

Marshall Windmiller commentary: Jan. 28, 1964

The Commentary of Questions on the assassination

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## Q U E S T I O N S   O N   T H E   A S S A S S I N A T I O N

It is now over two months since the President of the United States was assassinated in Dallas. The transition from one President to another has been completed smoothly and stands as a proud example of good government to the rest of the world. Americans find themselves once again involved in politics as usual, and the terrible events of last November are fading into the background. We read very little about the assassination in the daily press now. We hear about the defense strategy of Jack Ruby's attorney, we learn that the Warren commission is holding closed hearings, and today we read of a television interview given by the widow of Lee Harvey Oswald in which she states, and I quote, "the facts tell me that Lee shot Kennedy." I suspect that most Americans agree with Marina Oswald. The "facts" tell them that Oswald shot the President. But what troubles me is that there appear to be a lot of facts which have not been well publicized or well analyzed in the mass media of communications, and that when all of the information is brought together and carefully studied, it produces more questions than answers.

Fortunately Americans need not be wholly dependent upon the mass media for their information or for competent analysis. This is a country in which questions can be raised and doubts expressed through many channels, particularly the small magazines and journals, and anyone who wants to take the trouble to look for dissenting opinion can find it without too much difficulty. And recently four magazines, ranging from the political center to the left, have published articles which raise some very serious questions about the assassination of President Kennedy. The first to appear was what is described as a defense attorney's brief by New York lawyer, Mark Lane. It was published in the December 19 issue of the National Guardian. Mark Lane is a militant reformer who was formerly a member of the New York State legislature and achieved nationwide publicity by charging that the speaker of that assembly was involved in profiteering on fallout shelters. Lane subsequently ran for Congress but was defeated. The second article appeared in the New Republic for December 21. Entitled "Seeds of Doubt," it was written by two political scientists, Jack Minnis and Staughton Lynd. It is accompanied by a one-page eyewitness commentary by Richard Dudman of the St. Louis Post-Dispatch.

The third article is by a Frenchman who made his own investigations in Dallas. His name is Leo Sauvage, he is the correspondent for the Paris daily Le Figaro, and his article entitled "Oswald in Dallas: A Few Loose Ends," appears in the Reporter magazine for January 2.

And finally there is the article by Harold Feldman entitled "Oswald and the FBI" which appears in the Nation for January 27.

I would like to comment on these articles and some of the questions they raise, for I believe that the good name of the American government and its image in international affairs will be greatly affected by the way we handle these questions. Nothing less than our reputation for legality, truthfulness and justice is at stake.

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The Mark Lane brief is not an objective, balanced piece of writing. It was not meant to be. It is frankly a brief designed to present one side of a case. In the Catholic Church, before a saint is canonized, someone is appointed to play the role of the devil's advocate. This person's task is to develop all the evidence and arguments against the saintliness of the person to be canonized. The Church does this in order to make sure that no unworthy person is elevated to the status of saint. This is a very old and respectable device, and it is the type of device which Mark Lane is trying to get the Warren commission to employ in its investigation of the murder of President Kennedy. I think it is unfortunate that the commission does not see the value of this.

In any case, Lane's brief is one-sided. It is a defense of Oswald. Some of it, in my opinion, is not persuasive, but much of it is. Lane begins by listing fifteen assertions that were made by Dallas District Attorney Henry Wade. I won't go through all of them, but they include the witnesses who saw Oswald on the sixth floor of the building from which shots were fired, the palm print on the rifle, the paraffin tests, Oswald's ownership of the rifle, the package he carried to work, and so forth. Then Lane proceeds to disprove or disqualify these assertions one by one. Some of his points are not impressive. For example, in commenting on the paraffin tests administered to Oswald, he makes a great deal out of the fact that District Attorney Wade referred to the murder weapon as a gun, not a rifle. "In the service," Lane says, "as any veteran, including Wade, well knows, a rifle is always referred to as a rifle. It is never, under fear of company punishment, called a gun." Lane then quotes from a transcript of Wade's remarks and concludes from his use of the word "gun" instead of "rifle" that the paraffin tests did not prove Oswald fired a rifle. The implication is that he fired a pistol--perhaps to kill the policeman--but not a rifle. In my opinion, Lane's argument is pretty flimsy on this point. But I think it should be said that there have been so many confusing and contradictory reports about the rifle and the paraffin tests that an objective person must keep an open mind until more evidence is available. In showing the changing and contradictory stories of the Dallas police, Lane is much stronger. For example, regarding the shooting of officer Tippit with which Oswald was also charged, Lane quotes an early statement of District Attorney Wade. Wade said: "He [Oswald] struck at the officer, put the gun against his head and snapped it, but did not--the bullet did not--go off. We have the snapped bullet there. Officers apprehended him at that time... It misfired... the shell didn't explode. We have where it hit it, but it didn't explode." Lane then quotes from a transcript of a press conference during which a reporter asked whether the firing pin had hit the bullet or whether the officer had managed to get his finger in the way of the pistol's hammer in such a manner as to prevent the firing pin from striking the bullet. Wade replied: "I don't know whether it's that or not. I know he didn't snap the gun is all I know about it." Obviously these two statements are in contradiction. First the District Attorney says he has the dented bullet, then he says that the gun wasn't snapped. Lane points out many inconsistencies of this kind. Another one is the early identification of the murder weapon as a German Mauser. He argues that only after it was discovered that Oswald owned an Italian rifle was the murder weapon identified as Italian. He suggests that the authorities were more interested in linking the weapon to Oswald than in linking it to the crime.

