

Testimony - Howard Leslie BRENNAN, March 24, 1964, (3H140-61) 184-6; 211)

Had Brennan been the kind of witness the Commission and its members gave represented him as being, the Commission would have had little or no problem with him. He was described by Cong. Ford as the most important witness to appear before the Commission in the article the Cong. signed for LIFE Magazine October 2, 1964.

Brennan is an important witness, but not at all in the sense suggested by Cong. Ford. He is, as represented by the Commission, the only actual eyewitness. He is the only one, according to the Commission's report, able to give a description of the assassin. In the report the Commission is careful, aware of Brennan's weakness, to stipulate it does not depend upon him alone. The fact is, and the fact becomes clear in Brennan's testimony, that so far as the Commission is concerned and so far as Brennan is concerned, he is, in fact, the only eyewitness.

The importance of Brennan as a witness is that he constitutes a witness about the Commission rather than as an eyewitness. I doubt if by now Brennan actually knows what he did or did not see. He did not see what he testified to and what the Commission quoted him as having seen. It was a physical impossibility. But the manner in which the Commission handled Brennan and his testimony, and especially what the Commission excludes and ignores in its handling of Brennan, is ample witness to the Commission's approach, bias, methods and integrity or lack of it.

Actually, Brennan was called to the stand 3 times in a single day. By comparison, Constable Weitzman who found the gun in company with Deputy Boone was never called before the commission. Only a time-wasting and unessential examination of the records of appearances of all the witnesses will indicate whether this is so, but I doubt very much if the Commission found it necessary to call a single witness 3 times in the course of a single day of hearings.

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To set Brennan's testimony in context, at approximately 12:45 or roughly 10 minutes after the assassination, the police broadcast a description of a suspect. In its report the Commission never specifically states the source of this eyewitness description. There is no evidence anywhere in the report that the Commission ever asked the police the source of its eyewitness description. The Commission handled this situation by the simple and entirely unsatisfactory expedient of saying he was "most probably" the source of the police broadcast. The importance of specific and irrefutable knowledge of the source of this description is hardly subject to exaggeration. To cite just one possibility, that of conspiracy. Could a conspirator have given a false description to the police?

Brennan had given a statement the day of the assassination in the sheriff's office. It is in Vo. XIX on p.470 and is about a half-page long. When he appeared before the Commission, 4 members, including the Chairman, were present, together with J. Lee Rankin, general counsel; Joseph A. Ball, David W. Belin, and Norman Redlich, assistant counsel, and Charles Murray, "Observer". Mr. Belin conducted the examination.

Brennan identifies himself as a 45-year-old married steamfitter. He had lunch at noon in the <sup>cafeteria</sup> ~~restaurant~~ at the corner of Main and Record, left at 12:18 and walked to the corner of Houston and Elm, which he estimates took about 4 minutes (p.141). He observed a man having an epileptic seizure until the man was removed by an ambulance, and then "walked over to this retainer wall of this little park pool and jumped up on the top ledge." He is shown a photograph of the Texas School Book Depository Building taken from Dealey Plaza and from the right of the center of the Depository Building as it is face. It is Exhibit 477. He is then shown Exhibit 478 which he identifies as "That is the retaining wall and myself sitting on it at Houston and Elm." This picture was



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taken when "the photographer was standing on the front steps of the Texas School Book Depository ... on the 20th of March." He is then handed "a negative which has been marked as Commission Exhibit 479" and described by Belin as "a negative from a moving picture film. And I will hand you a magnifying glass - the negative has been enlarged. This negative appears to be a picture of the Presidential motorcade on the afternoon of November 22d. I ask you to state if you can find yourself in the crowd in the background in that picture." At this point it should be pertinent to ask why, especially when the negative had already been enlarged, Brennan was not given a print upon which he might make a mark because the negative was not printed but a print allegedly made from the negative was. Brennan's reply was, "Yes. I am sitting at the same position as I was in the picture taken Friday, with the exception, I believe, my hand is resting on the wall, and Friday my hand, I believe, was resting on my leg." In response, Belin says, "Well, your legs in this picture, Exhibit 479, I notice, are not dangling on the front side there, is that correct?" (p. 142)

Brennan's reply was an abrupt and unqualified denial. He said briefly, "No." He may have had something else in mind, but he actually said that Belin was not correct. Next Belin asked a description of the clothing Brennan was wearing.

"Gray khaki work clothes, with a dark gray hard helmet." Belin then says (inaccurately), "Your head there appears to be the highest in the group, a little bit left of center in the upper part of the picture, is that correct?" Brennan affirmed, and he said the scene was as he remembered it.

It is not possible to identify Brennan as Brennan from Exhibit 479. It is not clear enough in the picture. None of the features can be

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distinguished, nor is it possible for me, with a magnifying glass, to see any evidence that Brennan is, in fact, sitting. I am not saying that Brennan wasn't there; I do not know. I am saying this picture as reproduced doesn't prove it. I also believe it does not prove he was sitting on the wall.

Conveniently, when asked what he did, Brennan recalls observing the crowd "and the people in different building windows", which he might, indeed, have done, but it is just too convenient, just too unlikely. But it serves as an introduction to the conclusion of this paragraph in which he says, "In particular, I saw this one man on the sixth floor which left the window to my knowledge a couple of times." When shown Exhibit 477 and asked to circle the "particular window", Brennan replied, "Well, I am confused here, the way this shows. But I believe this is the sixth floor, the way those windows are built there right at the present. I am confused whether this is the same window." Belin who, it would seem, had a cute little trick to seem to make Brennan a more dependable witness that I will come to in a moment, said, "You mean ~~he~~ because some windows are open below it?" and Brennan said, "No. The way the building is built, it seems like this is more or less a long window with a divider in the middle." Belin covered up the blunder fast.

What had happened was that, instead of showing a picture already in evidence, the Dillard pictures, with the men in the windows on the 5th floor and the ~~5~~ 6th window open at the right place and with the boxes stacked up, the Commission had made a photograph which showed only 4 open windows in the entire south face of the building. Three of these are where the men were, the 4th is at the extreme end of the same floor. The window at which Brennan said he saw this man was left closed and blinds or curtains behind it seemed to be drawn. But note that Brennan



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was surprised that the windows appeared in pairs. Although it is not a major point, this would seem to bear heavily on his credibility as a witness. Here is the man who looked and saw all of the things he said he saw, including things that it was physically impossible for him to see, but he never noticed that the entire building is built with the windows in pairs.

