

## EDITORIAL and OPINION PAGE

## Warren Commission Never Examined Some Important Photos

Third of five articles

By GARY RICHARD SCHOENER

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Shortly after the shots were fired, Patrolman M. L. Baker and Roy Truly, manager of the Depository, ran up into the building. On the second floor Baker caught sight of a man through the window of the lunchroom door, and rushed in after him with his revolver drawn. Baker stated later that "the man did not seem to be out of breath, he seemed calm" and Baker could not recall "any change of expression of any kind on his face." Truly identified the man as Lee Harvey Oswald, a Depository worker, and Baker and Truly then continued their trip to the upper floors of the building.

One wonders whether Oswald had time to run down four flights of stairs and enter the cafeteria before Truly and Baker ran up one flight.

Furthermore, immediately after hearing the shots Sandra Styles and Victoria Adams, two Depository employes, ran down the same stairs Oswald allegedly ran down, but did not hear or see him. Perhaps only a minute after the girls ran down the stairs three other Depository employes ran down from the fifth floor but did not encounter Oswald.

Meanwhile, outside the building, patrolman W. E. Barker noticed workers on the third floor of the Depository tapping on a window and pointing to a man wearing horn-rimmed glasses, a plaid jacket, and a raincoat. He was immediately arrested and taken to Sheriff Bill Decker's office for questioning. No inquiry was made by the commission concerning the reason this man was pointed out by eyewitnesses for arrest.

At 12:45 a pickup order was sent out to Dallas police cars for a white male, 30 years old, 5'10", slender, weighing about

165 pounds, and carrying a .30 caliber rifle. The source of this description was never identified by the commission.

At about 1:12 p.m. three empty cartridge cases were found on the sixth floor of the Depository building near the window on the southeast corner. Approximately ten minutes later a bolt-action rifle with a telescopic sight was also located on the sixth floor of the Depository.

Just after the shells were found at 1:12, Patrolman L. S. Debenport told the police radio dispatcher that he was "taking a prisoner to the downtown jail." The commission apparently never questioned the Dallas police about this man or why he was arrested.

A short time later police brought a "disheveled-looking man" from the Depository building, Jack Beers Jr., a photographer for the Dallas Morning News, snapped a picture of him. Although Beers related the incident to commission counsel, neither he nor the Dallas police were ever questioned about the man's identity or circumstances of his arrest.

Chief Deputy Sheriff Allan Sweat reported an arrest made at about this time which may be a reference to the same incident. According to him, a police officer "brought a boy with a sport coat up and said, 'Here is the man that had done the shooting.'" Here again the commission made no inquiry, so there is no way of knowing why the police officer thought that he had apprehended the assassin.

At about 1:16 p.m. police officer J. D. Tippit was shot to death in the Oak Cliff section of Dallas. Lee Harvey Oswald was arrested at 1:51 p.m. as a suspect in the investigation of the murder of officer Tippit. He was formally arraigned at 7:10 that evening for the murder of J. D. Tippit. At 11:26 p.m. he was charged with the murder of President Kennedy.

In addition to the numerous witnesses to the assassination, the Warren Commission had an amazing photographic record of the assassination.

Abraham Zapruder, an amateur photographer, took a complete color movie of the assassination from a spot near the grassy knoll. Orville Nix, who was standing on the opposite side of the street from Zapruder, also took movies of the assassination.

Mrs. Mary Muchmore provided the commission with still more photographic evidence by filming part of the assassination. All of these were published, at least in part, in the 26 volumes of testimony and hearings.

Still photographs were also taken. Mary Ann Moorman was standing across the street from the Depository building. She snapped a picture at about the time the shots were fired. Her Polaroid camera was aimed a little higher than the situation required so that the sixth floor window can apparently be seen in the photo.

If an assassin fired from this window he should appear in the photograph. Mrs. Moorman gave the photo to Chief Allan Sweat who turned it over to Secret Service Agent Patterson. Mrs. Moorman was never mentioned by the commission in their report and they did not publish her photograph.

Robert Hughes delivered a film to the Dallas FBI office which also showed the sixth floor of the depository, but in this case just prior to the shots. Thomas Buchanan, in "Who Killed Kennedy?" suggested that a film taken of the Depository showed two figures in the sixth floor window. Although the commission chose to reply to Buchanan's irresponsible speculation, it did not publish the photograph! Instead it submitted the film to both Navy and FBI experts, although the commissioners themselves never examined it.

The FBI reported that "the conclusion was reached that the image seen in the window does not depict the form of a person or persons and is probably a stack of boxes later determined to have been in the room." The Commission Report omitted "probably" and reported the judgments of these experts as a certainty.

Where then was the assassin? Since the photo was taken just seconds prior to the first shot, he would have had to have been taking aim from the very window the commission claims was empty. In any event, it seems extraordinary that such an important piece of evidence was never published or seen by the commission.

Hugh Betzner Jr. ran after the President's limousine as it proceeded down Elm St. towards the railroad overpass. Just prior to the first shot he took a picture of the President's car. He was at that time standing to the left and rear of the car and therefore suggested that the parking lot fence would be in his photograph.

Since Betzner assumed that the fence was the source of the shots, he considered this quite significant and thus surrendered his camera and film to policemen at the scene.

Such a photograph might indeed be interesting to examine. The same area was captured on the film taken by Orville Nix, a few frames of which were published by the commission.

As I pointed out in an earlier article, when these frames were cataloged it was apparent that they depicted a man standing on the bumper of a car behind the parking lot fence. This man may be firing a rifle, but the photo is too imperfect to clearly know for sure, or to provide a clue to his identity. Perhaps the Betzner photo would be of more help. Unfortunately, it was never examined by the commission on the record although they knew of its existence.

Tomorrow: The origin of the shots.