

**7 POINTS**

**A CRITICAL**

**EXAMINATION**

**OF THE**

**WARREN REPORT**

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### Point 1

## Cover-Up Initiated

Executive Order #11130, dated Nov. 29, 1963, issued by President Lyndon B. Johnson, created a Commission to investigate the assassination of President John F. Kennedy. President Johnson directed the Commission to evaluate all of the facts surrounding the assassination and subsequent killing of the alleged assassin, and to report its findings and conclusions to him. Congress, two weeks later on December 13, granted the Commission additional powers through a joint resolution enacted as Public Law 88-202.

One problem with a Commission of this conception is that it did not have a single investigator on its staff. Therefore, the Commission was totally dependent upon the investigative services provided by Federal agencies, chiefly the Federal Bureau of Investigation and the Secret Service. The situation resulting from the Commission's not having its own independent investigators produced an irreconcilable conflict of interest within these agencies, specifically in view of the fact that it was the sworn duty of these agencies in particular to protect the life of the President, and he had, in fact, been killed while under their protection. With this conflict in mind, it was irresponsible on the part of the Commission not to have employed a staff for the explicit purpose of supervision and direction of the investigation.

In direct reference to this unparadonable omission, it must be noted that the FBI is under the jurisdiction of the Justice Department, and that the Attorney General is the head of the Justice Dept. In this case, the Attorney General was pre-empted by the Director of the FBI, J. Edgar Hoover, to direct the investigation. This was by order of the President (5H98).

The FBI, which was to dominate the investigation, displayed a deficiency in the credibility of its own director in the form of a definitive report to the Commission (CD#1). The report withheld the fact of one of the President's wounds and also did not mention one of the shots known to have been fired. The second fact of evidence which supports the failure of the Commission to do any of its own investigative work is explicitly detailed in the January 22, 1964 Executive Session Transcript. This conversation among members of the Commission took place before any testimony had been taken. Phrases like "They (FBI) would like to have us fold up and quit", "This closes the case, don't you see?", "I don't even like to see this being taken down", "Yes, I think this record ought to be destroyed", are all excerpted, intact, from this transcript. When a Presidential Commission operates in such secrecy, and

never intends to investigate its purpose from conception, it is in direct violation of its charter and accurately reflects its intent.

There were more of these Executive Session transcripts and all were buried in the National Archives under the classification "Top Secret". This designates material which, if released, could start a war! Not one of the Executive Session transcripts contains material that would start a war or otherwise threaten national security. It was a subterfuge to hide these minutes from the American public.

The Commission evidence does not include Lee Harvey Oswald's military record verbatim or intact. Neither does it include the complete content of the FBI file on Oswald. The Commission never did study the complete FBI file on Oswald, incredible as this may seem. This also was discussed in the previously mentioned January 22 transcript and in a subsequent one on January 27, 1964, which again talks about the possibility of Oswald having been an FBI informant or agent, and the fact that the Commission was helpless either to prove or disprove it.

The Warren Commission, electing not to have its own staff of investigators, with loyalty to it only, and having decided to depend instead on executive branch agencies who were already burdened with a conflict of interest, and aware that the FBI was foreclosing them from any meaningful investigation, accepted their situation without protest or dissent. The tragedy of this is that it assured the country that there would be no real investigation of the murder of President Kennedy.

### Point 2

## Weaponless Oswald

The Warren Commission states that Lee Harvey Oswald brought a brown paper bag (CE 142) to work with him the morning of the assassination which contained an unassembled Manlicher-Carcano rifle (CE 139). This is the rifle with which the Commission states Oswald fired the shots which wounded John B. Connally, then Governor of Texas, and killed President John F. Kennedy. This rifle, when disassembled, is 34.8 inches long, the length of the stock. The hand-made brown paper bag the Commission states Oswald used to carry the rifle was found on the sixth floor of the Texas School Book Depository building and measures thirty-eight inches in length (See CE1304 on page 132 of the Report; R19). (This exhibit shows CE 139 would fit into CE 142.)

A) No witness testified that Lee Harvey Oswald carried anything into the TSBK building on the morning of the assassination (2H229-230; 6H376-377; 7H531).

B) Both witnesses who saw Oswald carrying a brown bag the morning of the assassination testified that it

was between two feet and twenty-eight inches long (2H249-250; 2H266; 2H408-409), indicating that this bag was too short to hold the rifle.