These few remarks about the Lane brief do not do it justice, and listeners who are interested should read it for themselves.

The second article that I mentioned, the one in the New Republic, is in my opinion the best. It is the most carefully documented and the most scholarly in tone and balance. Its main point, which it establishes most persuasively, is that the prevailing official and press explanations of what happened are totally inadequate.

It discusses in detail the wounds suffered by the President and the bullets that made them. By means of brilliant deduction based on an examination of the photographs of the actual assassination that appeared in Life magazine, the authors establish the

speed of the car and its exact location when the President was hit. They are convinced that one bullet hit the President from the front and that it could not have been fired from the building occupied by Oswald. They point out that while witnesses reported hearing three shots, there were four bullets. Richard Dudman of the St. Louis Post-Dispatch says, in the statement accompanying the New Republic article, that officers found a fifth bullet on the grass at the scene of the assassination. Dudman suggests that another rifleman might have been on the viaduct under which the President's car was about to pass. "Early reports of the shooting," says Dudman, "told of a police pursuit of a man and woman seen running on the viaduct. There was no report that they were caught. Regardless, their presence indicates that unauthorized persons had access to that vantage point."

Dudman says that the viaduct is only four short blocks from the office where Jack Ruby was seen before the shooting. He shows that it was possible for Ruby to have been at the scene of the crime. He also refers to the bullet hole in the windshield of the President's car for which there has been no explanation.

The Minnis and Lynd article in the New Republic is most impressive in its analysis of the timing of Oswald's movements right after the assassination. They point out that the shots were fired at the President between 12:30 and 12:31 pm. A witness reported that Oswald returned to his rented room at 12:45 pm. This is about 14 minutes of elapsed time. During this time Oswald is supposed to have hid the rifle, descended from the sixth floor to the second, and got a coke from a machine. He was seen drinking it by the first policeman to enter the building. Now I quote directly from the article: "Then, according to Wade, Oswald left the building and walked four blocks west to Lamar Street where he boarded a bus. He rode the bus an undetermined number of blocks and then got off. He hailed a taxicab and rode four miles to his room in the Oak Cliff section of Dallas. He arrived, according to Mrs. Roberts, just 14 minutes after the assassination. Now if the taxicab was able to average 20 miles an hour, which we think would be maximum, the taxi ride would have taken 12 minutes. This leaves Oswald with just two minutes to shoot the President and Governor Connally, clean and hide the gun, run down four flights of stairs, search his pockets for coins, get a coke from the machine, open it, engage in some conversation with Mr. Truly and the policeman, make his way from the second floor out of the building, walk four blocks to the bus stop, board the bus and ride several blocks, and get off the bus and hail a taxi."

Minnis and Lynd are aware of another report that has Oswald arriving at his room at one o'clock, rather than 12:45. But this report refers to choked traffic which would have slowed down the bus and taxi to speeds slower than they originally allowed for. Making these adjustments, they say that this would have allowed Oswald only five minutes to do all the things he was supposed to have done, and they don't think it is very likely that they could be done in such a short period of time.

The third article, by Leo Sauvage in the January 2 Reporter, is concerned about the fact that Oswald was allowed to leave the building. "Any good policeman," he said, "automatically says 'Everyone stay where he is' when he goes into a building from which shots have been fired. Why wasn't the Texas School Book Depository immediately surrounded and then thoroughly searched?" Sauvage, who was on the scene, wonders why Oswald wasn't arrested when he left the building. I quote from Sauvage: "When Oswald left the building...nobody even asked him his name. What were the dozens of policemen doing?... If Oswald was able to leave the building, it is clear that others could have left it too. In short, the unbelievable carelessness of the Dallas police has left open a possibility that the assassin was some unidentified person who was also in the building at the moment of the shooting and who left undetected."

