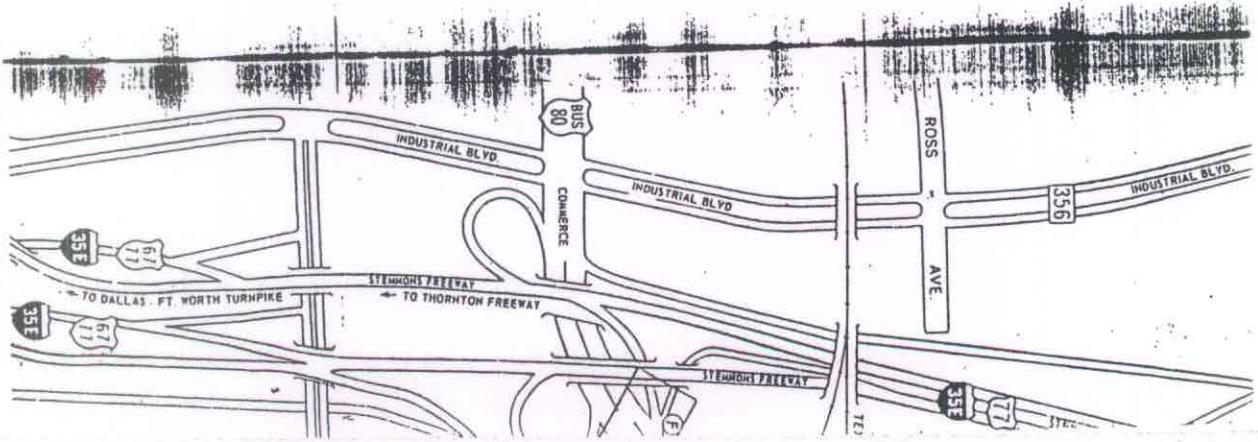
AT THIS POINT [REDACTED] THAT IMMEDIATELY [REDACTED] I IMMEDIATELY TURNED MY HEAD LEFT. THE SIGHTS OF THE CARS [REDACTED] LOOKED AT THE BOSS. (See At) THE EXACT TIME I TURNED TO SHOT THAT HIT THE BOSS. [REDACTED] SHOT DOWN FROM THE RIGHT. SHOT DOWN IN SECOND SHOT followed IMMEDIATELY AND hit THE RIGHT REAR HIGH OF THE BOSS'S HEAD. IT IMMEDIATELY HOPPED TO SPECIAL AGENT HICKORY SEATED IN THE SAME SEAT, TO GET THE AK-47. I DREW MY REVOLVER AND LOOKED TO THE REAR AND TO THE LEFT BUT WAS

UNABLE TO SEE ANY ONE PERSON THAT COULD HAVE RENDERED THIS TERRIBLE TRAGEDY. THE PRESIDENT'S AUTO IMMEDIATE KICKED INTO HIGH GEAR AND THE FOLLOW-UP CAR DEPARTED THEREIN. THE PRESIDENT WAS TAKEN TO A NEARBY HOSPITAL AND WAS RUSHED THEREIN. AT THIS TIME, I WAS INSTRUCTED TO PROTECT THE VICE PRESIDENT WHO FOLLOWED THE PRESIDENT'S AUTO AND FOLLOW-UP TO THE HOSPITAL. I THEN HELPED IN ACCOMPANYING THE VICE PRESIDENT TO A ROOM ON THE GROUND FLOOR OF SAID HOSPITAL.

*John Sennett  
Writing over  
Plane, 5-30pm  
11-22-63 to be checked*

COMMISSION EXHIBIT No. 2112-Co

COMMISSION EXHIBIT No. 2112—Continued



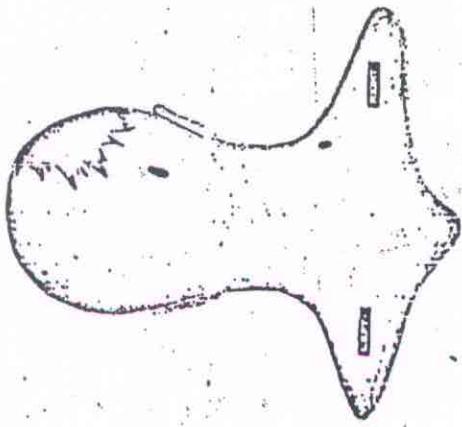
representation of the

President's wounds. Compare them with the autopsy chart on the opposite page, which clearly shows that the rear wound was in the back, not the neck. The FBI report also locates this wound in the back

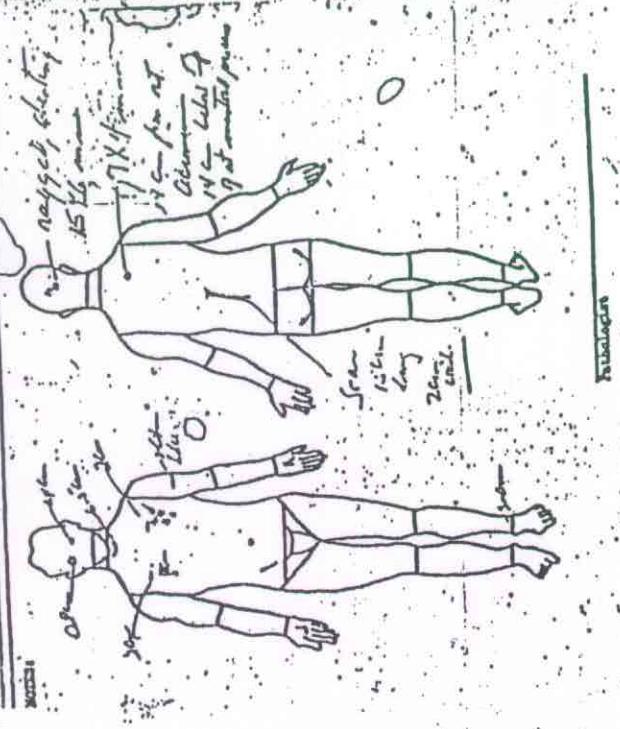
(see page 195) and gives not this flat angle but one of 45 to 60 degrees.



COMMISSION EXHIBIT 385



NAME	JOHN F. KENNEDY	ADDRESS	WHITE HOUSE
DATE/PLACE OF BIRTH	May 29, 1917, Brookline, Mass.	WEIGHT	165 lbs
PHYSICAL DESCRIPTION: HAIR	Black	HAIR COLOR	Black
HAIR	Short	EYES	Blue
WEIGHT	165 lbs	Hair	Curly
HEIGHT	5 ft. 10 in.	CIRCUMFERENCE OF HEAD	21 in.
COLOR, EYES	Blue	HAIR LENGTH	1 in.
HAIR LENGTH (NAME, NUMBER, COLOR, HAIR LENGTH SPECIFIED)	NUMBER, RT. 1375 NAME, MR. 23310 NUMBER, RT. 23290 NAME, MR. 23290	HAIR LENGTH	1 in.
HAIR	90	HAIR LENGTH	1 in.
HAIR LENGTH	1 in. 1/2	HAIR LENGTH	1 in. 1/2
HAIR LENGTH	1 in. 1/2	HAIR LENGTH	1 in. 1/2



COMMISSION EXHIBIT 387—Continued

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