C) The only prints found on the bag (CE 142) were a palm print and a left index finger print, both belonging to Oswald. These prints were found near the bottom of the bag (4H3-20, 4H50-51). The absence of prints at the top of the bag is not consistent with the testimony of the witness who described Oswald as carrying the bag by the top (refer to B).

D) The initial fingerprint testing by the Dallas Police Department showed no legible fingerprints on the bag (CE 142), not even the prints of Officer Studebaker who had handled it (4H267; 7H144, 7H137-149 Studebaker testimony).

E) FBI Director J. Edgar Hoover stated that the rifle (CE 139) was very well oiled when found (26H455).

F) FBI documents expert James Cadigan could find no connection (i.e. oil on bag, etc.) whatsoever between the bag (CE 142) and the rifle (CE 139; 4H97-98).

Since no witness saw Oswald carry anything into the TSBD building proper (A), and the bag Oswald did carry was of shorter length than the Commission Exhibit (B), and the two prints of Oswald on CE 142 could not prove that he had ever picked the bag up, much less carried it around (C), and the bag, under initial testing never showed prints, not even those of the handling Office (D), and since the gun was well oiled (E), but could not be proven to have ever been in the bag (on which there was not a trace of oil) (F), it is obvious that the Commission reached conclusions on this subject which were contradicted by all its evidence.

### Point 3

## Who's "Confused"?

The Warren Commission states that Lee Harvey Oswald, from a position in the eastern most window on the sixth floor of the TSBD building, fired three shots wounding Texas Governor John Connally and assassinating President Kennedy. It claimed the identification by a single alleged eyewitness, one Leslie Howard Brennan, while admitting that it did not depend on him solely. The Commission relied also on testimony from people who saw "someone" in the window before and during the firing of the shots. It had depositions from TSBD employees who stated that they did not see Oswald between 11:55a.m. and 12:30p.m. (time of the shots). From a combination of testimony and deduction, the Commission placed Oswald at the window to fire the shots.

A) CE 1381 consists of seventy-three statements by TSBD employees who worked the day of the shooting. One of the questions which these statements addresses is whether or not each employee had seen Oswald at "the time of the shots". None of the statements include an affirmative answer to this question. From this, it concluded that no one saw Oswald between

11:55a.m. and 12:30p.m. on the day in question (22H632-686; R143).

B) The Report dismisses the testimony of TSBD employee Eddie Piper, calling him a "confused witness" (153). Piper told Dallas police on Nov. 23, 1963 that he had both seen and spoken to Oswald on the first floor of the TSBD building at 12:00 noon (6H383) when Oswald told Piper that he was going to eat lunch (19H499). Piper seemed to be a credible witness by virtue of his close description of the events after the assassination, a description which parallels the known sequence of events (6H385).

C) Another eyewitness who saw Oswald on the first floor between 11:55a.m. and 12:30p.m. was a secretary at the TSBD named Mrs. Carolyn Arnold. She was interviewed by FBI agents on Nov. 26, 1963. They quote her as saying that she saw Oswald on the first floor just a few minutes before 12:15p.m. However the commission chose to completely ignore not only this FBI account, but also her handwritten statement placing the time she saw Oswald on the first floor at 12:25p.m.

D) The only claimed "eyewitness" is Brennan. It is inferred that Brennan gave the Dallas police the description of the man in the window he claimed to have seen, a description so vague it may have fit half the men in Dallas: "white, slender, weighing 165 pounds, about 5'10" tall, and in his early thirties" (R144). After Oswald was taken into custody, Brennan reviewed a police line-up that evening to pick out the man he claimed he had seen in the window. Even after having seen Oswald on the television in police custody, a fact that should have disqualified him from identification, Brennan then refused to identify Oswald as this man. Brennan changed his story about whether he could identify Oswald as the man in the window (not as the assassin) many times. He claimed to be worried about retaliation if the assassination had proved to have been a Communist conspiracy. This is a thought later put in his head by the Secret Service. (3H148; 3H140-161, Brennan testimony; R144-146 inclusive).

E) Oswald's own account of his whereabouts from 11:55a.m. to 12:30 p.m. will never be fully known because no transcript (or tape recording) was made of his interrogations during police custody. This was an appalling and inexcusable departure from general interrogation procedure, especially considering these particular circumstances (4H232; R200). The only record of his account is found in ambiguous and contradictory accounts written by various participants in the interrogations...the Dallas police, FBI, and the Secret Service (R598-636).

