THE WARREN COMMISSION REPORT: II

Testimony of the Eyewitnesses

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The following is the second and concluding section of Fred J. Cook's analysis of the testimony given before the Warren Commission. As we explained last week, the manuscript was delivered to us, in its present form, approximately three weeks before publication of Part I; in other words, before the appearance of press releases announcing publication of two books which also analyze the testimony and the rejoinders from spokesmen for the commission which these releases stimulated.

—THE EDITORS

Despite the speed with which the Dallas authorities closed out the case of President Kennedy's assassination after they had latched on to Oswald, despite the speed with which they promulgated their one-assassin-three-shot-theory, despite the effect that this must have had on the recollections of all but the stoutest and most positive witnesses, a surprising number of spectators insisted with varying degrees of certainty that they had heard four, five or six shots.

One of the most positive and emphatic on this point was Mrs. Jean Hill, the schoolteacher who was standing with Mary Moorman when the latter took her widely distributed Polaroid picture of the assassination. The two women were standing on the curb of the little grass plot known as Dealey Plaza, on the left-hand side of the motorcade as it proceeded toward the triple underpass. The firing broke out as the Presidential car moved directly in front of them, and Mrs. Hill stubbornly testified that she heard more than three shots.

"I've always said there were some four to six shots," she told the commission. "There were three shots—one right after the other, and a distinct pause, or just a moment's pause, and then I heard more. . . . I think there were at least four or five shots and perhaps six, but I know there were more than three."

Mrs. Hill thought that she heard shots not only from the Texas School Book Depository but from a knoll directly opposite her, on the right-hand side of Elm Street. This would mean that the sounds came from the same general direction, but from a different firing point. The ground across Elm from Dealey Plaza slopes up to a semicircular monument structure in the center of a little park. A concrete wall runs for some distance from the end of the monument toward the underpass; behind the wall, crowning the crest of the knoll, is a thin line of trees, thick with foliage. Beyond the trees there is a

parking lot, wedged in between the knoll and the railroad tracks that come curving down to pass over Elm, Main and Commerce Streets.

Mrs. Hill saw a man who seemed to be running away. She even crossed the street to pursue him, but people began to mill around, and she lost sight of him. Subsequently, she and her friend were taken to the courthouse so that officials could get their statements of what they had seen. By the time they were released, Oswald had been captured and held for the murder of Patrolman Tippit; his rifle and three discharged shells had been found; and official theory already had hardened into the belief that the entire case had been solved. To Mrs. Hill, the official theory didn't jibe with what she had seen and heard; and so, as she was leaving the courthouse, she protested to a Secret Service agent.

> I talked with this man, a Secret Service man, and I said, "Am I a kook or what is wrong with me?" I said, "They keep saying three shots—three shots," and I said, "I know I heard more. I heard four to six shots anyway."
>
> He said, "Mrs. Hill, we were standing at the window and we heard more shots also, but we have three wounds and we have three bullets, three shots is all we are willing to say right now."

This remark so perfectly expresses the official mentality that had botched the aftermath of tragedy in Dallas that it carries the ring of truth. To digress for a moment: every law-enforcement agency on the scene that day had disgraced itself. The FBI knew all about the erratic Lee Harvey Oswald; it knew he had been distributing Castroite leaflets in New Orleans and had gotten into a street brawl there; it even knew that he was working in a building on the Presidential route—and it told nobody. Adlai Stevenson, a short time before the President's trip, had been viciously attacked in Dallas, yet the Secret Service, when making its protective plans, got from the FBI the name of not a single fanatic in a city that breeds them like kernels on a corncob. To suggest how strange this was, months before the killing in Dallas, in an article dealing with fanatics of the Right, I had described the activities of a mysterious and wealthy young Dallas businessman, self-styled "The Patriot," who was trying to form a nation-wide secret organization composed of radicals pledged to rise and assassinate prominent officials on "The Patriot's" orders. The activities of this and other rich, powerful and wild-eyed yahoos in Dallas could not have been unknown to the investigative agencies.

