

THE KENNEDY MURDER—EVIDENCE OF A CONSPIRACY!

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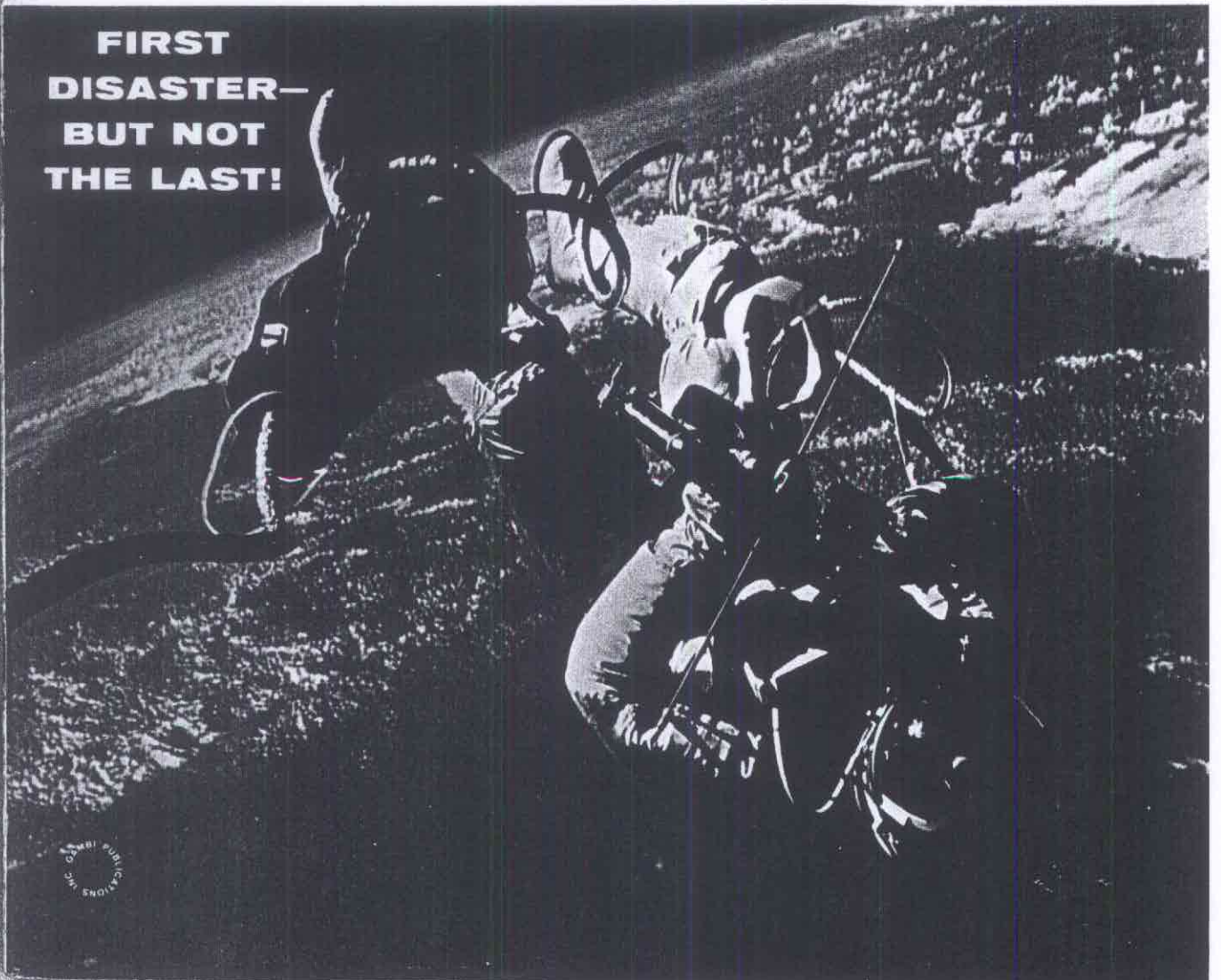
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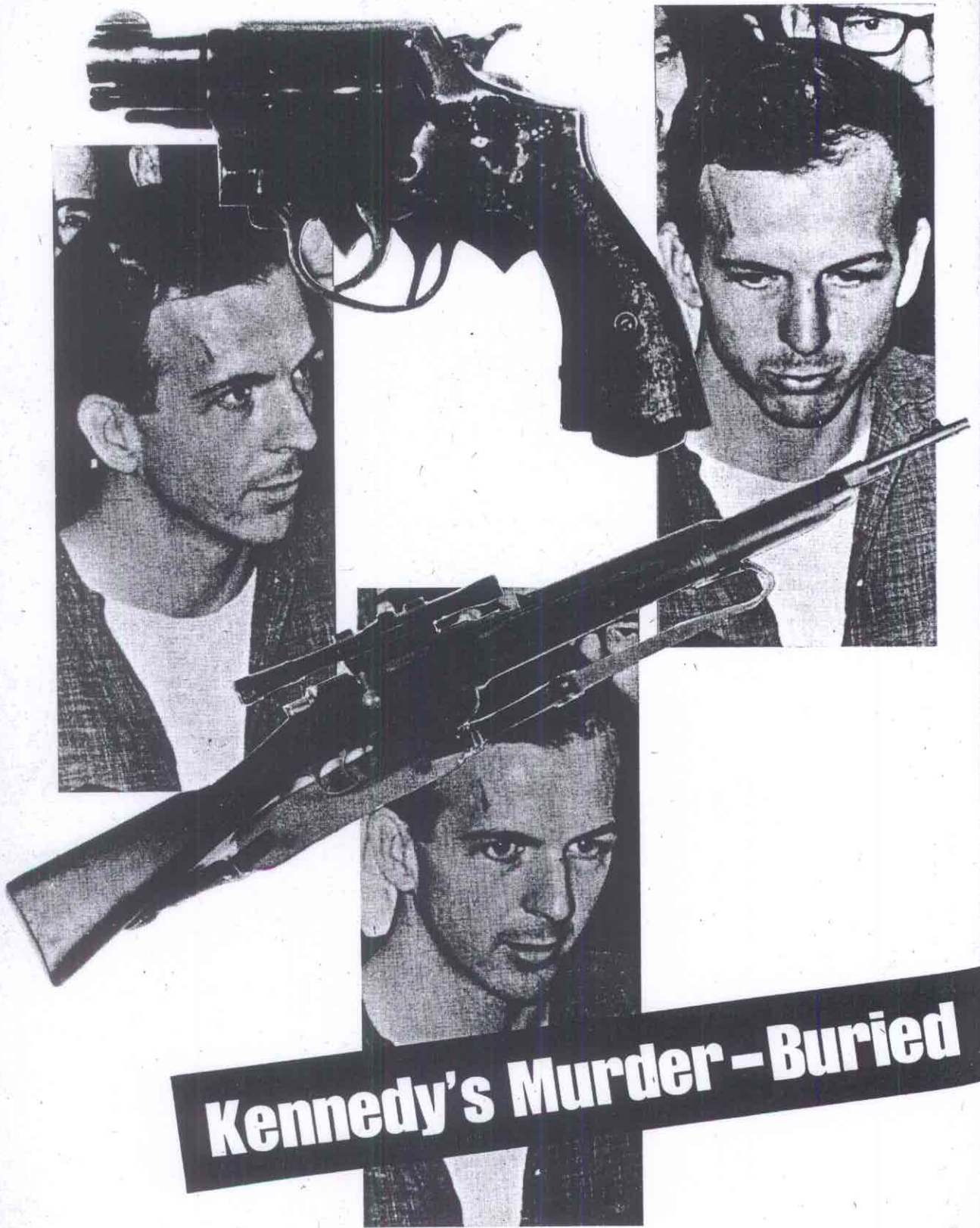
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Kennedy's Murder - Buried

If any of the many police agencies that investigated the assassination ever considered the possibility that anyone besides Oswald was or even might have been involved at any time subsequent to his arrest, I have found no indication of it. For a brief earlier period, the police logs (meaning *all three versions* of the same logs, all of which are different, Exhibits 705, Sawyer Exhibits A and B, and Exhibit 1974), describe the location and description of suspects and the arrest of at least one, in the building across from the Depository.