F) These records quoted Oswald as saying something he could have known only by having seen it: that he saw two TSBD employees while he was eating lunch on the first floor. The independent testimony of these two men establishes that they were in fact there between 12:10p.m. and 12:25p.m. (R622, 626, 3H189, 220, 6H365, 22H638, 662; 24H199, 213, 227).

In the first place, from the depositions of TSBD employees (A), the Report wrongly concluded the whereabouts of Oswald between 11:55a.m. and 12:30p.m. the day of the assassination. This is especially true in light of testimony the Commission chose to ignore (B), (C) and (D). Not only did the Commission fail to conduct the official interrogation of Oswald correctly (E), but neither did it follow up on what partially amounted to his alibi (F). There is no conclusive proof that Oswald was ever in the "purported" assassin's window.

#### Point 4

### Ridiculous Reenactments

The Warren Commission Report states that after Oswald fired the shots, he carefully hid the rifle between some boxes on the sixth floor (CE 517) and went down the Depository steps to the second floor and into the lunchroom. He was first spotted after the assassination by Dallas Police Officer Marrion L. Baker about twenty feet inside the lunchroom. Roy Truly, TSBD manager was running up the steps with Baker when he noticed that Baker was not behind him, returned to the second floor landing to see the same stairs. Truly identified Oswald as an employee at the TSBD, then he and Baker proceeded up the stairs and Oswald bought a coke. Upon leaving the second floor, Oswald was spotted by another TSBD employee, a Mrs. A. Reid. The chronology here is of utmost importance in respect to whether the encounters and observations took place at the precise times the Report states and as to whether Oswald could have participated in them in so short a time after having been on the sixth floor, assassinating a president. To arrive at their chronology of encounter, the Commission members reconstructed each movement with actual participants, with the obvious exception of Oswald (whose route was speculated upon in the absence of witnesses). They used a stop watch and ran through each movement twice (R151-153).

A) There is no proof that Oswald was on the sixth floor at the time of the shots (refer to Point #2) and no evidence or testimony to show that he came down from the sixth floor to the second floor lunchroom encounter with Officer Baker. In fact, there exists testimony that no one did come down the steps during this short period (3H181; 22H685; CE 1381).

B) The reconstruction of Oswald's alleged route from the sixth floor after the last shot was fired to the sighting in the lunchroom was clocked twice. The first timing showed one minute and eighteen seconds, the second one minute and fourteen seconds. The first timing was at normal walk and the second at a "fast" one (3H253-254).

C) The reconstruction of the time it took Officer Baker from his motorcycle in the motorcade to the lunchroom encounter was also clocked twice. The first time was a minute and thirty seconds, the second was a minute and fifteen seconds (3H252; 3H241-270 Baker testimony).

D) Baker testified that when he confronted Oswald with his gun drawn, Oswald was calm, not out of breathe, and appeared normal (3H252).

E) Truly testified that Oswald was neither excited or afraid (3H225; 3H212-241 Truly testimony).

F) The Commission decided it took Mrs. Reid two minutes to return to her office from viewing the motorcade. She protested that it took her longer (3H279).

G) Mrs. Reid described Oswald as walking "at his normal slow pace" and wearing just a "T" shirt (3H276, 279).

H) There is evidence that it may have been Oswald who directed two newsmen to phones on the first floor of the TSBD building after the shots (CD 354).

There is no proof that Oswald was on the sixth floor at the time of the shots, nor is there any proof of his alleged retreat to the second floor (A). Careful reading of the evidence containing the reconstruction timing of the Oswald-Baker routes (B) and (C) shows a deliberate attempt to speed Oswald's movement up and slow Baker's down. Otherwise, had Oswald been on the sixth floor as the Report claims, Baker would have beaten him to the second floor in the reconstruction, resulting in the exculpation of Oswald. The Reid (G), Baker (D), and Truly (E) accounts of how calm and normal Oswald was, are totally inconsistent with the behavior of a man who had just murdered the President! The evidence the Commission claims could be used to show that Oswald was on the sixth floor and then retreated, after the shots, actually proves it was impossible.