Then, once the seemingly unanticipated disaster had occurred, the security agencies got a heaven-sent break. Oswald was practically dropped into their arms and they grabbed their man. They solved the case—and let no one take *that glory* from them! This is the quintessence of police mentality, the kind of official reaction that atones for asinine error with a fast "solution"; one suspects that some of the truest words spoken in the entire Warren Commission inquiry were those of the Secret Service agent as quoted by Mrs. Hill: " . . .we heard more shots also, but we have three wounds and we have three bullets, three shots is all we are willing to say right now."

Three shots is all they were ever willing to say because, if they could just stick to those three shots, the crime which they were charged with preventing would be avenged in the only way possible—by the perfect solution. In less than twenty-four hours, Dallas officials were telling the press that they

had absolute proof of Oswald's guilt; and by Sunday night, when their passion for publicity had resulted in Oswald's murder by Jack Ruby—live on nation-wide television—District Attorney Henry Wade was proclaiming that "the Oswald case was closed." The record seems to show that there was never any official disposition to look beyond Oswald, to question whether "three shells, three shots, three wounds" would fit all the circumstances of the case. As a result we are left today with tantalizing implications.

The most intriguing of these peep out from the testimony of S. M. Holland, the signal supervisor of the Union Terminal Railroad, who had described so accurately the sequence of sights and sounds as he looked down on the assassination scene from the triple overpass. When one reads testimony in transcript form, without the advantage of actually seeing and hearing witnesses, one gets a wide variety of impressions. Some witnesses are obviously fumbling and ignorant and confused; some appear to be lying; others, either in their anxiety to please or the need to fatten their egos, begin to stretch their observations and expand upon their actual knowledge. But occasionally one finds a witness who has observed keenly and who is so scrupulously honest and factual that one trusts what he has to say almost implicitly. Such a witness was Holland.

He told the Warren Commission that since he knew railroad personnel he had been asked by the Secret Service and police to take up a post on the railroad overpass and help them check on expected sightseers. Holland obviously took his job seriously and observed and recalled with the greatest care. Looking down on Elm Street, he saw Mrs. Hill and Mary Moorman with her Polaroid camera; he described how he saw the effects of the shots that hit President Kennedy and Governor Connally before the sounds of the shots reached him; he saw Jacqueline Kennedy turn toward her husband after the first shot and saw the third shot knock the President flat, face down in the back of the limousine. The testimony is sharp, vivid, as accurate and straightforward a recital of what happened as the commission was to get from any one witness. Then, under questioning by Samuel A. Stern, assistant counsel of the commission, comes this sequence:

STERN: Did you hear a third report?

HOLLAND: I heard a third report and I counted four shots and about the same time all this was happening, and in this group of trees—[indicating].

STERN: Now, you are indicating trees on the north side of Elm Street?

HOLLAND: These trees right along here [indicating]. . . . There was a shot, a report, I don't know whether it was a shot. I can't say that. And a puff of smoke came out about 6 or 8 feet above the ground right out from under those trees. And at just about this location from where I was standing you could see that puff of smoke, like someone had thrown a firecracker, or something out, and that

is just about the way it sounded. It wasn't as loud as the previous reports or shots.

Holland was asked what shot this would have been. He explained that everything had happened so fast he could not be certain.

HOLLAND: It could have been the third or fourth, but there were definitely four reports.

STERN: You have no doubt about that?

HOLLAND: I have no doubt about it. I have no doubt about seeing that puff of smoke come out from under those trees either.

Realizing what had happened, Holland said, he took off at a run along the overpass, scrambling down it at the north side of Elm Street where a picket fence, extending from the line of the concrete wall by the monument, runs along the crest of the knoll, separating it from the parking lot. There was a sea of cars in the parking lot, Holland testified, and he and some "twelve or thirteen policemen," who had come flocking to the same place, looked around for empty shell casings, but didn't find any. Holland then decided he couldn't be of any further help; he had better leave things in the hands of the authorities and go back to his own job on the railroad.

On his return trip, however, he made a discovery that, in the confusion of the moment and the belief that the authorities would have everything in hand, he had not mentioned to anyone until he came before the commission. He testified:

> I remember about the third car down from this fence, there was a station wagon backed up toward the fence, about the third car down, and a spot, I'd say 3 foot by 2 foot, looked to me like somebody had been standing there for a long period. I guess if you could count them about a hundred foot tracks in that little spot, and also mud on the bumper of that station wagon . . .that is approximately the same location as—that car and the trees that I saw the smoke would probably be the same location.