Asked by Belin to mark the window in which the man was, Brennan did and marked it with the letter "A". He then marked with a "B" the window below in which he said he saw the colored men. You guessed it, Larry. He was wrong. It was not easy to be as wrong as he was, which is completely wrong; but Brennan, this unimpeachable character, this "most important" witness to face the Commission, was more than equal to the task. In fact, he could completely upset the law of averages.

Shown below the 6th floor windows, on the 5th floor, are adjoining pairs of windows with 3 of the 4 open. Apparently the rehearsal of Brennan was some thing beyond his intellectual capacity. The only one of the 4 windows that was completely and 100 percent wrong was the one he marked as the one at which the colored men were. Of them, Brennan had testified on this same page, "There were people on the next floor down, which is the fifth floor, colored guys. In particular, I only remember two that I ~~was~~ identified." Now his recollection is good enough for him to have identified 2 of the 3 Negroes, presumably totally unknown to him (I don't suppose the pictures that were available helped in his identification at all), but in Dillard Exhibit C, in the report on p.66, clearly there are 2 open windows below the one from which Oswald is alleged to have fired the shot. There is one Negro in each of the two. On the day of the assassination, in fact, moments only after the assassination, as is shown clearly in Dillard Exhibit D, on p.67 of the report,

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3 of these 4 windows were open, the same 3 that were open on Exhibit 477. Only one was closed, the same one that was closed on Exhibit 477; and the closed one, that's the one Brennan picked. In the 4th open window there also was another Negro employee looking out. This is made clear in Exhibit 485 which appears in the report on p.69. It is part of the Commission's reconstruction.

When you have friends like Brennan, who needs enemies?

Not that he doesn't want to be helpful. Note the next paragraph of Brennan's testimony: "Well, as the parade came by, I watched it from a distance of Elm and Main Street (a physical impossibility - they parallel each other), as it came on to Houston and turned the corner at Houston and Elm, going down the incline towards the railroad underpass. And after the President had passed my position, I really couldn't say how many feet or how far, a short distance I would say, I heard this crack that I positively thought was a backfire."

Whoever described a backfire as a "crack" and why should a witness who is just testifying to simple fact have to say it was "positively" a backfire?

He thought it was a firecracker thrown from the Depository (p.143). Naturally, this caused him to look up. "And this man that I saw previous was aiming for his last shot." ~~REX~~

Perhaps a little apprehensively, Belin asked, "Would you describe just exactly what you saw when you saw him this last time?"

Brennan to the rescue. He's going to be the big hero and prove everything. He said, "Well, as it appeared to me he was standing up and resting against the left window sill with gun shouldered to his right shoulder, holding the gun with his left hand and taking positive aim and fired his last shot. As I calculate a couple of seconds. He drew the



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gun back from the window <sup>as</sup> ~~in~~ though he was drawing it back to his side and maybe paused for another second as though to assure himself that he hit his mark, and then he disappeared. And, at the same moment, I was diving off of that firewall and to the right for bullet protection of this stone wall that is a little higher on the Houston side."

If the man had been standing up, dirty as those windows were, Brennan could have seen nothing much above his knees. If he was standing, he couldn't possibly have fired the rifle except through the window. The Dillard photographs prove this window was open only half-way in the bottom half, or only a quarter at most of the entire window area was open. The window sill was perhaps a foot from the floor. How he could have been standing and resting against the left window sill as Brennan described is beyond imagination. The only thing that is left possible to imagine is that, in rehearsing his testimony, he wasn't edited a little. And in addition to all of that, the Commission's own reconstruction shows that, at the very least, in the course of firing, the assassin would have been blocked from view by the building. In fact, it is doubtful if, from the Commission's reconstruction, Brennan could have seen even the assassin's hands. But if he could, it is not likely that he saw anything past the wrist. (Exhibit 887, report p.99; and this picture was taken with the boxes removed.)

Asked to describe the rifle, Brennan says he is not an expert. Asked if it had a scope, he said, "I did not observe a scope." Obviously, the scope had to be visible, even if the face weren't. And if the face had been visible, then the scope had to be more visible for, of course, the face was behind the scope. Perhaps worried about Brennan's testimony of the man standing up, Belin asked, "What do you believe was the position of the people on the fifth floor that you saw - ~~a~~ standing or sitting?"

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Brennan replied, "I thought they were standing with their elbows on the windowsill leaning out." Belin then wanted to know, "At the time you saw this man on the sixth floor, how much of the man could you see?"

Brennan to the rescue. "Well, I could see - at one time he came to the window and he sat sideways on the window sill. That was previous to President Kennedy getting there. And I could see practically his whole body, from his hips up. But at the time he was firing the gun, a possibility from his belt up."

The Dillard photograph shows only one window open in that part of the sixth floor. Entirely aside from the fact that it was blocked by boxes, it would not have been possible, because the window was halfway closed, for Brennan to have seen anything if the man had sat in the window sill, which is a complete impossibility. Examine, for example, Dillard's photograph C in the report on p.66. This shows the two Negroes in the parallel windows at the extreme east end of the 5th floor, one of whom is directly underneath the assassin's window. These men, as the Commission's reconstruction shows, were actually on their knees. Yet even on their knees, with the windows open almost as wide as they will go, their heads are well above the midline of the lower half of the window. They are not only on their knees, but as Exhibit 485 of p.69 of the report shows, at least one of them has his body at a considerable angle which shortens the distance it would occupy on the vertical plane. In the light of this, is it necessary to comment on Brennan's "I could see, practically his whole body, from his hips up?"

It doesn't get any better when Belin asks how much of the gun Brennan saw. "I calculate <sup>70</sup>~~75~~ to 85 percent", Brennan replied, although a few questions above he had not seen the telescopic sight, which would have been visible with a lot less than 70 to 85 percent showing.



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If Belin was trying to remind Brennan of something Brennan had forgotten, in the next exchange, he didn't succeed. His question was "Now, up to the time of the shots, did you observe anything else that you have not told us about here that you can think of right now?" to which Brennan replied, "Well, not of any importance. I don't remember anything else except - ". Possibly by this time Belin was afraid for he interrupted to ask, "Let me ask you this. How many shots did you hear?" Brennan again was direct and to the point, "Positively two. I do not recall a second shot - ", at which point Belin kept it from getting out of hand by saying, "By a second shot, you mean a middle shot between the time you heard the first noise and the last noise?"

Mr. Murray, the observer, was there; but if he was doing any observing, he wasn't in Oswald's interest.

If Brennan heard 2 shots, how could he talk about a shot between the first and the second? But he got the point and said, "Yes; that is right. I don't know what made me think that there was firecrackers thrown out of the Book Store unless I did hear the second shot, because I positively thought the first shot was a backfire, and subconsciously I must have heard a second shot, but I do not recall it. I could not swear to it."