#### Point 5

### Specter's Baby-CE 399

The Commission drew these conclusions about the shooting (R18-19): "The shots which killed President Kennedy and wounded Governor Connally were fired from the sixth floor window at the southeast corner of the Texas School Book Depository. President Kennedy was first struck by a bullet which entered at the back of his neck and exited through the lower front portion of his neck, causing a wound which would not necessarily have been lethal. The President was struck a second time by a bullet which entered the right-rear portion of his head, causing a massive and fatal wound. Governor Connally was struck by a bullet which entered on the right side of his chest, exiting below his right nipple. This bullet then passed through his right wrist and entered his left thigh where it caused a superficial wound. Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from experts to indicate that the same bullet which pierced the president's throat also caused Governor Connally's wounds." The Commission concluded that only three shots were fired, in the face of evidence that Oswald, alone could not have fired three such accurate shots within the time permitted by

the existing photographic record of the assassination taken by Abraham Zapruder. (The Report states that the shots began at about frame 210 of this film and were concluded at frame 313. At 18.3 frames per second, the time span of the shots is approximately 5.6 seconds.) "Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally..."----unless one bullet did inflict all seven non-fatal wounds on both victims; on the basis of this alone, at least one additional shot is required and at least one additional shooter to have fired it.

In the Commission's own terms, nothing is more "necessary to any essential findings of the Commission."

Point #5, with respect to the Commission evidence, warrants a division into four categories for comprehensive evaluation. The four categories are: A) History of the non-fatal shot (bullet), known as CE399 which was found after having fallen off a stretcher in the Dallas hospital to which the president and governor were taken; B) Testimony and evidence relating CE 399 to the wounds of President Kennedy and Governor Connally; C) Testimony and evidence with regard to the number and time sequence of the shots; D) The evidence before the Commission concerning the origin of the shots.

#### SECTION A

Commission Exhibit 399 is the bullet which the Commission alleged inflicted all seven non-fatal wounds on both President Kennedy and Governor Connally. Without regard to any other evidence contrary to the "one bullet thesis" of the Commission, there exists the question of legality connecting CE 399 with the crime itself. This procedure is technically known as "chain of possession" and in court must be proven beyond a reasonable doubt. Here is the evidence presented to the Commission.

A) Assistant counsel to the Comm Arlen Specter, promised to prove at a later date in the hearings that CE 399 came from the stretcher used to carry Governor Connally into the hospital (Monday, March 16, 1964; 2H368).

B) Upon arrival at Parkland Memorial Hospital, Governor Connally was removed from the presidential limousine and placed on a stretcher. He was then wheeled into the emergency room while still on the stretcher. No bullet was seen or uncovered at this point. He was then covered with a sheet (6H116).

C) The governor was then taken to the emergency elevator and on it, up to the second floor for surgery 6H117-118, 121, 124).

D) Connally was wheeled on the stretcher to the entrance of the operating room (#5) and transferred to the operating table (6H121, 126).

E) The stretcher was then wheeled back toward the emergency elevator by a nurse who stopped halfway to remove paraphernalia from it (sponge gauze, hyperdermic syringe wrapper, roll of tape). She then rolled the sheets together in a ball (one inside the other) and left it on the stretcher. She did not see a bullet, nor did one hit the floor (6H121-123).

F) An orderly then rolled the stretcher onto the emergency elevator and left it there for removal to the ground floor (two floors below) by other personnel who would return it to the emergency room area (6H126-127).

G) The senior engineer at Parkland, Darrell C. Tomlinson, who operated the elevator manually from the ground floor, removed a stretcher from the elevator and placed it next to another stretcher, origin unknown. The stretchers were left unwatched (6H129-131).

H) Neither of these two stretchers was used to bring President Kennedy into the hospital because he remained on his stretcher during the entire time futile life-saving techniques were being administered to him (R19; 6H137).

I) Later, Tomlinson pushed one of the stretchers against the wall and a bullet fell onto the floor from where it had been lodged between the mattress and the metal body (6H130).

J) Tomlinson retrieved the bullet and turned it over to the Personnel Officer at Parkland Hospital, one O.P. Wright (CE2011, 24H412).

K) After some effort, O.P. Wright found an official who would accept the bullet. He was S.A. Richard E. Johnson (CE 1024, 18H799).

L) After returning to Washington D.C. aboard Air Force One, S.A. Johnson turned the bullet over to the Chief of the U.S. Secret Service, James Rowley (CE 2011, 24H412).