The mud on the bumper of the station wagon, Holland said, looked as if someone had scraped off his shoes or had stood up on the bumper to look over the fence.

Some partial corroboration of Holland's account may be found in the testimony of Lee E. Bowers, Jr., the tower man in the north tower of Union Terminal. From this vantage point, Bowers had a wide-ranging view over the assassination scene and the surrounding landscape. He testified that, in the twenty minutes before the assassination, he noticed three strange cars circling around in the parking-lot area behind the knoll. Two of the cars had similar, out-of-state license plates, he recalled; one was a blue-and-white station wagon with a couple of bumper stickers, one a travel sticker, the other a Goldwater sign; and in one of the cars, a man seemed to be talking over a microphone held in his hand. The cars seemed to wander around the parking lot as if looking for a way out, Bowers said, and one of them, a 1961 or 1962 Impala with an out-of-state license and quite a bit of mud on it,

stopped behind the knoll directly opposite the assassination site about eight minutes before the President's motorcade came along. Then Bowers, whose job it was to operate switches in the yard from the north tower, got busy and didn't think any more about the stopped car or observe it further.

Before he became so preoccupied with his work, Bowers said, he had noticed two men, one heavy set and middle aged, the other younger, in his mid-twenties, standing in the trees along the crest of the knoll. When the motorcade came past, Bowers said, he heard three shots and the reverberations from them, but he couldn't tell from what direction the shots had come. He quickly noticed, however, that there "seemed to be some commotion" in the trees along the knoll, and he saw a motorcycle policeman try to ride up the steep incline. The policeman was heading for the area in the trees where Bowers had seen the two men moments earlier. One of the men had vanished, Bowers said, but the other, he thought, was still there. Why had Bowers' eyes been drawn back so swiftly to this wooded section along the knoll? He could not say.

"I am just unable to describe rather than it was something out of the ordinary," he testified, "a sort of milling around, but something occurred in this particular spot which was out of the ordinary, which attracted my eye for some reason, which I could not identify."

Had the "something out of the ordinary" been that puff of smoke that Holland had seen so clearly? Bowers simply could not say.

It is perhaps of some significance that despite the swift arrest of Oswald and the almost instantaneous discarding of any evidence that did not point to him, so many witnesses still retained the impression that the firing had come from the wooded knoll. Oswald, it should be remembered, was firing from a spot directly above the heads of the thickest part of the crowd; in fact, when he touched off his final shot, trailing cars in the motorcade were directly beneath his window, and Mrs. Earl Cabell, wife of the mayor of Dallas, looked up and saw the end of his rifle poking out above her head. Further along Elm Street, in the direction of the underpass and the knoll, the crowd thinned out considerably, and so it would seem that this very distribution should have made more persons acutely aware of Oswald and the firing from the School Book Depository. Yet this does not seem to have been the case. A compilation made by Harold Feldman in *The Minority of One* showed that, of 121 eyewitnesses whose statements appear in the twenty-six volumes of the commission's hearings, thirty-eight had no clear opinion about the origin of the shots, thirty-two thought they came from the School Book Depository—and fifty-one believed they had come from the knoll.

Several witnesses besides Mrs. Hill and Holland felt certain that they had heard more than three shots. Some even claimed to have seen shots hit that, it would seem, could not be accounted for in the three-shot quota allotted for the action in the official version. One Dallas patrolman, J. W. Foster, who was stationed on the overpass, was certain that he had seen a shot strike the turf near a manhole cover on lower Elm Street, but police insisted they had not been able to find any trace of such a bullet. Another witness, Royce G. Skelton, a mail clerk who was also on the overpass, thought he

had heard four shots but could not be certain. As he recalled it, the first two shots came closer together.