Who can blame Belin for the hasty switch, "Could you describe the man you saw in the window on the sixth floor?"

"To my best description, a man in his early thirties, fair complexion, slender but neat, neat slender, possibly 5-foot 10," Brennan said. "About what weight?" Belin prompted, with only slightly more success, for Brennan replied, "Oh, at - I calculated, I think, from 160 to 175 pounds."

Still pulling it out, Belin wanted to know, "A white man?" (p.144)

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Brennan agreed.

Now let us compare this with the description in the affidavit Brennan signed in the sheriff's office on November 22 (19 H 470); whereas above he had declined to say how far the President's car had gone, in the affidavit he said "about 50 yards from the intersection." And by way of further positive description, "to a point I would say the President's back was in line with the last window I have previously described ...". The last window he had previously described was the window on the very corner of the building, the window ~~from~~ <sup>in</sup> which the alleged assassin was, and a window that the Presidential car passed before it completed making its turn. His description was, "a white man in his early thirties, slender, nice looking, slender, and would weigh about 165 to 175 pounds. He had on light colored clothing, but definitely not a suit." No height is given in the original affidavit.

<sup>But</sup>  
The description broadcast by the police the Commission has found (report, p.144) "most probably" was Brennan's. The Commission at this point in the report noted the discrepancy in weight between Brennan's 2 versions, and admits that the height was omitted. Then how did the police get the height for their descriptions? Even in quoting Brennan in the report on p.144, the Commission edits his testimony and puts it within quotation marks. The other editorial arrangements make it seem as though Brennan was a precise and accurate observer, and he was anything but that.

Brennan was closer to his original version in testifying about the clothing which he described as "light colored clothes, more of a khaki color." Leave out the "khaki" and it's pretty close to his original affidavit which said, "He had on light colored clothing but definitely not a suit."



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The Commission, which was careful in the report not to quote the police broadcast, ignores another and important part of this broadcast. There are other minor differences, such as Brennan's "in his early thirties" as compared to the police broadcast of "approximately 30". But the important thing the Commission has deliberately ignored was indicated by Brennan himself in backing off from any description of the weapon. In restricting itself to Brennan's alleged description of the alleged assassin, the Commission was able to ignore this. However, the police broadcast on Channel 1 at a time that cannot be precisely computed before 12:46 also includes "armed with what is thought to be a 30-30 rifle." (17 H 397)

Belin returned to Brennan's longest speech thus far, at the top of p. 144, which he concluded by saying, "And, at the same moment, I was diving off of that firewall and to the right for bullet protection ..." to ask Brennan why he jumped. Brennan explained, "Well, it occurred to me that there might be more than one person, that it was a plot which could mean several people. and I knew beyond reasonable doubt that there were going to be bullets flying from every direction." What Brennan "knew beyond reasonable doubt", as a matter of fact, never did happen.

What Belin has succeeded in doing here is drawing attention away from a much more significant flaw in the earlier testimony of Brennan about diving off that wall. The "at the same moment" that Brennan was talking about, while he was diving off the wall, he was, according to the testimony, watching the witness and observing what he had testified to. About Brennan, it is almost believable, but in order to have accomplished this feat, he necessarily had to have eyes on both sides of his body. He could not at one and the same time be observing an assassin to the north and hurling his body to the south.

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Apparently Brennan was able to overcome this first of his fears rapidly, because he then testified that when he saw the law enforcement officers running toward the west side of the building, he said, "I knew I had to get someone quick to tell them where the man was. So I ran or I walked - there is a possibility I ran, because I have the habit of, when something has to be done in a hurry, I run. (What a picture this man draws of himself, to think that this is his habit and not the habit of others) And there was one officer standing at the corner of the Texas Book Store on the street." Because "It didn't seem to me he was going in any direction," Brennan asked him to get "someone in charge, a Secret Service man or an FBI." No ordinary cop would do for Brennan. He had to go right to the top.

Does this suggest a reason the Commission has carefully avoided printing any of the numerous pictures available of the area Brennan described, immediately in front of the Depository, where he talked to this policeman? Is it possible a witness other than Brennan might be identified talking to a police official who might also be identified? But if Brennan is to be believed, the policeman did take him to the Secret Service, for he said that after the policeman "had to give some orders or something on the east side of the building on Houston Street (maybe it wasn't just an ordinary everyday policeman). And then he had taken me to, I believe, Mr. Sorrels, an automobile sitting in front of the Texas Book Store. ... related my information and there was a few minutes of discussion, and Mr. Sorrels had taken me then across the street to the sheriff's building." Asked "Did you describe the man that you saw in the window?", the very positive Mr. Brennan who has been so excessively definite about everything else, could say only, "Yes; I believe I did." Now we have the description that was "most probably" broadcast by the police coming from a man who only "believed" that he had given it.



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It will be interesting to check this against the statements by Sorrel's. (p.165)

As the two Negroes he had mentioned seeing in the windows dashed from the building, Brennan said he identified them and "Mr. Sorrels or the Secret Service man stopped them."

There is no stopping Brennan. When asked "Is there anything else now up to the time you got down to the Dallas Police Station?" he said, "Well, nothing except that up until that time, through my entire life, I could never remember what a colored person looked like if he got out of my sight. And I always thought that if I had to identify a colored person I could not. But by coincidence that one time I did recognize those two boys." However, he doesn't recall whether these two Negroes said in his presence that they had, in fact, been in the 5th floor windows.

He went to the lineup where he was introduced to "Captain Fritz in Mr. Sorrels' office". Here Belin backtracked to ask if Brennan knew the name of the officer to whom he spoke outside the Book Depository. Brennan didn't. (p.146)

Then asked if he was sure of the names of the Secret Service men he talked to, Brennan said, "I do not know the other man's name."

Then Belin: "You believe one of them was Sorrels?"

Brennan: "I believe one of them was Sorrels."

Belin: "I think for the record - "

Brennan: "That is at the building."

Whatever Mr. Belin was about to say for the record, he didn't, for he said merely, "Yes, sir."

Another obvious lawyer's trick followed immediately when Mr. Belin said, "By the way, Mr. Brennan, I note that you have glasses with you here today. Were you wearing glasses at the time of the incident that you related here?"

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From the picture referred to earlier, unless Brennan wore frameless glasses, it didn't seem as though he wore any. But it gave Brennan his platform. His reply was, "No. I only use glasses to see fine print and more especially the Bible and blueprint." Then Belin elicits the information that "The last of January I got both eyes sandblasted." This left Brennan's vision not as good as it was.