M) In testimony before the Commission, Tomlinson would not identify the stretcher from which the bullet dropped as the one which came from

the elevator (presumably Governor Connally's). Although Tomlinson did not recall for certain, he felt that the stretcher the bullet had come from had been the one already on the ground floor and said that he could not sleep at night if he swore falsely (6H128-134).

N) As late as June of 1964, the Commission could make no positive identification of CE 399 as the same bullet recovered from the stretcher the day of the assassination (CE 2011, 24H412).

This condensation of the evidence does not answer any questions. But it does ask one -- where did CE 399 come from? There is no proof anywhere that it was actually used in the crime. There is positively no chain of possession between the shooting and its appearance in Washington D.C. that night. Along with evidential importance of a chain of possession missing and other evidence we shall consider, it will be known, contrary to the claim of Counsel Arlen Specter, that CE 399 could not have been used in the assassination.

#### SECTION B

There has been much controversy over whether or not one bullet, CE 399, could have inflicted seven non-fatal wounds on both victims and have remained in virtually pristine condition. If it did not, on the basis of this alone, "The Official Solution" to the assassination of President Kennedy cannot be true.

Some of the relevant factors are as follows:

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A) FBI ballistics expert Robert Frazier testified for the Commission that military bullets of the same variety as CE 399 weigh on the average about 160-161 grains, give or take a few grains. We gave the weight of CE 399 as 158.6 grains, which put it within the mean of the average weight (5HG3).

B) Under ballistics testing for similar results of damage, the Commission could find no bullet which remained undamaged as did CE 399 (17H849-885, CE 853, CE 856, CE 857, CE 858).

C) The doctors at Parkland Hospital who treated Governor Connally tended to reject the possibility of CE 399 having gone through the governor's wrist at all, because they felt this wound was the result of an irregular or fragmented missile (6H90-91, 98-99, 102; 4H124).

D) Dr. Shaw felt only a "fragment went into Governor Connally's thigh." He also felt that a bullet doing all of the alleged damage could not have remained intact (4H114; 6H91).

Post-operative X-rays showed a bullet fragment remaining in Governor Connally's thigh (R535; 6H106).

F) Dr. Humes, director of the JFK autopsy, said that it was most unlikely that CE 399 made the wound on Governor Connally's wrist (2H374-375).

G) Dr. Shires stated that Governor Connally's thigh wound was caused by a fragment of a bullet (6H106).

H) The FBI never examined CE 399 to determine whether it held evidence of human tissue, blood or muscle (3H429).

I) In one way or another, each and every doctor questioned swore to the impossibility of the career attributed to this bullet by the Commission, and to the fact that the question was essential to its conclusion.

When the doctors testified to this impossibility, Counsel Arlen Spector substituted a hypothesis eliminating all of the known conditions that had to be met. He reduced the question to what amounts to no more than a query about whether or not one bullet could wound two men. However, in the Report, this actually appears in language falsely stating that all the doctors did agree to the alleged history of CE 399 (R95).

The Commission's conclusions are disproven by the Commission's facts.

It was unable to duplicate this shooting of the resultant wounds and it was also unable to come close to doing the damage alleged to CE 399 with a bullet that emerged in anything like the near-perfect condition of CE 399.

### SECTION C

The Commission states from the evidence of three spent cartridges found on the sixth floor of the TSBD building (R18) there were only three shots which could have been fired (R111). The Commission also concluded that Oswald was amply capable of committing the assassination (R195). The Commission evidence supports the opposite conclusion. This evidence is too voluminous to include completely. It exists in various forms, from eyewitness to tangible evidence. Some of this evidence is as follows:

A) Both Governor and Mrs. Connally insist that the governor was hit by a separate, second bullet, to the exclusion of the one which caused the president's non-fatal wounds (4H132-133, 147).

B) Special Agent in charge of the Dallas detail Roy Kellerman supported the Connallys on the number of shots and testified as to what he described as a "flurry" of shots. He refused to believe only three had been fired.

C) Bystanders attested to having heard as many as eight shots (19H473, 480, 487, 492, all from decker Exhibit #5323).

D) While the Commission claimed that Oswald fired all the shots from that Manlicher-Carcano rifle

1) the fastest operation of that rifle by an authentic expert required 2.3 seconds merely to operate the bolt (3H407).