There is no explanation of all of this police activity. Nor do any of the police appear to have been questioned about it. It is totally ignored in the [Warren Commission] Report. Once Oswald was in jail, nobody was interested in any other prospects.

While not forgivable on the part of the police, it can be understood in terms of their desire to protect themselves and their reputations, and their anxiety to present the best possible face to a stunned world by prompt capture of the culprit—any culprit.

Weak as these are, no such excuses can be made for the Commission which was charged with the responsibility of learning and reporting all. This was explicit in its creation and certainly everyone expected no less of it. Yet the Commission also wanted no other suspects. With Oswald dead and safely buried (and the seal of certainty stamped in the appended volumes with photographic proof), the Report considered no others. The dead Oswald left very few friends. He had no real intimates. He had no political connections of any kind.

In what is by far its lengthiest chapter (VI—Investigation of Possible Conspiracy, pp. 243-374), the Report also considers no possible conspiracies except some in which Oswald might have been involved. That section devoted to Jack Ruby details his activities for the three days prior to his murder of Oswald, then in police custody, reports on his "Background and Associations," and concludes "Ruby and Oswald Were Not Acquainted" in a subsection bearing that title.

Even those unspeakable persons of the extreme "radical right," clearly described by the Commission as the cannibals of that part of the political spectrum, escape separate attention in this chapter, despite the oft-quoted words of the Chairman-Chief Justice at the time of the assassination, attributing it in general terms to "hate." There is no reference to these political jackals in the table of contents, and what little mention is made of them is hidden with a total absence of logic in a completely unrelated subsection entitled Oswald's "Political Activities Upon Return to the United States" (R293-9). He had no known connections with these people.

Yet the Report devotes 131 pages to the "Investigation of Possible Conspiracy" involving Oswald. (By comparison, the chapter on "The Assassination" covers but 31 pages, less than a fourth the space.) The half-page conclusion establishes that in its deliberations the Commission considered no conspiracy not involving Oswald and, in fact, "there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy" (R374).

On both counts the Report is wrong.

First, it had more than evidence of a conspiracy: It had irrefutable proof. Second, the Commission had highly credible evidence that Lee Harvey Oswald was, in fact, part of this conspiracy. Any appraisal of the Report as it relates to Oswald inevitably leads to the conclusion he could not have done what he was charged with. Despite its contrary statements, the Commission's own proof of this is completely unassailable and is repetitious. But there remains the possibility that Oswald was involved in the crimes. Whether innocently or otherwise will ultimately be decided by others. My evaluation, limited entirely to what I have found buried in the hearings and suppressed in the Report, is that he was the "pigeon." My only doubt is whether, at least to begin with, he knew.

Conspiracy is defined as a combination of persons for evil or unlawful ends. At least two are required to constitute a conspiracy.

At least two were involved in the assassination. Probably there were more.

Hence, regardless of the Commission's conclusions or its reasons for reaching these conclusions in defiance of its own conclusive evidence, the certainty of the existence of a conspiracy should be borne in mind in consideration of the Commission's denial thereof.

The chapter reveals the nature of the real conspiracy that did exist, names, identifies forces. It reveals the single

Proof of a Conspiracy!

By HAROLD WEISBERG

The leads and clues are all there in the Warren Commission's report to the nation—but they're literally engulfed in thousands of documents and millions of words. Here, stripped of the deliberate "red herrings" that have been dragged across the trail, are the real facts that have never been investigated!

aspect of the Commission's inquiry that was not concluded at the time of the printing of the Report. At that point the Report and the Commission abandon their hot lead.

There is no way of knowing what developed in the belated investigation the FBI was directed to make. But it is known that the Commission put its files in storage in the National Archives where they are inaccessible for the next 75 years. Parenthetically, the reason for this time specification given by the press, whether or not under the inspiration of the Commission, is one of the most shameful aspects of this whole business. That reason was supposedly for the good of Lee Harvey Oswald's daughters, to protect them from the consequences of the alleged crimes of their father. Certainly nothing can be said that could further besmirch his name. It has been so deeply engraved in the annals of infamy that anything said of him could only improve the memory the world will have of him.

Buried in the subsection innocuously entitled, "Investigation of Other Activities" and unreflected in the table of contents, the headings, subheadings, or the index of the Report, is hard and unrefuted proof that a group of men were deliberately fashioning a "False Oswald." The Report and the Commission first tried to destroy the validity of this information and, failing in that, switched to a childish but successful pretense that this mysterious person could not have been Oswald. Indeed, he not only could not have been, but he was not, and the Commission knew this and it knew his name!

First of these other activities considered (R312) is entitled, "Oswald's Use of Post Office Boxes and False Names."

KENNEDY'S MURDER— PROOF OF A CONSPIRACY *continued*

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The Report says, "Since either practice is susceptible of use for clandestine purposes, the Commission has directed attention to both." The Report then traces the history of Oswald's box rentals beginning with October 9, 1962, when he rented box 2915 in Dallas. It makes no effort to correlate Oswald's use of post office boxes with the conditions of his life, especially his employment and the interest the FBI had in him. Marina, for one, gave the Commission this information (1H20), saying that about August, 1962 Oswald was interviewed by the FBI out of her presence, that the interview disturbed Oswald who told her little about it, and thereafter he lost his job.

The Report then says, "... Oswald is known to have received the assassination rifle under the name of A. Hidell and his Smith & Wesson revolver under the name of A. J. Hidell ..." at Dallas Box 2915.

In tracing the other boxes the Report accurately describes Oswald's closing out of his New Orleans box and the filing of a change-of-address card immediately prior to his trip to Mexico in late September, 1963. What the Report ignores is the intriguing revelation by Postal Inspector Harry D. Holmes (7H289-308; 525-30) that still another change-of-address card not written by Oswald was sent to the New Orleans office. It was postmarked in New Orleans October 11, and in Dallas October 16. Assistant Counsel Wesley J. Liebeler frankly admitted the problem this presented the Commission, stating, "Let me come bluntly to the point. My problem is this: Oswald wasn't in New Orleans October 11. He was in Dallas" (7H529).