There is no questioning about the nature of this accident. It may have just been an accident, but it should not have been an occupational one because Brennan is a steamfitter. But added to the other reports coming out of Dallas about some of the more important witnesses, the threats to the Ewins' family, the shooting of Warren Reynolds through the head, and even in a city where one hospital has 4 or 5 gunshot wounds a night, this seems like an unusually high attrition rate among the Commission's witnesses.

After a page of diversion, Mr. Belin goes back to Friday night at the Dallas Police Station, where he was told he would be taken to a lineup at which he said there were 7 or possibly only 6. Asked what he said, he replied, "I told Mr. Sorrels and Captain Fritz at that time that Oswald - the man in the lineup that I identified looking more like a closest resemblance to the man in the window than anyone in the lineup." He doesn't remember whether any of them in the lineup were Negroes, and he also admits that he had, in the meantime, seen Oswald's picture. (p.147)

Pushed a little bit - it was necessary for Belin to do so - and asked "Now, is there anything else you told the officers ...", Brennan concedes, "Well, I told them I could not make a positive identification." Belin then says, "When you told them that, did you ever later tell any officer or investigating person anything different?" to which Brennan



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replied he had. He doesn't recall when, he won't swear to the name of the person to whom he did it, but he thinks it was a Secret Service man named Williams from Houston. But "he could have been an FBI." This is Brennan's version of what the agent told him, "You said you couldn't make a positive identification." Did you do that for security reasons personally, or couldn't you?" Brennan's version here of Brennan's reply is, "And I told him I could with all honesty, but I did it more or less for security reasons - my family and myself." Asked for an explanation, it was this: "I believe at that time, and I still believe it was a Communist activity, and I felt like there hadn't been more than one eyewitness, and if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe."

Brennan admits he knew Oswald had already been arrested for the murder of Officer Tippit and there was no prospect of his being released. But what had happened to change his mind he is asked, and he replied, "After Oswald was killed, I was relieved quite a bit that as far as pressure on myself of somebody not wanting me to identify anybody, there was no longer that immediate danger."

He is not asked why, then, he didn't immediately go to the police and tell them. (p.148)

When asked how far he was from the window, Brennan is not the man to say he didn't know or that <sup>in</sup> his presence the Commission has measured it; instead, he said, "Well, at that time, I calculated <sup>1a</sup> 110-foot at an angle. But closer surveillance I believe it will run close to 122 to 126 feet at an angle." When Belin explained that they together had paced the distance the previous Friday, Brennan wouldn't let him finish the sentence. At the point where Belin gets to the approximate distance, Brennan interrupts to say, "93-foot."

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Cong. Ford interrupts at this point to say that he thinks Brennan ought to "step by step on a diagram trace his movements from the restaurant until he left the scene of the shooting." Appropriately, Belin gives him Exhibit 361 and tells him that if he turns it upside down it will work out fine. (Note to Larry: This is not a joke; it's literally true.) They just made it upside down.) Brennan does it, including the detour to watch "This man having a fit." Cong. Ford then thinks "that it might be helpful to trace it where he went subsequent to that period." (p.149)

After he finished putting the marks on, including where he talked to the police, the Secret Service, etc., Belin asks, "Now, are these accurate or approximate locations, Mr. Brennan?" Brennan's disappointment, and perhaps a feeling of lose majeste, is clear in his statement, "Well, don't you have photographs of me talking to the Secret Service men right here?" Belin didn't. "You should have," Brennan informed him. ~~It~~ "It was on television before I got home - my wife saw it." Brennan's intentions were to be helpful. It may ultimately turn out that he was less ~~xxxx~~ than helpful. He continued, explaining that while he didn't know on what television station they were, "but they had it. And I called I believe Mr. Lish who requested that he cut those films or get them cut of the FBI. I believe you might know about them. Somebody cut those films, because a number of times later the same films were shown, and that part was cut." Lish, he said, was with the FBI. Belin thanked him very much for his information and immediately changed the subject. But in any event, if Brennan is to be believed, not only did the police know that the shots had come from the 6th floor window, but also the FBI and the Secret Service, and immediately. Yet there is no evidence that either of these agencies or any agents ever saw to it that an



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immediate systematic search was made or saw to it that the building was sealed. I doubt if any of the FBI, Secret Service or police people are anxious for the pictures to be found and for them to be identified as responsible for not causing an immediate search of the 6th floor area and for not immediately quarantining the building. (p.150)

Belin, who hadn't really wanted to go into Exhibit 361 to begin with, appears finished with it now, but I am not. I want to point out that among the inaccuracies in this chart are the failure to locate the arcade and the wall which are the objects of such extensive reference in testimony, depositions and exhibits by so many witnesses the Commission chose to ignore or disbelieve, who identified the area of these two structures as the source of at least the initial bullet. Much of the lettering on this chart is so small that it is not legible with a magnifying glass. There are 2 pictures showing large areas that are approximately 1 inch by 1 inch. Obviously, they also show nothing.

Brennan is then asked to ~~make~~<sup>mark</sup> his route insofar as it is possible upon Exhibit 478, which he does, and by the time all of this rigamarole is over, 2 pages have been wasted. They contribute nothing.

But here he alters his story about what he did to take protection from the shots. He didn't go over the wall to the south, he went around it to the east. He is then asked to mark the spot he went after the shooting with the letter "J", where he went to talk with the police officer with the letter "K", but I don't see them on this exhibit, even with a magnifying glass. Then he is asked to show on the picture the spot "which is where you said you went to the car". He then points out a place (p.151) which is the wrong place because it is on the wrong street, and when Belin corrects him, he says, "Oh, is that right?" and then says that Belin is correct. When they finally decide on the place,

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Brennan is told to mark it with an "M" which ~~was~~<sup>also</sup> does not appear on Exhibit 477.

Belin next wants to know if, when Brennan saw the gun in the window, "did you see any objects of any kind in the window, or near the window?" Unhelpfully ~~helpful~~, Brennan replied, "Yes. Through the window, which I referred to as back in the book store building, I could see stacks of boxes." Brennan's eyes certainly were good before he got sandblasted; and The picture shows the tip edge of a box in a cavern of blackness beyond it. Additionally, Brennan was looking up at a rather steep angle; nothing shows through any of the windows, and the window he's talking about, only the bottom half of the bottom half was open.