2) The best experts, all rated as masters, the Commission had attempted to duplicate the shooting at the Aberdeen Proving Grounds from a lower elevation than that attributed to Oswald, at still Targets, with the rifle overhauled to eliminate its defects, could not duplicate the feat attributed to

Oswald (R193; 3H394-395, 046-407).

3) rather than being a good shot, the Marine Corps evaluated Oswald as a "rather poor shot" (Col. Folsom letter).

4) shooting is a mechanical skill requiring regular practice (11H330-331).

5) to accomplish the feat of the assassination, one must be "proficient with this weapon." (R190).

6) for all its efforts, the Commission was unable to come up with any proof or reason to believe that, as of the time of the assassination, Oswald was any thing but the "rather poor shot" he had been years earlier, when he was discharged from the Marine corps.

E) While there were many other factors the Commission ignored or downgraded, one that illustrates the possible importance of these factors, because of its effect on the accuracy of the shooting, is gusts of wind so strong at the moment of the shooting, that Patrolman Marrion L. Baker testified that he was almost knocked off his motorcycle (3H245).

Contrary to the Commission's presumptions about "the weight of the evidence", the actual evidence, logically perceived is that:

1) Oswald was a poor shot;

2) the rifle he was alleged to have used was inaccurate and unreliable;

3) witnesses disputed the number of shots and their effect.

4) the best shooters the Commission could obtain, under artificially improved conditions, could not come close to supporting the "lone assassin theory";

5) as other sections of this analysis show, there exists no proof that this rifle (CE139) or its alleged ammunition were actually used in the crime.

This section clearly indicates that the Commission made presumptions and allegations that are refuted by the actual evidence.

## SECTION D

The Report states that "the shots which killed President Kennedy and wounded Governor Connally were fired from the sixth floor window at the southeast corner window of the TSBD" (R18). "There is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the TSBD" (R19).

A) While it is no longer in any of the Commission's still existing records, this supposed conclusion represents a compromise reached in an effort by the late Senator Richard B. Russell, whose mind, in fact, was full of doubts. He had refused to agree to the Report as drafted and had told the Chairman merely to record his dissent. The compromise, while it satisfied Senator Russell's immediate objection, does not address itself to the Commission's evidence. Following is some of the evidence which indicates that all the shots were not fired from the TSBD sixth floor window:

- 1) Immediately after the first shots, Police Chief Curry, riding in the lead car, ordered over the police radio to "get someone up in the railroad yard to check on those people" (4H161)
- 2) Sheriff Decker came on the police radio forty seconds after 12:30 p.m. and stated "Stand by me! All units and officers in vicinity of station report to the railroad track area, just north of the Elm- Report to the railroad track area, just north of Elm" (R665)
- 3) The crowd in Dealey Plaza began to move en masse after the shots toward Elm Street and there were many officers moving toward the railroad yard (19H511, Decker Exhibit #5323).
- 4) Among others known to the commission to believe that shots came from other than the TSBD are:
  - a) Mrs George Andrews (22H659, CE 1381)
  - b) Danny G. Arce (6H365-366)
  - c) Mrs. Donald Baker (7H508-510)
  - d) Ochus Virgil Campbell (22H-638, CE 1381)
  - e) John Athur Chism (24H525 CE 2091)
  - f) Mrs. Charles Davis (22H642, CE 1381)
  - g) Mrs. Charles Hester (24H523, CE 2088)
  - h) Jean Hill (DE #5323, p. 479, 19H479)
  - i) S.M. Holland (6H243-245)
  - j) Emmett J. Hudson (7H559-560; 19H481)
  - k) Billy Nolan Lovelady (6H338; 22H662)
  - l) Edgar L. Smith, Jr. (7H568)
  - m) Dallas Police Officer J.M. Smith (7H533-536)
  - n) Forrest Sorrells (7H341-345)
  - o) Malcolm Summers (19H500), DE #5323)
  - p) James T. Tague (7H554-557)
  - q) Roy S. Truly (3H219, 277, 241)
  - r) Steven F. Wilson (22H685, CE 1381)
  - s) Otis Neville Williams (22H-683, 1381)
  - t) Harry Weatherford, Deputy Sheriff (19H502, DE 5323)
  - u) Harold E. Elkins (19H540, DE #5323)

If these are not all of the many eyewitnesses who were satisfied the shots came from other than the TSBD window - and they are not - they represent an impressive number of eyewitnesses. The number is made even more impressive when it is considered that they include the Dallas Chief of Police, the Dallas County Sheriff, the head of local Secret Service office, and others who can be considered expert.