Sauvage is also concerned about the chicken bones that figured so prominently in the early reports from the scene of the crime. Suddenly they were not mentioned any more. I quote Sauvage again:

"On Wednesday, November 27, I spoke about the chicken bones to James Bowie, first assistant Dallas District Attorney. He said he was surprised that the question should interest me and dismissed it with a wave of the hand: "Oh that chicken! It was old. Oswald didn't eat it. The bones weren't fresh. Someone had it the day before..."

"Have you found the person who went to eat a chicken the day before the President was killed near the window from which the shots were fired?"

"I don't know. I don't believe so."

"Did the police look for him?"

"I think so."

Sauvage clearly implies that some other person was on the sixth floor of the building under unusual and suggestive circumstances. He ends his article by saying: "...if Oswald had lived, I do not see how he could have been convicted, or the conviction upheld on appeal after an investigation like the one I watched being performed by the Dallas police."

The fourth article, by Harold Feldman in the January 27 Nation, suggests that Oswald was somehow connected with the FBI, and it sets forth an impressive amount of evidence to document this point. Feldman shows that Oswald had been contacted frequently by the FBI, even shortly before the assassination, that he was under surveillance when he made his trip to Mexico in September, that he had an FBI agent's phone number in his possession--both home and office phones, and that he had a card index of alleged subversives in his room. But the most persuasive point that Feldman makes has to do with money. He shows that Oswald had only very low paying jobs, yet he seemed to have plenty of money for his trip to the Soviet Union, for printing leaflets, for hiring a stenographer to type a manuscript, for buying the rifle and having it bore sighted, and for buying several expensive cameras that were found in his room. Oswald is reported to have received amounts of money by telegram over a period of time, but the sender is not disclosed. Feldman clearly thinks it was a government agency. Feldman also wonders how Oswald, with his background, was able to get a passport without any delay when in September he wanted to return to Russia or to Cuba. Finally he wonders why the FBI did not include Oswald's name on the list of subversives forwarded to the Dallas police for surveillance during the President's visit. Feldman says: "Lee Oswald, the twice court-martialed marine who defected to Russia and renounced his American citizenship, the pro-Cuba activist who had been arrested a few months earlier while distributing leaflets, this erratic 'Marxist' who was employed on the route of the President's motorcade--Lee Oswald did not qualify for the FBI's exclusive 'risk' list."

I agree with Feldman that this requires some explanation.

In describing these four articles I have only really scratched the surface. There are many more disturbing details that must be studied carefully in order to be appreciated. They lead me to the conclusion that there is a great deal more to this terrible crime than the public has been informed about, that there is a virtual conspiracy of silence on the part of the government agencies that have the facts, and that the FBI and the secret service are making it impossible for the public to get the facts by asking important witnesses not to talk to newsmen. I do not think this is healthy for a democratic society.]

As I reflect on the Oswald case I cannot help but think of the famous Dreyfus affair in France. Captain Dreyfus, a French army officer, was accused of having given military secrets to the Germans. He was court-martialed, publicly disgraced and sent to Devil's Island. Dreyfus was a Jew, and the anti-Semitism then rampant in France was the major reason why he didn't get a fair hearing and why the public was prepared

to believe anything about him--just as today many Americans are prepared to believe anything about a Communist or a Marxist. But Dreyfus was innocent. The facts could not be hidden. Finally the great novelist Emile Zola took up his cause and published a damning indictment of the military and the way his case had been handled. Public opinion was aroused, and finally Dreyfus was completely cleared. He had been arrested in 1894, but he wasn't cleared until 1906--12 long years.

The major factor in the Dreyfus case, aside from the anti-Semitism, was the image of the military. Once Dreyfus had been convicted, the image of the military was at stake. He could not be cleared without weakening public confidence in the army. And so the army closed ranks to keep an innocent man in prison, and much of the government went along. When the truth was finally known, it shook the French Republic to its very foundations and caused upheavals which reverberated for years.

In view of the inadequate information that the public has been given about the assassination of President Kennedy, it seems to me quite proper for Americans to raise the question whether the image of an American bureaucracy may be the real issue. Are the facts being withheld in order to preserve the image of the FBI, the Secret Service, or the CIA? Must we wait 12 years before we learn the truth, if indeed we ever learn it at all? These are terribly disturbing questions, for they go beyond the awful crime of the President's murder, and impinge upon the health and integrity of our system of government. We cannot rest until answers are found.

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