Next Belin shows him Exhibits 480 and 481, pictures of the Depository's south wall showing the windows in question. Exhibit 482 is an enlargement of 481. Belin begins by pushing his luck too far, and asks Brennan, "First of all, on Exhibits 481 and 482, do you recognize any <sup>two persons</sup> of these ~~people~~ in the fifth floor window as people you saw there?" Brennan said, "No; I do not recognize ~~them~~ them. As positive identification I cannot recognize them." Then he corrects himself because it is obvious he must have known them, and says, "Now, I see where there is a possibility I did make a mistake. I believe these two colored boys was in this window, and I believe I showed on that other exhibit that they were in this window." Belin wants to drop it; he says, "All right." I am going to hand you now - " That's as far as he got before Brennan interrupted to say, "The only thing I said is that they were one window over below the man that fired the gun." Alas, he had never said this about them, but he had incorrectly marked an exhibit to this effect. Belin understood and helped him correct the first mistake by saying, "You are pointing to the window to the east of where you have now marked 'B'?"



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But even with the actual photograph taken at the time in front of him, Brennan is beyond help. He says, "That I am not positive of. I just remember that they were over one window from below him, which at that time I might have thought this was one window over."

From the record, in the language, if you'll excuse the expression, it is not possible to untangle this. It is nonetheless clear that the "most important" witness didn't know what he was talking about and couldn't even be led into rectifying his error when it was called to his attention and was too stupid or too self-important to acknowledge it when he had the incontrovertible ~~xxx~~ proof of his error in his hands. By now, Belin has to help him. He says, "All right. Let me ask you this. On Exhibit 481, does the condition of the opening of the windows in the fifth floor appear to be that which you saw on the afternoon of November 22?" Brennan replies, "Yes, /These do." Belin said, "You are pointing to the fifth-floor windows now?" (p.152)

Brennan entangles himself further. "But I don't recall this window at the time of the shooting being that low."

With the windows in which the colored boys being open in one case, as wide as possible, and in the other case, almost that wide, poor Belin ~~Brennan~~ could do nothing but say, "Now, by this window you are pointing to the window on the sixth floor?"

Brennan says, "Right." Belin then gets Brennan to mark on 481 the letter "A" around this window. Instead of dropping it there, he asks Brennan, "how high do you believe it was open?" and Brennan replies, "I believe that at the time he was firing, it was open just like this.", which Belin interprets in English as "just like the <sup>windows on the</sup> /fifth floor immediately below?" "That is right," says Brennan. Belin shifts to another blunder and asks, "I note in window "A" there appear to be some boxes

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in the window. "To the best of your recollection, what is the fact as to whether <sup>or not</sup> ~~these~~ those boxes as shown in this exhibit appear to be similar to the ones you saw on November 22?" He should have known better than to try to straighten that one out. Brennan's reply was, "No; I could see more boxes."

"In the window or behind the window?" Belin wants to know, and Brennan answers, "Behind the window." Belin then says, "I am talking in the window itself", and Brennan says, "No, no. That is - I don't remember a box in the window, these boxes I remember are stacked up behind the window, and they were zigzagged, kind of step down, and there was a space it looked like back of here."

Belin interprets that and ~~xxx~~ says, "Now, you are pointing to a space which would be on the east side, is that right?" and Brennan says that is right. Belin then says, "When you say you don't remember - " and that's as far as he gets before Brennan interrupts to say, "Well, I can see those boxes there now. I don't know whether you can see them or not. It seems like I can see the boxes in that picture. Am I right?" What could Belin say? He replied, "I don't know, sir. I can't see them on Exhibit 471. That could be the dirty window here." Brennan says, "Here they are here. Those boxes there." Belin, knowing full well that Exhibit 482, to which Brennan has pointed, is a very considerable enlargement and nonetheless the boxes in the background are even there barely visible, says, "Well, here is Exhibit 482. First of all, I see a box on Exhibit 482, right in the window." Brennan said, "Yes; I don't remember that box." Now this is a box that was right in the sun right in the front of the window.

Belin finally strikes upon a successful stratagem. He begins by asking, "Do you recall that it definitely was not there, or just you don't recall whether it was or was not there." Even the court reporter



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knew this wasn't <sup>a</sup> ~~the~~ question. Brennan sa\_id, "I do not recall that being there. So, therefore, I could not say it definitely wasn't there." Belin sums it up, "You cannot say whether it was or was not?" and Brennan says, "No." Belin then asks him to Mark Exhibit 482 with an arrow at the point where he saw, or thinks he saw, boxes. When that is done, he launches into an explanation of the source of exhibits 480, 481 and 482, what his plans are with regard to the photographer, when he is going to Dallas and what he is going to do there, and explains also the antecedents of exhibit 479, one of the frames of the Zapruder film, and then switches Brennan entirely away from the disaster of the boxes, what he saw and what he didn't see. For Brennan has succeeded in swearing that the only thing he likely could have seen with any clarity in the window is the thing he didn't see.

He should have left the windows alone, too. But he didn't; he asked if "from the time you first saw the residential motorcade turning north on Houston from Main, did you observe the window from which you say you saw the last shot fired at any time prior to the time you saw the rifle in the window?" Brennan said he did. Belin then says, "Well, what I am saying is this. You saw the motorcade turn?" (p.153)

Mr. Brennan, "No; not after I saw the motorcade, I did not observe a man or rifle in the window." Of course, this constituted a denial of everything he had said. Belin then said: "Did you observe the window at all until after you heard that first sound which was a backfire or firecracker, at least you thought it was?" Brennan, who had said he'd seen a man in the window 2 or 3 times, replied, "No." Belin starts all over again. He says, "Well, let the record be clear. The first sound you thought you heard was what?" Brennan says it was "Backfire of a motorcycle". Belin asked, "And then you later said something about a

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firecracker. Did that have reference to the first shot, or something in between the first and last?" Actually, in Brennan's earlier testimony (p.143) the "backfire" and the "firecracker" were both one. First, he thought it was a "backfire" and then a "firecracker". His reply to the question was, "I positively thought that the first shot was a backfire of a motorcycle. And then something made me think that someone was throwing firecrackers from the Texas Book Store, and a possibility it was the second shot. But I glanced up or looked up and I saw this man taking aim for his last shot. The first shot and last shot is my only positive recollection of two shots." Obviously, if he heard three noises, ~~thought~~ the first one was a backfire or firecracker, the next one was the first shot and the next one was not only the second shot but it was also the last shot.