Regardless of what is said as a result of political compromise and because of the Commission's political needs as it perceived them, and regardless of what the Report says is "in the mind of any member", and particularly when considered in the light of the other evidence already sighted, the dismissing out of hand of so many witnesses, or so important a question of evidence cannot be procedurally or factually acceptable in a body that bore such responsibility as that designated to the Warren Commission.

There is no reason to believe that all the shots came from that one point and much reason to believe that they did not.

## Point 6

### The Tippit Murder

The Report traces Oswald's route after he left the TSBD to his roominghouse in SW Dallas to the scene of the Tippit murder. He used various means of transportation, bus, cab and walking. The Report does not take into consideration the testimony of Oswald's landlady, Mrs. Earlene Roberts, and thus states, "If Oswald left his roominghouse shortly after 1:00p.m., and walked at a brisk pace, he would have reached Tenth and Patton shortly after 1:15p.m." (R165). The Report also says that at approximately 1:15p.m., a Dallas Police Officer, J.D. Tippit, was driving his patrol car when he spotted a man who fit the general description of the police radio broadcast of a suspect in the presidential assassination. "Tippit stopped the man and called him to his car. He approached the car and apparently exchanged words with Tippit through the right front or vent window. Tippit got out and started to walk around the front of his car. As Tippit reached the left front wheel, the man pulled out a revolver and fired several shots. Four bullets hit Tippit and killed him instantly" (R165).

The Report says that Domingo Benavides, an eyewitness to the murder, used Tippit's radio to signal the police at about 1:16p.m. (R166). All of this can be found in the Report (pp. 157-165).

A) Oswald's housekeeper, Mrs. Roberts, testified that Oswald came home sometime after the president had been shot and stayed only three to four minutes. A moment later, she saw Oswald standing outside the house, waiting for a bus at the stop on her side of the street. Also during the time Oswald was inside, a police car had pulled up and honked twice out front (7H434-444; 22H86, CE 119A).

B) One of the eyewitnesses to the Tippit murder, Mrs. Helen Markham, in her affidavit of Nov. 22, 1963, and again before the Commission in March of 1964, swore that the time of the shooting was 1:06p.m. (3H306; 24H215, CE 2003, p. 37).

C) Another witness on the scene immediately after the shooting was T.F. Bowley. He checked his watch and stated that the shooting took place at 1:10p.m. In an affidavit, Bowley stated that Benavedes had been unable to operate the police radio and he (Bowley) had to call in the shooting. It must be noted, Mr. Bowley was never called as a witness for the Commission (24H202, CE 2003, p. 11).

D) A reenactment of the walk from Oswald's roominghouse to the scene of the Tippit murder was conducted for time consideration. The walk took seventeen minutes and forty five seconds (6H434).

E) The original copy of the Homicide Report by Dallas Police stated the window Tippit and his suspect had talked through was closed.

F) The Secret Service report on the autopsy of Tippit stated that he was only hit three times. The fourth bullet was deflected off his coat.

Even in ignoring the extra minutes that Mrs. Roberts swore Oswald spent at or near the roominghouse, the Commission still could not get Oswald to the scene of the crime until five minutes after Tippit was killed. And this is ignoring two testimonies giving different times for the murder than the time arbitrarily chosen by the Commission: 1) Mrs. Helen Markham (B), and 2) T.F. Bowley (C), a highly credible witness. Not only did the members of the Commission ignore the very unorthodox procedure which Officer Tippit used in stopping a suspect in a presidential assassination by simply pulling over to the side of the road to chat with him, but more strange, they did not seem to think much of the two having talked through a closed window! Another example of either the mag-nanimous ineptitude of the Commission or perhaps its predilected bias is the fact that it could not even state the correct number of wounds Tippit received. In summary, the Commission twisted and distorted, to the furthest possible extreme, the evidence with which it was presented, to make it appear that Oswald killed Tippit; simultaneously ignoring and suppressing the evidence at hand, evidence which proved that he did not and could not have done so!