"After those two shots, and the car came closer to the triple underpass, well, there was another shot—two more shots I heard, but one of them—I saw a bullet, or I guess it was a bullet—I take for granted it was—hit in the left front of the President's car on the cement, and when it did, the smoke carried with it—away from the building . . ." Skelton testified. He explained that by "smoke" he meant a spray effect spreading out ahead of the shot as it hit the concrete. Again police reported that they had been able to find no evidence of such a shot.

Some indication that the Foster or the Skelton bullet—or perhaps yet another bullet—may actually have been recovered is to be found in the reporting of Richard Dudman, of the *St. Louis Post-Dispatch*. Dudman subsequently wrote in *The New Republic* that on the day of the assassination he had learned of a bullet that did not seem to be accounted for in the three-shot, official version of events. "A group of police officers were examining the area at the side of the street where the President was hit," he wrote, "and a police inspector told me they had just found another bullet in the grass. He said he did not know whether it had anything to do with the assassination." All mention of such a bullet seems to have vanished from the subsequent official accounts.

There was one shot that did not vanish. It struck the south Main Street curb, and a fragment from it nicked the cheek of a spectator, James T. Tague. Tague had been watching the approach of the Presidential motorcade from a spot beside a pillar at Commerce and Main Streets down by the triple underpass. After the shooting, a patrolman noticed that Tague had blood on his cheek; he hunted around and found what looked to be a fresh bullet scar on the curb. The Warren Commission reported that scientific analysis showed traces of lead, apparently made by the lead core of a bullet, but no traces of copper from a jacketed bullet like those Oswald was firing. Hence, the commission reasoned that one of his bullets (perhaps the shot it theorized had missed) must have shed its copper jacket by striking somewhere else before its lead core hit the curb. Once one acknowledges the evidence indicating a second marksman, however, this reasoning becomes meaningless. For who knows what kind of bullets Assassin No. 2 might have been firing? Anyone asking that question must begin to wonder what the Tague incident really indicates.

We get from the Warren Report only the vaguest impression of directions and angles. A much clearer account has been given by Vincent J. Salandria, a Philadelphia attorney, legal consultant for the American Civil Liberties Union and critic of the Warren Report. Salandria reported in *Liberation* on his study of the Tague incident:

> From my view of the maps, diagrams, photographs and after a personal inspection of the situs, at

> no point would Tague have been in the line of fire from the Depository Building to the Presidential limousine. He was some 1½ blocks from the Depository Building, about a block south of the limousine. But he was directly across from the grassy knoll on the north side of Elm Street. . . . If this was the source of Tague's wound, then Tague was very much in the line of fire since the limousine was then between him and the knoll. The trajectory is consistent with an elevation beginning about 25 feet above sea level (my estimate from personal inspection of the height of the grassy knoll) downward to the curbing and thence into his cheek. . . .

Such discussions cause one to examine with greater skepticism the commission's account of President Kennedy's wounds. If one agrees that the evidence indicates that Governor Connally was not hit by the bullet that first wounded the President, it follows that Oswald could not have injured them both because he simply did not have time to get off two shots. Since ballistics tests showed that the nearly whole bullet recovered from Governor Connally's stretcher came from Oswald's Carcano, it then follows that the first bullet that wounded the President must have been fired by someone else. But, if so, it would have seem that the angle and the trajectory of the bullet would have to be different. Is there any evidence for this?

Commander James J. Humes, the Navy pathologist who had charge of the autopsy at Bethesda, gave the commission the anatomical facts. He placed the entry wound in the President's back "14 centimeters from the tip of the right acromium process and 14 centimeters below the tip of the right mastoid process." Fourteen centimeters are roughly 5½ inches, and the specifications locate the entry wound on a straight line in from the tip of the acromium, or point of the shoulder, and straight down from the mastoid bone, just to the right of the spinal column. Pathologists at Bethesda were unable to get a probe through the wound and thus trace the actual path of the bullet, so the trajectory must be judged solely by the entry and exit wounds. And the exit wound was located in the President's throat at about the level of the "third and fourth tracheal rings"—in other words just below the Adam's apple.

The layman can perhaps better visualize the approximate location of these wounds from the testimony of Frazier, the FBI expert, who described the bullet holes found in the President's clothing. Frazier placed the point of entry at 5-3/8 inches below the top of the President's coat collar; 5-3/4 inches below the top of his shirt collar, and 1-1/8 inches to the right of the center line of the shirt. In exiting, Frazier said, the bullet nicked the knot of the President's necktie.