At this point Mr. McCloy wants his own kind of clarification, and asks, "Did you see the flash of what was either the second or the third shot?" Brennan didn't. McCloy persisted, "Could you see that he had discharged the rifle?" Brennan's reply was not too simple. It was, "No. For some reason I did not get an echo at any time. The first shot was positive and clear and the last shot was positive and clear, with no echo on my part." I don't know what this has to do with seeing, but McCloy said, "Yes." And when Brennan says, "last shot," he means what to him was the second shot. McCloy wants to go over it again and says, "But you saw him aim?" which Brennan said he did, and then McCloy said, "Did you see the rifle discharge, did you see the recoil or the flash?" Brennan didn't.

Brennan always wanted to be perfect. When Dulles asked if he could see "who or what he was aiming at?", Brennan replied, "Subconsciously I knew what he was firing at. But immediately I looked towards where



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President Kennedy's car should be, and there was something obstructing my view. I could not see the President or his car at that time.<sup>1/2</sup> And I still don't know what was obstructing my view, because I was high enough that I should have been able to see it. I could not see it." This is a new element Brennan introduces here. IN his affidavit to the sheriff's office, he does not mention taking his eyes off the window from the time of the second shot, or as it was to him, the first shot, having looked up just before<sup>ore</sup> that, thinking someone was throwing firecrackers, and he<sup>r</sup> certainly implies he never took his eyes off, concluding his affidavit in this respect by saying, "I was looking at the man in this window at the time of the last explosion." He then described how the man let the gun down to his side, as he says he saw it, etc. Nor has he referred to looking in the direction of the President in his testimony up to this point. Belin asks Brennan if he remembered "on one of your interviews with the FBI, they record a statement that you estimated your distance between the point you were seated and the window from which the shots were fired <sup>s</sup> at approximately 90 yards.", or approximately 3 times the distance it actually was. Belin continues, "At that time did you make that statement to the FBI - and this would be on 22 November. To the best of your recollection?" If it was on 22 November, it was not in the statement he made in the sheriff's office, unless he made more than one and only one is used.

Brennan cannot make a mistake. He says, "There was a mistake in the FBI recording there." He said that he was talking about the distance from the gun to President Kennedy, the President Kennedy he couldn't see. This obvious error he explained as follows: "No; I <sup>c</sup>ould not (see him). But I could see before and after." Belin then refers to another part of this interview quoting Brennan as having attended a lineup, "at

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which you picked Lee Harvey Oswald as the person most closely resembling the man you observed with the rifle ... but you stated you could not positively identify Oswald as the person you saw fire the rifle." (p.154)

He asked if that was an accurate recording. Brennan says, "Yes; I believe - " and here Belin interrupts him, asking if that part of the FBI statement is correct, to which Brennan agrees. Belin then says, "What was the fact as to whether you could or could not identify the person, apart from what you told them?" Brennan begins, "Why did I - " and Belin immediately interrupts with a "No" which he follows this way:

"What was the fact. Could you or could you not actually identify this person as the man you saw firing the rifle?" Brennan said, "I believed I could with all fairness and sincerity. As you asked me the question before, had I saw those pictures of Oswald prior, which naturally I don't know whether it confused me or made me feel as ~~though~~ <sup>though</sup> I was taking unfair advantage or what. But with all fairness, I could have positively identified the man." Belin then refers to a December 17 interview with the FBI in which Brennan "stated that you could now say that you were sure that Lee Harvey Oswald was the person ... but that when you first saw him in a lineup you felt positive identification was not necessary, because it was your understanding that Oswald had already been charged with the slaying of Officer Tippit, and you also said that another factor was that you had observed his picture on television prior to the time of identification, and that that tended to cloud any identification/<sup>you</sup>made of Oswald at the police department." Now, does this December 17 interview accurately record what you told the FBI with regard to that matter of identification?" Brennan said, "I believe it does." Note the conflict here, with his earlier testimony about fearing he and his family might become the victims of a Communist plot. Note also he said that as soon as Oswald



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was killed, he no longer had that fear and the fear was the only thing that kept him from making positive identification.

Brennan was also interviewed by the FBI on January 7. In paraphrasing it, Belin indicates how either he or the FBI helped Brennan along with the problem of Brennan's having seen Oswald's picture on television prior to the lineup, "... you said that this, of course, did not help you retain the original impression of the man in the window with the rifle, but that upon seeing Lee Harvey Oswald in the police lineup, you felt that Oswald most resembled the man whom you had seen in the window. Now, is that what you told the man on January 7 - that Oswald most resembled the man that you had seen in the window?" ~~xxfollowing~~ <sup>Does</sup> ~~xxxx~~ Brennan agreed, following which Belin wanted to know, "Does that mean you could not give him a positive identification at that time, but could merely say he most resembled the man in the window?"

Before continuing, I want to note that seeing Oswald on television, in the context of not <sup>hel</sup> ~~helping~~ Brennan retain his original impression, did help him know who the police wanted identified. What is the legal situation with respect to a lineup in which the man known to be wanted by the police has his picture broadcast as widely as possible and in which the people asked to make the identification in the lineup have seen this picture?

Brennan's reply to Belin's question was, "Well, I felt that I could. But for personal reasons I didn't feel like that at that moment it was compulsory and I did not want to give a positive identification at that time."

This is in reference to the January 7 interview. At that time Brennan's personal reasons, which he alleged to have been fear of Communist retaliation, no longer existed as he himself had testified and

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had not existed since 24 November when Oswald was killed.

Belin, noting that the interview was on January 7, asked, "You still felt those personal reasons as recently as January 7th, then?" Having already answered this question, as I have indicated above, Brennan began to say, "No. I felt better about it. This is the first guy that -" Belin interrupted at this point to say, "No, I am referring now to the last interview you had on January 7th, in which it says that you felt Oswald most resembled the man you had seen in the window. Is that what you told them?" After saying, "Yes," Brennan asked, "You mean told this man?" and Belin said he was referring to the January 7th interview. To this Brennan said, "No; I don't believe I told this man in those words. I told him what I had said at the lineup. But he might have misinterpreted that I was saying that again." (p.155)

Belin begins to ask a question by saying, "In other words - well, I don't want to say in other words. When you said on January 7th that upon seeing Lee Harvey Oswald in the lineup you felt that Oswald most resembled the man whom you had seen in the window?" and Brennan replied, "Yes." Then Belin reiterated he was referring to the January 7 statement and, "By that, did you have reference to your own personal recollection, or what you said at the time of the Dallas Police Department lineup?" Brennan got the hint. He replied, "I believe I was referring to what I said at the Dallas Police Department." Belin then asks what was that, not what he said on January 7, to which Brennan replied, "On January 7th, at that time I did believe that I could give positive identification as well as I did later." Belin straightens it out a little bit by saying, "You mean in the December interview?" to which Brennan agrees. And that's the way Belin left it.