Inspector Holmes could only conjecture that some unknown person had telephoned the change of address to the

New Orleans post office (and even to its correct branch). The Report, in ignoring this, ignored obvious conspiratorial connotations. The Commission's attitude is reflected with unfortunate clarity by the disposition Liebler made of his unwanted evidence, "Well, in any event, we will add this to the pile" (7H530).

Further commenting on Oswald and his post office boxes, the Report finds it significant that Oswald was not secretive about them. In each case he gave a proper home address, and he furnished the box number to people who had a perfect right to it, such as his brother, employer, the Texas and Louisiana Unemployment Commissions, and others. Hence, the Report attaches no conspiratorial significance to his use of these boxes. But it ignores the lack of secrecy or any disguise involved in ordering the weapons in a name other than his own when they were delivered to a post office box rented in his own name.

Oswald's use of aliases was "well established," according to the Report (R313). The fact is the Report here refers to no one who ever knew him by another name, although he was listed as "O. H. Lee" at his Beckley Street roominghouse. In order to establish this, the Commission caused an extensive search to be made, including even banking circles. If this search in banks revealed anything about Oswald, the Report is silent on the subject, a strange silence for a Report that alleges Oswald had about \$1,500 in cash at the time of his discharge from the Marine Corps but does

not prove it.

Discussing Oswald's finances, so essential to his ability to travel and live as the Commission said he did with "no evidence" of "outside assistance" (R256), the Report bases this most elemental and vital conclusion entirely upon "proof" from a non-witness and an unknowing one. It quotes what Oswald is alleged to have told Correspondent Aline Mosby, who was never heard from in any of the forms in which the Commission heard "witnesses"—not even an unsworn, *ex parte* statement. And without even quoting her directly, the Commission on this basis alone says, "he had saved \$1,500 out of his Marine Corps salary to finance his defection."

Without wasting a single word, the Report immediately employs a transparent diversion to distract the reader from the flimsiness of its "fact," declaring that "the news story . . . unaccountably listed the sum of \$1,600 instead of \$1,500." Still another diversion follows, again with nothing intervening: "After this article had appeared, Marguerite Oswald also related the \$1,500 figure to an FBI agent." Here a footnote directs the reader to Exhibit 2767 (26H154) and Mrs. Oswald's testimony on 1H203, where something quite to the contrary appears.

Her referred-to testimony is more dramatic and less equivocal. It was negative. In responding to the leading question of Counsel Rankin, "He had quite a little money saved, didn't he, from the Marines?" a statement that cannot be digni-

fied with the designation of "evidence," the mother began to answer and then begged for a brief recess. "I will have to break if you don't," she pleaded.

Ten minutes later, upon resumption of the interrogation, before Rankin could repeat his question, she answered it:

"Mrs. Oswald: Mr. Rankin, you mentioned about the \$1,600. Now, I don't know if you know for a fact that Lee had \$1,600. It was publicized in the paper that he had \$1,600 . . ."

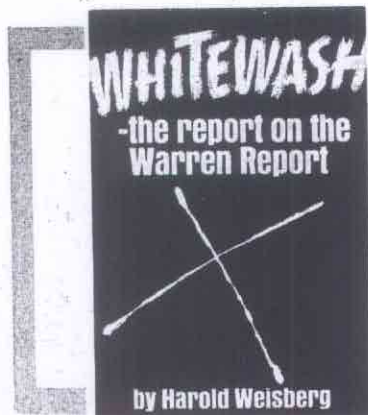
Mr. Rankin: Did he tell you anything about that at the time?

Mrs. Oswald: No, sir, he gave me \$100 . . ."

And within a few weeks, as she pointed out, despite Rankin's effort to make the interval seem longer ("that is quite a while later"), her son asked her for financial help. Persisting over Rankin's interruptions, she repeated, "I don't know if it took \$1,600."

While seeing fit to pretend it had evidence it did not, in fact, have, the Report simultaneously ignored solid evidence it *did* have. This it neither quotes nor refers to. It is Exhibit 1150 (22H-180-4). This is an FBI document headed, cryptically, merely "(3) Funds." But the table of contents describes it as FBI reports dated December 11-13, 1963, concerning investigation of Lee Harvey Oswald's funds in Ft. Worth and Dallas, Tex." In its 11 pages, the FBI reports the knowledge it gleaned from 29 officials of various banks and other sources. These add up to a total of \$422.20-\$203.00 from a single savings account opened while Oswald was a Marine and his "total separation pay" of \$219.20!

Now there is another of the strange lapses in the (Continued on page 86)



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(continued from page 84)

the 200-400 mm zoom lens on my Miranda.

Hell's Half Acre is roughly divided by a massive ridge known as Devil's Backbone. We had been hunting north of Devil's Backbone entirely. On the next to last day of the season, I suggested to Jack that we try to make it over the ridge to the south side to see if we could locate some undisturbed herds.

The climb from the valley is something like a 1,000 feet. We started up a dozer track early in the morning, and were perhaps halfway up when we came to a particularly steep grade. Jack was driving Wimpy in first gear, and had the little engine wound up when our progress slowed to a crawl, and the engine started screaming as though it would tear out of its mounts. "Bail out," Jack yelled, "the clutch is gone." I hit the ground grabbing for a rock to scotch the rear wheel just as the Wimpy's forward motion stopped completely. I crammed a rock under the other wheel, while Jack set the brake and gingerly climbed

out.

"Maybe it's just overheated," I said.

"I doubt it," Jack replied. "That's the only weak spot in the rig. I've burned up two or three in the sand—and I bet this one's had it, also."

It turned out he was right. After letting it cool down, he tried to move the rig again—but it was no use. We spent the rest of the day hiking back to the truck.

Jack didn't think the truck would make it to where Wimpy was stranded. That evening, Bidly checked by, and when I described the location, he felt sure his CarryAll could make it in, since it had a four-speed transmission and a positive drive rear end. He went back in to ranch headquarters, and the next morning, both he and Gage showed up with CarryAlls. We had to fill in a few spots with rocks, but we made it to the base of the Devil's Backbone. Jack and I walked up, and with him driving and me navigating from the front, he let Wimpy down on the brake to a wide spot where we turned him around by

hand. Headed down nose first, the engine and clutch helped some and, we got down to the CarryAlls without a crisis developing.

Gage was keenly disappointed that Jack hadn't gotten his buck, but Jack summed up the whole thing neatly when he said, "Killing a buck couldn't add much to the privilege of spending a week in country like yours, Gage. If I ever saw a game paradise, you have it here. But I'd sure like another chance next year."

Gage looked off in the distance to the top of the Devil's Backbone. "You'll get the chance, Jack. I'll personally see to it that you get him. And it may be the last buck killed in Hell's Half Acre. This is sort of my little private wilderness. I use it as an undisturbed area for the game to breed to be hunted on the rest of the ranch. I want to leave my son at least a part of the country the way I found it when I came here. Hell's Half Acre is the only piece I have left—and I may stop hunting it altogether."

Personally, I hope he does.