## Point 7

### Unanswered Questions

Among the many reasons not to credit either the intentions of the Commission or their Report, is the incredible number of unanswered questions left to the American public, as a result of the incomplete job done by the Commission. Whereas this area was the responsibility of the Federal Investigative Agencies, the reasons indicating that neither these Agencies nor the Commission ever really intended a serious

investigation, and did not in fact conduct one, simply becomes overwhelming.

There is no area of the evidence in which this is not an actuality. There is almost no area of this evidence in which serious questions were seriously addressed or answered. This often led to generating a number of these unanswered and often un-asked questions. One of the most provocative is the reporting of Secret Service Agents present at the scene immediately after the crime when it was known that their presence was impossible.

1. No Secret Service agent remained at Dealey Plaza after the shots were fired. Forrest V. Sorrels was the first S. A. to return to the Plaza area at approximately 12:50 to 12:55p.m. (R52; 7H247).

a) Deputy Constable Seymour Weitzman claimed the shots came from the wall between the overpass and the concrete monument. He sealed the wall and went into the railroad yards looking for the assassin. When asked if there were other people there beside him, Weitzman reported that there had been "other officers; Secret Service as well" with him in the railroad yard (7H106- 107).

b) Sargeant D.V. Harkness arrived at the TSED building at 12:36 p.m. to seal it off. When he went around to the back of the building he found some men who told him they were Secret Service agents (6H310- 312).

c) Dallas patrolman J.M. Smith reported that a woman had come up to him in hysterics saying "they are shooting the president from the bushes". He checked the parking lot and bushes behind the concrete monument where he found a Secret Service Agent who produced credentials (7H535).

There are a host of other unanswered questions, such as: why were the reports of people who claimed to have

seen individuals carrying guns in Dealey Plaza the day of the assassination never checked out? Why was the Stemmons Freeway sign, which blocked out the president being hit by the first shot in the Abraham Zapruder color film of the assassination, removed from the road so soon after Nov. 22, 1963, and by whose authority? Who is the mysterious person appearing in trouble on the fire escape of the Dal-Tex Building in the famous Altgens photograph of the assassination? And what is the long, narrow object protruding from the window of the same building ½ a floor under this person seemingly in distress?

These are only a few questions in particular introduced to titillate the mind and demonstrate that such a "thorough" job was incomplete and remains so! There certainly are many more which hopefully will be asked one day with the prospect of being answered accurately.

In the investigation into the assassination of a president, the mere existence of unanswered questions, not to mention the ones that could have been asked, is impermissible and certainly negates the credibility of any intent to make an honest and truthful evaluation of the assassination to the American public.

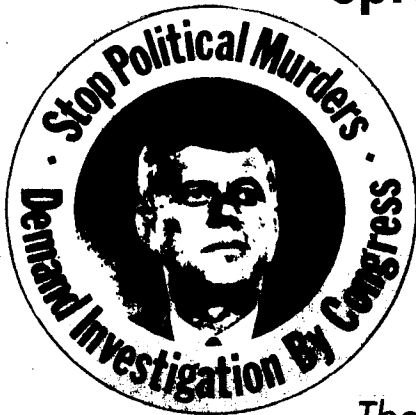
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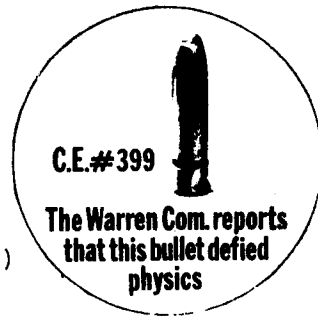
payer are synonymous. It must be noted here that there was no limit whatsoever placed on this investigation. No limit to financial resources, no limit of intelligence or talent. This crime was committed at a time when we were wealthier as a nation than we had ever been in our history. We possessed greater scientific skills, particularly in criminology, than people twenty years ago could have ever imagined possible. Certainly the American public would be willing to write their representative and responsible government a blank check to investigate thoroughly and solve the murder of their president, and take the appropriate action necessary to bring the perpetrators of this infamous crime to Justice in the American Court System.

It is just as much a crime that the Commission did not solve the murder of the President and used the taxpayers' trust and money to deceive them, by covering up what worthwhile evidence they did have, and literally stigmatizing the family of a man forever in history, a man who may not have had more to do with the assassination than to have been the ordained patsy by those who actually did conspire. The biggest unanswered question left us by the Commission is the most unfortunate one -- Who did kill John F. Kennedy?

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