He then turned again to the Negroes Brennan said he saw on the fifth floor, and asked, "Did you get as good a look at the Negroes as you got



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at the man with the rifle?" Brennan said he did, and when Belin wanted to know if his recollection of the Negroes "at that time was as good as the one with the man with the rifle?", Brennan, again getting the hint, replied, "Yes - at that time, it was. Now - the boys rode up with me on the plane - of course I recognize them now. But as far as a few days later, I wouldn't positively say that I could identify them. I did identify them that day." Note that, according to the testimony of Jarman and Norman which is sandwiched in between appearances by Brennan during this day of testimony, both said they had seen Brennan talking to the police and it is possible one or both confirmed Brennan having said he had seen them.

Belin then recalls that "when I showed you Exhibit 482, you said that you could not identify - " and is interrupted by Brennan, who says, "Well, the picture is not clear enough, as far as distinct profiles." As a matter of fact, 482 is considerably magnified and is quite clear, although it does not show profiles. But there is no reason to presume that Brennan ever saw their profiles.

During a technical exchange between Dulles and Belin, Brennan comes back without prompting and without being asked a question to say "The pictures there are not clear enough, the profile is not distinct enough." Wearily, Belin said, "All right," and he then gets Brennan to mark with a pencil the approximate angle of the gun. His line does not come down below the windowsill, but it extends almost to the westernmost extremity of that window. This would have been impossible for it would have put the marksman's head where the window was and the line is drawn so far above the boxes that, in the Commission's reconstruction, where used as a gun rest, the rifle could not have rested on the boxes, although perhaps the marksman's arm might, but then the Commission has other testimony

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it has chosen to believe indicating the kick of the rifle left a mark on the box. Brennan immediately began hedging on "whether or not any part of the rifle was protruding out of the window", even though he has drawn a considerable portion of it out. (p.156)

Belin wants to know, "Did you ever tell anyone that you were 90 yards away from that window where you saw the gun?" and Brennan says, "No. It was a misunderstanding. My first calculation was that I was about 75-foot out from the window, and the calculation of the window 75-foot up. So the hypotenuse there would be approximately 110-foot. That was my first calculation." There then follows an exchange between Belin and Brennan calculated to give the impression that Brennan was not lead in his questioning and had no indication of what was expected of him as a witness, which would certainly be a surprise to anyone who had ever had any connection with an investigation and who knows the normal attitude of investigators to witnesses they consider their most important ones. (p.157)

Then they rehash the business of his first approaching the officer and what ensued.

Comparing Brennan's testimony on p.158 with that of the three Negroes who follow, Brennan was at the steps of the main entrance to the Book Depository for sometime, although he also testified that he had left it for a short period or periods. He said he did not see anyone leave that door who looked like the man he had seen in the window with the rifle.

There followed an unsuccessful attempt by Dulles to get an estimate of the time that elapsed from the time Brennan left his hiding place until he saw the policeman, from the time he saw the policeman until he saw the FBI agents, and then how long he was there following this con-



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versation. Nothing comes out of it. Brennan just can't tell them (p.158).

Most of p.159 is devoted to Dulles's idea that the Commission staff obtain biographical sketches from the individual witnesses. Cong. Ford agrees, and they ask Brennan a little about himself. Belin again wants to show that Brennan wasn't led in his testimony at all, and says, "When we visited <sup>on Friday</sup> in Dallas, what is the fact as to whether or not I told you what to say or you yourself just told me what you wanted to tell me?" Brennan's reply was predictable. He said, "I told you - you did not instruct me what to say at all." (p.159)

Belin again comes back to FBI statements and Brennan's failure to identify Oswald positively. Brennan gives this explanation, "... I had saw the man in the window and I had saw him on television, <sup>He</sup> He ~~looked~~ much younger on television ... say 5 years younger. (Thus, he makes himself more in accord with fact, doesn't he?) And then I felt that my family could be in danger, and I, myself, might be in danger. And since they already had the man for murder, that he wasn't going to be set free to escape and get out of the country immediately, and I could very easily sooner than the FBI or the Secret Service wanted me, my testimony in, I could very easily get in touch with them, if they didn't get in touch with me, and to see that the man didn't get loose."

This explanation appeared to satisfy everybody. By this time I do not consider it strange that no one thought to ask why he didn't call the police after the killing of Oswald on the 24th to say that he could <sup>h</sup> gave made a positive identification and to give his reasons for failing to do so. Nor has Brennan indicated any reason why he should not have done so.

Below the middle of the page, Brennan reveals something he could not possibly have known on the 22nd and something he could have learned

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subsequently only from official sources. In saying he was considering moving his family and in admitting that the Secret Service "had convinced me that it would be strictly confidential ... I felt like if I was the only eyewitness that anything could happen to me or my family." Obviously, with all those people there, Brennan had no reason to believe he was the only eyewitness. (p.160)

He is asked again about the clothing he saw on the man in the window; he doesn't know the color of the ~~shirt~~ shirt, "other than light, and a khaki color - maybe in khaki. ... It if was a white shirt, it was on the dingy side." He is then shown Exhibit 150 (16 H 515) which, in fact, is a very dark shirt, and he said, "I would have expected it to be a little lighter - a shade or so lighter." Asked about the trousers, he said, "similar to the same color of the shirt or a little lighter. (Oswald was wearing trousers so dark when arrested that they appear black in the ~~pictures~~ pictures.) And that was another thing that I called their attention to at the lineup." Belin wanted to know, "What do you mean by that?" and Brennan informed him, "That he was not dressed in the same clothes that I saw the man in the window." When Belin asked if Brennan meant the trousers or the shirt, Brennan hedged, "Well, not particularly either. In other words, he just didn't have the same clothes on." Belin let it go with "All right." But Brennan didn't let it go at that. He added, "I don't know whether you have that in the record or not. I am sure ~~if~~ you do." At this point, Brennan was excused.

Following the testimony of Bonnie Ray Williams, who followed Brennan in the morning, Brennan was recalled at the beginning of the afternoon session. He, Williams, and the other Dallas witnesses who followed, presumably had all been in the hearing room during all of the morning and had come from Dallas together. Williams had testified that Brennan



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had not identified him when he, Williams, left the Depository Building. Brennan had testified that he had identified two Negroes. He is asked if he sees these two men, and his reply is, "I don't know which of these two." (p.184) However, with the benefit of the knowledge he had gained in listening to Williams's testimony, and the knowledge that there were only 3, it did not tax Brennan's intellect to figure that the 2 others were the 2 he had identified. <sup>If,</sup> ~~It,~~ however, this had been a strain for Brennan, there was the interval between the 12:40 end of the morning session and the 2:05 beginning of the afternoon session during which, if he couldn't have been assisted in his recollection during the end of the morning session, there was ample opportunity for him to have been helped in this great decision.