★ THE END

KENNEDY'S MURDER—PROOF OF A CONSPIRACY

[continued from page 31]

Report, lapses which occur only when the Commission is embarrassed. On November 1, 1963, Oswald rented box No. 6225 in Dallas. "Listed as also being entitled to receive mail at this box" were the Fair Play for Cuba Committee and the American Civil Liberties Union (R312). The Commission knew Oswald did not represent the Fair Play for Cuba Committee. In New Orleans, for a brief period to which we shall soon return, Oswald was a one man fake "Fair Play for Cuba Committee." The Report leaves no doubt of the singular and unofficial nature of Oswald's pretense. At no time in Dallas did he even pretend such a connection or representation. More, he had not even a pretended connection with the American Civil Liberties Union, a long established organization. He had merely made a contribution to it. At some point, the Report should have examined the reason or reasons for Oswald's attempt at involving this group with himself. The ACLU had a well known and functioning chapter in Dallas. But on this the Report gives us nothing but silence.

But when the Report gets to "Ownership of a Second Rifle," a subsection so inconspicuous it is not reflected in the table of contents, the Commission, in spite of its best efforts to avoid so doing, gets into substantial indications of the shape and form of the conspiracy and its ramifications (R315). While the Report's purpose is to destroy any belief

in a conspiracy—and in this without doubt it succeeded to at least a *major* degree—enough could not be avoided for total suppression.

The Commission looked into "a report that, during the first two weeks of November, 1963, Oswald had a telescopic sight mounted and sighted on a rifle at a sporting goods store in Irving, Tex. The main evidence that Oswald had such work performed for him is an undated repair tag bearing the name 'Oswald' from the Irving Sports Shop in Irving, Tex.," whose employee, Dial D. Ryder, "presented this tag to agents of the FBI" on November 25, claiming he had filled in the tag. It indicated three holes had been drilled in a rifle and a telescopic sight mounted and bore-sighted. Both Ryder and his employer, Charles W. Greener, believe they never worked on the rifle found in the Depository.

The Report declares, "If the repair tag actually represented a transaction involving Lee Harvey Oswald, therefore, it would mean that Oswald owned another rifle. Although this would not alter the evidence which establishes Oswald's ownership of the rifle used to assassinate President Kennedy, the possession of a second rifle warranted investigation because it would indicate that a possibly important part of Oswald's life had not been uncovered" (R315).

Taking this bag bite of non-sequiturs one by one, the name "Oswald" on that tag did not mean only that Lee Harvey

Oswald owned another rifle. A more likely meaning the Commission had reason to suspect was that someone not Lee Harvey Oswald said he was. The Commission knew there was such a person in Dallas at that approximate time.

There is not and never was any proof that Oswald "owned" the assassination rifle or possessed it after its delivery or at the time of the assassination. Without questioning and handwriting experts who tie Oswald to the order for the rifle, and assuming he and no one else got possession at the post office, all the Commission and the Report show is that at that time this rifle was in Oswald's possession. From the time of acceptance at the post office, there is not the slightest proof that Oswald possessed that rifle. Marina said she saw him with a weapon as late as August, 1963. But she could not tell a rifle from a shotgun (1H13) and Chairman Warren sympathized with her, saying his wife could not, either. Marina's last definite testimony about Oswald with any weapon relates to nocturnal "practice" with an unidentified weapon on their back porch in New Orleans. The Report draws upon a carefully selected part of this testimony, omitting the nocturnal part, to suggest Oswald had kept his nonexistent skill as a marksman in this manner. Imagine "practicing" using a rifle and a telescopic sight in darkness (1H21) Even then, Marina said, "I don't know what he did with it (the rifle)." This may sound like hairsplitting, but this is a Report on the assassination of a President by a Commission whose membership and staff

consisted of some of the country's outstanding lawyers, including the Chief Justice and a former Solicitor General of the United States. And the fact is, this quotation from the Report is not accurate.

The Commission and its Report ignore another part of Marina's testimony. If they cared to examine evidence of Oswald's ownership of a second rifle, she gave it to them February 3, 1964, in their very first session, immediately after the hearing resumed following the lunch recess (1H13).

Marina has described their Neely Street residence and a little private room of her husband's. She said she had seen a package on the shelf in a closet, about February, 1963. "... it was out in the open... I think that was the rifle. But I didn't know. And apparently he later assembled it and had it in the room." When General Counsel Lee Rankin asked, "When you saw the rifle assembled in the room, did it have the scope on it?", Marina told him, "No, it did not have a scope on it."

With its unflinching faith in and, in fact, dependence upon Marina, the Commission here had several important pieces of information. The record shows the Mannlicher-Carcano rifle found in the Book Depository was shipped complete, with the sight mounted. Here we have an unassembled rifle, and without a scope.

Instead, the Report attacks Ryder, saying he "testified that he found the repair tag while cleaning his work bench November 23, 1963." Ryder spoke to his employer prior to November 25. With specific recollection of the date, he discussed the possibility that Oswald had been in the shop. The Report, without regard for the kind of person Ryder may have been or of his temperament, "found it significant that Ryder never called the repair tag to his employer's attention" (R315-6).

The Report invokes no such standards with those many witnesses in the same category whose testimony it wants to credit.

"The peculiarity of Ryder's silence," the Report continues (R316), blandly ignoring the fact that Ryder was not "silent," "is compounded by the fact that, when speaking to the FBI on November 25, Ryder fixed the period during which the tag had been issued as November 1-14, 1963, yet, from his later testimony, it appears he did so on the basis that it must have occurred when Greener was on vacation since Greener did not remember the transaction."

If there is anything peculiar about this, relating to an occasion Ryder had

(continued on page 89)

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(continued from page 87)

at the time no need to recall, it is not obvious.

"Moreover," the Report continues, "the FBI had been directed to the Irving Sports Shop by anonymous telephone calls received by its Dallas office and by a local television station."

Then comes a diversion typical of the method of this Report. Instead of considering the obvious possibility that the anonymous phone calls were intended to direct attention to a previously prepared plant, the Report continues, "The anonymous male who telephoned the Bureau attributed his information to an unidentified sack boy at a specified supermarket in Irving, but investigation has failed to verify this source."

The Report was interested in destroying Ryder's credibility, and there may, in fact, be reason for doubting him but not by the standards applied to those witnesses the Commission depends upon, whose credibility is incomparably less.

With a straight face, the Report wraps up the incident of the second rifle in these words, "No other person by the name of Oswald in the Dallas-Fort Worth Area has been found who had a rifle repaired at the Irving Sports Shop" (R316).

Nonetheless, the Report admits "Possible corroboration for Ryder's story is provided by two women, Mrs. Edith Whitworth, who operates (a used furniture store) about one and a half blocks from the Irving Sports Shop," and her friend, Mrs. Gertrude Hunter. "They testified that in early November of 1963, a man who they later came to believe was Oswald drove up . . . in a two-tone blue and white 1957 Ford automobile, entered the store and asked about a part for a gun, presumably because of a sign that appeared in the building advertising a gunsmith shop that had formerly occupied part of the premises."

This man, upon learning of his error, went to the car and returned with a woman the women thought was Marina. They remained for 30 to 40 minutes (R316).

Of course, this could not have been the Oswalds from what is known, for Oswald had neither a car or a driver's license. The Report than "evaluates" (read "denigrates") this testimony. One of the means employed is to draw inferences from a statement made at the time that the man was looking for a "plunger," which the Report identifies as a "colloquial term used to describe a firing pin," but "at the time of the depositions, neither woman was able to recall the type of work which the man wanted done." The Report does not indicate how much time elapsed. It was, however, eight months to the day after the

assassination, July 22, 1964, that the Commission questioned them. When Marina did not know a rifle from a shotgun, the Chairman said his wife did not, either. Yet a different "evaluation" is applied to women the Commission wants not to believe (R317).

Perhaps more significant in this context is the charge by Joachim Joesten, known to the Commission and ignored in its Appendix on "Speculations and Rumors," that the Oswald pistol would not fire because just this part was defective.

When it gets into another subsection also not reflected in the table of contents, "Rifle Practice" (R318-30), the Report again avoids facing the probability of a "False Oswald." The subsection deals with the public target shooting by a man resembling Oswald, in a manner guaranteed to call attention to himself.

"Several witnesses believed that in the weeks preceding the assassination, they observed a man resembling Oswald practicing with a rifle in the fields and wooded areas surrounding Dallas, and at rifle ranges in that area," the Report states. "In most instances, investigation has disclosed that there is no substantial basis for believing that the person reported by the various witnesses was Oswald."

"One group of witnesses, however, believed they observed Lee Harvey Oswald at the Sports Drome Rifle Range in Dallas at various times from September through November of 1963. In light of the number of witnesses, the similarity of the descriptions of the man they saw, the type of weapon they thought the individual was shooting, there is reason to believe that these witnesses did see the same person at the firing range, although the testimony of none of these witnesses is fully consistent with the reported observations of the other witnesses."

Would it not be proper grounds for suspicion if all the witnesses agreed on all details of incidents they had no way of knowing would subsequently become significant?

The Report then names these witnesses and shows their connections with the "False Oswald": One adjusted his sights; another had an argument; and still another discussed the man's rifle with both the man and the witness' father. Interestingly, the Report manages to avoid identification of this strange man's rifle.

There are four witnesses in substantial agreement and confident "that the man they saw was Oswald." Two others "believed they saw a person resembling Oswald firing a similar rifle at another range near Irving two days before the assassination." Still others "at the same

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range remembered the same individual but, though noting a similarity to Oswald, did not believe that the man was Oswald. . . . Three of the witnesses believed "the man whom they saw was firing a rifle perhaps identical to Oswald's Mannlicher-Carcano . . . The witnesses agreed the man had accurate aim."

In then seeking to prove what was undoubtedly true, that this rifle was different from the assassination weapon, the Report forgets itself and says, ". . . the gun did not have a sling but the assassination weapon did have one." It sometimes did and it sometimes did not, and in its discussion of Exhibits 133-A and 133-B, photographs showing Oswald with his rifle, the Report goes into detail on this point. In any event, the Report's devotion to this detail is frivolous, for slings may be attached and removed at will.

This "False Oswald" seems to have retained all his empty casings, "presumably for reuse," in the words of the Report. Another likely and avoided possibility is to prevent tracing.

Once again, the Report concludes this person could not have been Oswald. And that is exactly the point the Report avoids. Was this a "False Oswald"?

Still another follows (R320-1), in the subsection titled "Automobile demonstration." Several witnesses testified that a man who gave his name as Oswald on November 9, 1963, sought and got a demonstration ride from a Lincoln-Mercury firm in Dallas. The "False Oswald" drove the car at 60 to 70 miles an hour. The salesman, Albert Bogard, wrote the name given by the prospect, "Lee Oswald," on a business card. On hearing of the assassination, Bogard "threw the card in a trash can, making the comment to coemployees that he supposed Oswald would no longer wish to buy a car." This is corroborated by the assistant sales manager and a second salesman who recall the customer described by Bogard. Another salesman recalls Bogard asked him to assist the customer should he return in Bogard's absence. This salesman and his wife both recall his having also written the name "Oswald" on a card.

The Report found "doubts exist about the accuracy of Bogard's testimony" and that he and other witnesses differed in details the Report evaluated as "important." One of these witnesses quoted the customer as saying, "Maybe I'm going to have to go back to Russia to buy a car." If this remark was, in fact, made, it surely would have remained in the salesman's mind and was intended to.

In addition to doubts about this testimony, the Report quotes Marina and Ruth Paine to prove Oswald could not

have been at that salesroom on that day, and thus dismisses the testimony, once again entirely missing its significance. This significance is precisely that it could not have been the real Lee Harvey Oswald.

But the story of the "False Oswald" is not yet completely unfolded. In the last subsection, entitled "Alleged Association with various Mexican or Cuban individuals," the Report again misses or pretends to miss the point (R321-5). In the very first sentence the Report acknowledges the bias and inaccuracy of the use of the word "alleged" in referring to Oswald's "known" contacts with such groups. Hence, the Commission is not only biased, but it acknowledges that, in fact, Oswald did have such contacts.

In my opinion, here is the lead that may yet unravel the fabric woven before 12:30 p.m. Dallas time. November 22, 1963.

The Report here deals with three separate but clearly related contacts Oswald had with Cuban refugee groups. While some of the dramatis personae may have been Mexican or Mexican-American, the groups involved were of Cuban refugees. In order to put this important matter in perspective, it is necessary to understand that, despite the Report's frequent and consistent references to Oswald's alleged "dedication to Communism," his politics and beliefs were strongly anti-Communist. He referred to himself as a Marxist and those of relative political maturity who knew him said he did not know what he was talking about.

From boyhood on, with a record in the Commission's possession going back to when he was but 16, Oswald was anti-Communist. When he left Russia, as even Marina makes clear, he was anti-Soviet.

Did he pretend pro-Castro sympathies? Why was he equipped with phony credentials in a name suggestive of Castro's, for the Commission indicates "Hidell" was in effect a pun of "Fidel"? Why did he never use this name in person? What purpose did or could this elaborate masquerade serve? Was it the idle game of a boy? Or was it something more serious, something even with international implications and related to United States foreign policy?

Carlos Bringuier distinguished himself from other Cubans in his testimony (10H32-51) by saying he was an immigrant rather than a refugee. He is a Havana-trained lawyer, a member of the Cuban bar and a former official of the Castro government until he defected in May, 1960, a fact disguised to the degree possible in his appearance. He gave his testimony on either April 7 or 8,

the record, wrongly, saying both. The transcript makes clear his testimony was uninterrupted and was completed at one sitting. Bringuier identified himself as "a salesman and manager" of a store called "Casa Bocca," 107 Decatur St., New Orleans (10H33). He was, in fact, an owner, in partnership with his brother-in-law, Rolando Pelaez (10H-36).

His testimony is a mixture of speculation, gossip, rumor, conjecture, fantastic theories and political propaganda, combined with the revelation, perhaps sometimes inadvertently and in passion, of solid fact. Coming from a lawyer and unrestrained in any manner by the Commission's Assistant Counsel Wesley J. Liebler, the uninhibited and un-legal character of the appearance is, in itself, a surprise. Bringuier, in effect, conducted his own hearing, as Liebler, acknowledged at the end in saying, "You have done most of the testifying without my help and you have done very well" (10H50).