Here he says, when asked if the 2 men were together when they left the building, "I don't believe they were." But on p.152, when shown their pictures, he said, "No; I do not recognize them," and on p.146 he had testified that, "I immediately identified these two boys to the officers and Mr. Sorrels ... they came running down the front steps of the building ... ". On this same page, Cong. Ford rehashes it, saying, "And these two Negroes came out the front door?" Brennan said, "Yes, sir." Ford asked, "And you did what then?" and Brennan, still keeping ~~his~~ the two together, says he told Sorrels "that these were the two colored boys that were on the fifth floor."

On p.185, the page from which I have been quoting his afternoon testimony, he next says, "I don't recall/seeing any officer bring them out or with them." On p.146 he had testified that when the two men came running down the steps, "they took them in custody ... I believe Mr. Sorrels or the Secret Service man stopped them." But when Belin, unwilling to leave well enough alone, immediately after the previous quotation from Brennan, says, "Now, you do not believe, then, that it

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was Mr. Williams?" Brennan replied, "No; I won't say for sure. I can't tell which of those two it was." Asked a question intended to clarify Brennan's reply was, "I saw two but I can't identify which one it was." I don't know what this means or what it could have meant, but Belin picks up the ball and, after Brennan had said "I think it was this boy on the end", Belin said, "You thought ~~it~~ it was Mr. Norman. And what about Mr. Jarman?" Brennan replied, "I believe it was him, too. Am I right or wrong?" Ball replied instead of Belin and said, "I don't know."

McCloy asks, "Did you recognize anyone in this room that you saw in the fifth floor window ...?" and Brennan says, "That is the two boys I am speaking of now." Belin then returns to Exhibit 477 on which, in the morning session, Brennan had sworn he had seen two Negroes in the only one of four adjoining windows in which there had been none. He gets Brennan to change his story so that Brennan "believes" they were in the window to the east, but "I am not positive".

At this point, Asst. Counsel Redlich asks McCloy's permission to question the witness. His approach begins, "You stated that you saw two employees walking down the steps of the building?" Brennan says he did, and Redlich asks, "Do you recall whether the two employees that you saw ~~are~~ walking down the steps of the building were the same two employees that you saw in the window....?" Brennan says, "Yes; as far <sup>on</sup> as/the fifth floor and at one of these two windows. The one I circled or this window here." Redlich starts to try and get him back on the track by saying, "You mean two of the people that you - " at which point he is interrupted by Brennan's "At one of the windows I saw two, two of those people, employees that came down." Redlich, then, ignoring the fact that four windows were involved, but perhaps intending to hint to Brennan to forget the one he had already identified as the window in



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which they were, and in which they had not been, then says, "But you are not prepared to state which of these three possible windows?" Brennan replies, "That is right". After a brief further exchange, Redlich, in effect, testifies for Brennan in this question, "And of the two people that you saw, it is possible you are saying that one might have been in the window marked B and another might have been in a window to the east?" Brennan says yes, and Redlich says thanks, and Belin says, "Mr. Brennan, are you basing your recollection on what you saw during the moments that the shots were fired or on what you saw when you observed these windows prior to the time the motorcade arrived?" Brennan's reply is, "What I saw prior. There was no significance to the fact at all. In other words, there is a little difference in your memory there on this." Immediately Mr. Ball said, "No questions. You may be excused, Mr. Brennan." (p.186)

He came back that afternoon to clarify something else. (See p.211).

It is my recollection that at one point during his testimony, Brennan said he saw these colored men as clearly as he saw the alleged assassin. How well, then, did he see the alleged assassin?

But whether or not he did say that, how could anyone possibly believe the identification of a man who was, at Brennan's most optimistic version, intermittently at the window and partly obstructed by it when the man who is making the identification cannot identify other men who remained in clear view in adjoining windows? And how much can the word of a witness be trusted when he has photographs in front of him with which to identify people and the people are in front of him, when he has photographs in front of him with which to identify the windows in which the people were, and he can do neither?

When recalled on p.211, Brennan is not ~~the~~ resworn (nor had he

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been at the afternoon session, although there is at least a clear inference that he was excused at the morning session.) He is told "You are still under oath." But he was not. He had been excused. Belin asks him, "Did you ever state to anyone that you heard shots from opposite the Texas School Book Depository and saw smoke and paper wadding come out of boxes on a slope below the railroad trestle at the time of the assassination?" Brennan says, "I did not."

At the end of this brief interrogation, which takes up less than half of a page, and after Brennan is again excused, he says, "I would like to ask a question off the record." The Chairman granted his permission and the records says, "(Discussion off the record.)"

Is it possible to conceive of a worse witness than Brennan, even if Cong. Ford <sup>thought</sup> ~~through~~ him the Commission's most important? He obviously is a man who was impressed with his own importance and, as the Commission tried to imply of Oswald, it is clear in this case, this man wanted the world to know just how important he was. His big-shotitis permeates the entire record of his interrogation. He continuously volunteers, to the Commission's chagrin and discomfiture, and he is almost invariably wrong. There is no aspect of his account in which he is consistent. No matter what he is quoted at one point as having said, it is possible to find another point at which he contradicts it. His identifications of the alleged assassin are not consistent. The FBI reports I have not as yet seen. But the affidavit he gave immediately to the sheriff's department is not consistent with the police broadcast which immediately preceded it and which the Commission says "most probably" came from Brennan. His identification to the Commission is not consistent with either the affidavit to the sheriff's office or with the police broadcast. He couldn't identify the men he saw in the windows when they



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were in front of him; he couldn't identify them from pictures, and when he had only a 1 in 4 chance of being wrong in picking out the windows in which these men were, he got the only wrong window of the 4. When he had an option between having the men in individual windows and having them together, he picked the wrong one and had them together, whereas they were not together. On Oswald's clothes he was wrong; not just wrong a little bit, but as wrong as one can be between black and white for he said Oswald's black pants were white.

When confronted with contradictions in the FBI reports, his explanation was very simple: The FBI was wrong.

This was the only eyewitness.

At not one point during this appearance by Brennan was there a word said by Mr. Murray, the observer, who was supposed to be looking out for Oswald's interest. How, in the light of this, the Commission dares make a pretense that anybody was looking out for any of Oswald's interests is absolutely beyond comprehension. Having Mr. Craig and his associates appear as a matter of record to have them looking out for Oswald's interests is a monstrous hoax in itself.