Bringuier represents himself as having excellent contacts with the FBI and other police agencies, including, at least by inference, the Secret Service.

On arrival in New Orleans February 18, 1961, he was the "delegate" of the "Cuban Revolutionary Council." In June 1962 he was "designated New Orleans delegate of the Cuban Student Directorate and I am in that position from that time to now." That "group" was like Oswald's "Fair Play for Cuba Committee." Each was a one-man outfit.

Bringuier said that on August 24 his organization carried "on a shelling of Havana." Two days later he was interviewed by FBI Agent Warren C. DeBrueys who, according to Bringuier, declared the FBI was going to infiltrate Bringuier's one-man organization. This, Bringuier asserts, is why he was suspicious when a year later Lee Harvey Oswald approached him with an offer of help.

DeBrueys seems to have been an FBI Cuban expert. It is interesting to note that he moved to Dallas after Oswald did. His presence in Dallas was revealed by accident in testimony before the Commission on March 3, 1964 (3H-414).

One of Bringuier's undiplomatic revelations is that the "Christian Democratic Movement" had conducted a military training camp near New Orleans that was infiltrated and exposed August 2, 1963, three days before Oswald's visit. Although suspicious of Oswald for this additional reason, in his account, when Oswald asked for literature after representing himself as anti-Communist and anti-Castro, he got it. Despite his alleged

(continued on page 92)

(continued from page 90)

suspicious, he spoke to Oswald, by his own estimate, about an hour and, upon leaving, allowed Oswald to remain behind for an additional conference with his brother-in-law (10H36). Pelaez considered Oswald "really a smart person and really interested in the fight against Communism. . . ." Oswald's offer included help in military training and the following day he delivered his Marine handbook. "Even more," as Bringuier told his story, "he told me that he was willing to go himself to fight Castro" (10H-36).

After this introduction to the anti-Castro Cubans, what did Oswald then do? Three days later he distributed his own pretended pro-Castro handbills in the most conspicuous places in New Orleans until he was set upon by whom of all the anti-Castro Cubans who resided there? Bringuier!

In the ensuing incident, Bringuier's associates destroyed Oswald's handbills and Oswald himself remained with crossed arms, motionless, saying, "O.K., Carlos, if you want to hit me, hit me." It is difficult to imagine behavior more out of keeping with Oswald's character as delineated in the various Commission volumes, including the Report.

They were all arrested, fingerprinted, and, according to Marina, Oswald did not come home that night. According to Bringuier, he and his colleagues each had to post \$25 bond but not Oswald. ". . . Somebody went to the First District" and made an affidavit for him. The Commission had no interest in this "somebody" and no questions were asked about him. In court, Bringuier, the aggressor, pleaded not guilty and was, with his colleagues, released. Oswald, who by any version had done nothing except restrain himself, pleaded guilty and was fined \$10 (10H37-8). Bringuier put an other-than-official interpretation on the interview Oswald demanded with the FBI. The FBI report is to the effect that there was no point in Oswald's request. Bringuier said that he personally told the two FBI agents "three or four times . . . that Oswald was the one that was . . . in favor of Castro" (10H50). Of the agents he said, "They were talking to him in front of me, but when they were ready to interview Oswald, they moved to other places to interview him."

Oswald, already concerned, according to his wife, about the previous interest the FBI had in him, presumably as a former defector to Russia, in New Orleans demands the FBI catch him red-handed in pro-Castro activity. It just does not make sense, except in terms of what is known in the intelligence trade as "establishment of a cover."

After this incident Oswald remained

in New Orleans long enough to have himself well photographed, interviewed on television, publicly engaged in debates in which he posed as pro-Castro, and shortly thereafter left for Mexico, where he unsuccessfully sought a Cuban visa.

Bringuier's efforts to insinuate that Oswald's public activities in New Orleans were calculated to gain him entrance into the anti-Castro group was so transparent that Liebler finally was compelled to say, "Now it doesn't seem likely, does it, that Oswald would go around handing out literature in the streets like he did if he was actually attempting to infiltrate the anti-Castro movement?" (10H45)

Oswald's associations with the mysterious Mexicans or Latin-Americans is also touched upon by Bringuier who insisted the Secret Service had shown him photographs in an effort to identify them. The same or similar mysterious figures come up in the testimony of four others, three Cubans and a New Orleans lawyer.

The three Cubans, Orest Pena, owner of the "Habana Bar and Lounge," 117 Decatur St., New Orleans, his brother, Ruperto, and his bartender, Evaristo Rodriguez, tell the same story as they were involved in it. Their testimony about Oswald or "Oswald" and his mysterious friends hinges around an unforgettable incident in which Oswald was the first man ever to order a lemonade in Pena's establishment and Rodriguez did not know what it was. Pena told the bartender how to concoct a synthetic one. The affair ended, after earlier arguments about Pena's prices, with the non-drinking "Oswald" getting sick all over the place in a spectacular manner none had forgotten. Orest, however, had additional things to say, about the FBI and Bringuier especially.

Orest had been a member of the Cuban Revolutionary Council of sufficient prominence to have his picture on the front page of the New Orleans papers (11H367-8). FBI Agent De Brueys, he said, was "sticking with the organization very, very close" (11H-361). Orest passionately denounced his former friend Bringuier as an enemy of the United States, who "hates the United States more than he does Russia" (11H-353). Quoting Spanish obscenities he says Bringuier addressed to the United States, Pena challenged Liebler, if he did not believe him, "let him (Bringuier) and me take a lie detector test and see who is right on it." Orest declared he had never done anything against the interest of the United States and was told by Liebler, "I have no reason whatsoever not to believe you." Pena attributes Bringuier's hatred of the United States to its Cuban policy.

Pena's disputes with the FBI had two unrelated causes. First, he had been reporting the pro-Castro Cubans who patronized him to the FBI and the FBI was staying so close to him it hurt his business (11H361). Also he had been questioned by them so many times in connection with the Oswald case, he was so annoyed he got a lawyer (11H350).

Oswald's identity was unknown to him and Rodriguez until following the assassination, when they saw Oswald on television. At that time Rodriguez "run from his house to my house, to tell me about it" (11H356).

Ruperto Pena had little to add (11H-364-7). He described himself, through interpreter FBI Agent Richard E. Logan, as "more or less pro-Batista." He was not in the bar at the time of Oswald's visit, but he did discuss it later with Rodriguez (11H339-46), upon whom the first mention he had ever heard of lemonade made a lasting impression.

Speaking through the same interpreter, the night bartender, Rodriguez, recalled the patronage of "These two men (who came into the bar). One of them spoke Spanish (and) ordered the tequila . . . Then the man I later learned was Oswald ordered a lemonade. Now, I don't know what to give him because we don't have lemonades in the bar. So I asked Orest Pena how to fix a lemonade. Orest told me to take a little of this lemon flavoring, squirt in some water, and charge him 25 cents for the lemonade, and that's the incident surrounding this situation" (11H342).

It was really only the beginning. There was an exchange of unpleasanties about the prices, and Oswald apparently found one of the Rodriguez lemonades enough. He switched and got drunk, with such a monumental illness that Rodriguez described it thus: "He got sick on the table and on the floor" and into the street where "he continued to be sick." Oswald's companion "could have been a Mexican," but Rodriguez said "at this point I don't recall." He was positive that the man was hairy, a description subsequently used by Mrs. Sylvia Odio in detailing the appearance of the two men who accompanied the man introduced to her as Oswald. In other respects their descriptions also agree. This man was about five feet eight inches and rather stocky. They, as did other witnesses, clearly recalled this man's "receding hairline."

Unable to recall the exact date, Rodriguez related it to what was then undoubtedly a big thing in the Cuban colony, the Bringuier demolition of the Oswald handbill distribution. Rodriguez said Oswald's only recorded pub-crawling was a few days either side of the inci-

(continued on page 94)

(continued from page 92)

dent. His recollection of the lemonade incident was so clear he even described the part of the bar in which the pair was seated (11H343).

Rodriguez made positive identification of Oswald from pictures (11H345).

Closely paralleling the testimony of the Cubans was that of Attorney Dean Adams Andrews, Jr. (11H325-39), who flavored his remarks with a pungency of speech and picturesqueness of phrasing that lent an unseemly lightness to the seriousness of the occasion. He also volunteered expert data on firearms and other unsolicited information.

In the summer of 1963 "Oswald came into the office accompanied by some gay kids. They were Mexicanos. He wanted to find out what could be done in connection with a discharge, a yellow discharge . . . when he brought the money I would do the work, and we saw him three or four times subsequent to that, not in the company of the gay kids. He had this Mexicano with him. . . ." Later Andrews saw some of these "gay kids" professionally after a police "scoop" that resulted in the arrest of about 50 "for wearing clothes of the opposite sex." Andrews apparently has more than a fair share of this kind of clientele from the Latin population. Asked to estimate the volume, he said, "Last week there were six of them . . . Depends on how bad the police are rousting them. They shoo them in. My best customers are the police . . . God bless the police" (11H-336).

Andrews' link with this element was a semi-mysterious Clay Bertrand, whom he described as "a lawyer without a briefcase" (11H337). Bertrand frequently phoned him on behalf of the homosexual clients "either to obtain bond or parole for them. I would assume he was the one that originally sent Oswald and the gay kids . . . because I had never seen those people before at all" (11H-331).

Andrews is looking for Bertrand and the Mexican but indicated the latter was no longer in New Orleans because "he just couldn't have disappeared because the Mexican community here is pretty small. You can squeeze it pretty good . . . He is not known around here . . . Not too many places they can go without being noticed." His search was subsequent to the assassination (11H331). Bertrand owes him money, and Andrews connects both with the assassination. Six weeks prior to his July 21, 1964, appearance, he saw Bertrand in a bar and he "spooked" through another entrance when Andrews sought a phone to alert the FBI. Andrews berated himself for not following his instinct, saying, "What I wanted to do and should have done is

crack him on the head with a bottle . . . I probably will never find him again . . . he could be running because they have been squeezing the quarter pretty good looking for him . . . somebody might have passed the word he was hot and I was looking for him . . ." (11H334-337).

Andrews indicated the FBI is also looking for at least the Mexican, and said, the FBI needs "Latin stools for that boy."

Andrews also saw Oswald distributing his literature outside his office and said there were "a lot of guys . . . that will tear your head off if they see you" with pro-Castro literature (11H329).

Shown the Binguier photograph, he identified Oswald (11H329). In this sequence, Andrews also describes the Mexican as "stocky, well built," which is in conformity with the other descriptions. Further testifying about the Mexican, Andrews injected a detective-story note, saying, "There's three people I'm going to find: One of them is the real guy that killed the President; the Mexican; and Clay Bertrand."

During Andrews' testimony there were other clear and important leads the Commission did not follow, or, if it did follow them, failed to mention in the Report. As it customarily did with witnesses whose testimony was unwanted, the Report dismisses Andrews in a paragraph (R325) which concludes. "Andrews was able to locate no records of any of Oswald's alleged visits, and investigation has failed to locate the person who supposedly called Andrews on November 23, at a time when Andrews was under heavy sedation. While one of Andrews' employees felt that Oswald might have been at his office, his secretary has no recollection of Oswald being there."

Andrews' testimony on his lack of records, and the Report fails to contradict him, was clear and gave no basis for the Report's innuendo. He declared, "My office was rifled shortly after I got out of the hospital." He was hospitalized at the time of the assassination (11H331). This burglarization of Andrews' files, undisputed by the Report, should have been of keen interest to the Commission.

Andrews' "employee" is his private investigator, Preston Davis, whom Andrews quoted as recalling Oswald's visit (11335-6). The secretary is Eva Springer who, Andrews said, did not recall Oswald's visit. Neither was called by the Commission. Both, however, were interviewed by the FBI (26H356-7). There are not statements or affidavits from either. Nonetheless, both corroborate Andrews.

In the language of the FBI report, "Davis advised that he can not positively state that Lee Harvey Oswald was ever

in Andrews' office, but after viewing numerous photographs of Oswald on various TV programs, can state that he is vaguely familiar and may have visited Andrews' office. In addition, he can recall Andrews' mentioning to him on various occasions that an individual named Oswald had been to Andrews' office." Davis also told the FBI he recalled that in June 1963 Andrews "discussed with him the procedure to amend or correct an undesirable discharge from the Marine Corps."

Miss Springer did not recall Oswald but "she recalls Andrews' speaking to her briefly about someone being interested in changing a discharge from the Marine Corps. . . ."

Both of these statements are dated December 6, 1963.

It was, in fact, through Andrews that the FBI visited his employee for, although ill, in the hospital, and under heavy sedation, Andrews on November 25, 1963, phoned the Secret Service New Orleans office and gave them the following information about Oswald: That on three occasions, in June-July, 1963, Oswald had seen him relative to his undesirable Marine discharge and his own and his wife's citizenship status; that on November 23, Clay Bertrand had asked him about defending Oswald; and that Oswald's discharge was interfering with his employment possibilities. Andrews also told the Secret Service essentially the same thing as he subsequently testified to, about Oswald's Latin associates (26H732-3).

Is it not asking too much to believe that a man hospitalized and under sedation could have invented a story with such remarkable accuracy so soon?

At the time Clay Bertrand phoned to ask him to represent Oswald, by Andrews' own account he was "squirrely" and is unclear whether this call was on the 23rd or 24th (he told the Secret Service the 23rd). Unable to go himself, ". . . I called Monk Zelden . . . and asked Monk if he would go over . . . I thought I called Monk once. Monk says we talked twice" (11H337). No lawyer — no one named Zelden appeared before the Commission.

These clear evidences of a "False Oswald," the connections of the real or false one with Cuban refugee groups and the attempted establishment of a "cover" in New Orleans are totally ignored by the Commission in its exhaustive inquiry into Oswald's trip to Mexico City, from September 26 until October 3, 1963 (299-311, 658-9, 730-6).

But it is in this context only that his trip makes sense or has reason. Except for the collateral benefits of being able to quiet rumors and speculations about his possible connections with foreign gov-

ernments, this tremendous effort in which presumably the FBI and CIA collaborated, possibly with some help from the State Department and in which the Mexican Government assisted, was wasted. There are few things Oswald said or did during the trip that remain unknown. Passengers who shared the buses were tracked down all over the world and interviewed. They recalled his conversation (pro-Castro, and he hoped to get to Cuba), what he ate, where he ate it, where he slept, who he saw where—all are completely and uselessly recorded. Even details of his conferences with the officials of the Cuban and Russian consular staffs are recorded. These included a fight he had with Cuban Consul Eusibio Azque, a long-time career civil servant.

Upon being told by Senora Silvia Tirado de Duran, a Mexican national employed by the Cuban consulate, that there would be four-month delay in consideration of his visa application, Oswald blew his stack. All those press notices, all the trouble he had gone to, all his phony "Fair Play for Cuba" activity which he showed Senora Duran, were wasted. When Oswald became "very excited," Azque came out of his office "and began a heated discussion with Oswald that concluded by Azque telling him that a person of his type was harming the Cuban Revolution rather than helping it."

None of the rest of Oswald's Mexican trip had any bearing on what led to the assassination. It is a truly impressive investigation, a credit to the competence of the investigative agencies, but immaterial because it is out of context.

Oswald "blew his cover," in the terminology of the intelligence trade. And he returned to Dallas.

It was later revealed that he had been kept under surveillance (Newsweek, 12/9/63). This is clear from the knowledge the FBI had of him, disclosed in the very first interrogation November 22, 1963.

Whatever value Oswald might have

had to his Cuban associates, he had none when he left Mexico City. He was, to them, the most expendable of men.

Meanwhile, back in Dallas, the "False Oswald" and his companions were busy. Within a day or two of Oswald's departure from New Orleans, they knocked on the door of the modest apartment of Mrs. Sylvia Odio, the United States-educated daughter of a once prominent Cuban couple, then imprisoned on the Isle of Pines (R321-4; 11H367-89).

Representing themselves as friends of her father and as coming from the Cuban anti-Castro group known as JURE, led by Manolo Ray, they quickly overcame her initial uneasiness. Ray, she said, "is a very close friend of my father and mother. He hid in my house several times in Cuba" (11H369). The presumed purpose of their visit was to enlist her assistance in JURE activities. To a degree, she assented.

The detailed information these men had about her family convinced her, "... details about where they saw my father and what activities he was in. I mean, they gave me almost incredible details about things that somebody who knows him really would or that some body informed well knows. And after a little while, after they mentioned my father, they started talking about the American" (11H370). "The American" was introduced as "Leon Oswald," a former Marine. The other two used aliases she described as "war" names, a device to hide identities from the Castro government. One she recall was "Leopoldo." Of the other she is uncertain, but believes he called himself "Angelo."

Representing themselves as having just left New Orleans (as the real Oswald had), they said "they were leaving for a trip (on which the real Oswald had started) and would like very much to see me on their return to Dallas. . . ." (11H372-3).

Mrs. Odio's sister was in her apartment at the time of the visit. They both immediately "recognized" Oswald at the time of the assassination. Mrs. Odio's

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shock was spectacular. She immediately connected these men with the assassination and fainted before the suspected assassin's name was broadcast. She was taken to the hospital by ambulance from her place of work, where she lost consciousness at about 1:50, almost to the second the time the real Oswald was being arrested at the Texas Theatre. She said she thought "the three men . . . had something to do with the assassination" (11H383).

There was, indeed, reason for Mrs. Odio to have made this association. "You know," Leopoldo had said of the "False Oswald," "our idea is to introduce him to the underground in Cuba, because he is great, he is kind of nuts. . . . He told us we don't have any guts, you Cubans, because President Kennedy should have been assassinated after the Bay of Pigs, and some Cubans should have done that, because he was the one that was holding the freedom of Cuba actually. . . . And he said, 'It is so easy to do it.' He has told us. . . ." (11H372-3).

The next day "Leopoldo" again spoke of the "False Oswald," saying he "would be the kind of man that could do anything like getting underground in Cuba, like killing Castro. He repeated several times that he was an expert shotman . . ." (11H377).

Mrs. Odio was not called until quite late in the hearings, July 22, 1964, eight months after the assassination and when

most of the trail was harder to follow. She had, however, made her story known earlier to the authorities and had been interviewed by the FBI December 18, 1963. At 6:30 p.m. the night of her testimony, she was in the office of the Secret Service where she was shown "some movie films of some street scenes in the city of New Orleans, and also a television appearance that Lee Harvey Oswald made over station WDSU in August of 1963." Some of the people seemed familiar, and she pointed out certain identifications she had made previously in her testimony, such as an unshaved appearance around the mouth, suggesting a mustache on Oswald. But she could not identify his voice. When asked if looking at the pictures had made her more or less convinced or if she had the same feeling that it was . . . I have a feeling there are certain pictures that do not resemble him. It was not the Oswald that was standing in front of my door," and she pointed out some other slight differences.

The film was rerun a number of times. She was also shown the still pictures and made identification from and comments about them. Of the "False Oswald's" companions, she also pointed out distinguishing characteristics paralleling those made by the New Orleans witnesses, including the opinion they "looked like Mexicans. They did not look like Cubans."

Even when the Commission could not shake or even belittle the testimony of Mrs. Odio, corroborated as it was by her sister and the identification both made of Oswald, it still looked into this further only "in view of the possibility it raised that Oswald may have had companions on his trip to Mexico," and to be certain of its reconstruction of Oswald's schedule on his trip. At no point does the Commission concede the possibility of a "False Oswald."

Most of the section devoted in the Report to the unshakable Sylvia Odio is, in fact, devoted to the recitation of evidence proving that Lee Harvey Oswald could not have been at her apartment September 27 or 28, 1963, the entire point the Report avoids.

The most astounding statement of fact in the entire Report is quietly buried in the last paragraph of the pages quoting and commenting upon Mrs. Odio:

"On September 16, 1964, the FBI located Loran Eugene Hall in Johnsandale, Calif. Hall has been identified as a participant in numerous anti-Castro activities. He told the FBI that in September of 1963 he was in Dallas, soliciting aid in connection with anti-Castro activities. He said he had visited Mrs. Odio. He was accompanied by Lawrence Howard, a Mexican-American from East Los Angeles and one William Seymour from Arizona. He stated that Seymour is similar in appearance to Lee Harvey Oswald; he speaks only a few words of Spanish, as Mrs. Odio had testified one of the men who visited her did. While the FBI had not yet completed its investigation into this matter at the time the report went to press, the Commission has concluded that Lee Harvey Oswald was not at Mrs. Odio's apartment in September of 1963." (R324)
Of course it was not Oswald!

Once the FBI got working, they moved fast. Commission General Counsel J. Lee Rapkin did not request the investigation until August 28, 1964. The FBI replied by letter September 21—three days before the Commission delivered its printed Report to the President! But why did not the FBI suspect a "False Oswald" to begin with? And why did the Commission wait until *nine months* after the assassination, until its work was done, to look into it?

Above all, how could it ignore the existence of a "False Oswald" until the bitter end? How could it close up shop, with its files interred for 75 years, knowing a "False Oswald" existed?

★ THE END

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