These, then, were the anatomical facts about this first wound. Their significance can be understood only in relation to one other vital factor. If Oswald had fired the bullet that caused this wound, it would have struck the President in the back on a *downward* trajectory precisely calculated by the FBI at 17°43'30" at the point of at the point of impact. This means that the exit point of the bullet would have to be the *lowest spot* penetrated on the Presidents body.

Throughout Commander Humes's testimony, no attempt was made to relate the anatomical evidence to the exactly calculated downward trajectory from Oswald's gun. Instead, the commission was presented with a couple of "schematic drawings" that seemed to reconcile the wounds with the

downward-trajectory thesis. The first of these drawings, which became exhibit 385, shows a bullet zinging in and out of the President's neck on a dotted line representing the downward trajectory. The second drawing, Exhibit 386, is a back view of the President's head and shoulders; it places the entry wound, not on a line with the tip of the shoulder, not almost in the middle of the back, but *well up above the shoulder level on the right side of the President's neck*. In other words, *the location of this wound has been changed*!

The seriousness of the distortion becomes apparent with the drawings when one contrasts Exhibits 385 and 386 with the drawings in Commander Humes's own autopsy report from Bethesda (Exhibit 397). A comparison of the back view of the human male figure represented there with the back view of the "schematic" Exhibit 386 shows that the entry wound has hopped from the middle of the back on the autopsy report to well up on the neck in the schematic drawing. Only so could the requirements of the downward trajectory have been fulfilled.

A check with medical experts quickly exposes the seriousness of this visual distortion. Doctors on both the West and East Coasts, questioned about this vital conflict between the autopsy report and the schematic drawing, all agree on these basic facts:

Even if Command Humes's drawing on his pathologist report is not exactly true to scale (doctors are notoriously poor artists, one points out, and Humes may have placed his entry dot a little too low), nevertheless his precise verbal description of the location of the entry and exit wounds makes it *impossible for the bullet that caused them to have been fired into the President's body on a downward trajectory of more than 17 degrees*. The entry and exit wounds are located almost on a straight line, indicating that the bullet must have been fired on a nearly level trajectory. "The only way you can reconcile these wounds with the projected downward trajectory would be if the President had been leaning forward at a angle of almost 20 degrees when he was struck," one expert said.

The Zapruder film, of course, establishes that the President was *not* leaning forward, but was sitting erect and waving to the crowds. It is significant that when the Presidential car vanished from Zapruder's camera behind the road sign at frame 205, the President's erect head and upright raised hand were still visible. They remained partially visible after others in the car had disappeared from view.

From all of this, it is clear that the "schematic drawings" that evidently deluded the Warren Commission misrepresent the anatomical details. How was this accomplished? At this point, the trail becomes murky. Commander Humes testified that the sketches were prepared by a medical corpsman who was a skilled illustrator. He conceded that the artist had not been permitted to view the X rays or pictures taken of the President's body; in short, he had drawn what he had been told to draw. One might have thought that the commission itself would have had some doubts and would have wanted to see the basic evidence, the X rays and the photographs. But, no. Commander Humes

assured the commission that these exhibits, though horribly more "graphic," would not alter essential details.

One final item should be mentioned in connection with this phase of the investigation. In Vol. XVII, page 48, of the Warren record, one finds Exhibit 397, a cryptic note signed by Commander Humes: "I, James J. Humes, certify that I have destroyed by burning certain preliminary draft notes relating to Naval Medical School Autopsy Report A63-272 and have officially transmitted all other papers related to this report to higher authority."

Commander Humes told the commission that the notes he burned in his home fireplace comprised the original draft of his final report. Just why he should have considered it necessary to burn any notes in a case of such transcendent importance remains unexplained. As for the X ray and photographic evidence of the President's wounds, Humes said they had been turned over either to the FBI or the Secret Service, and there they have remained.

In its final report, the commission argued strongly—and it would seem at first glance persuasively—that the sharp downward trajectory of this bullet, presumably fired by Oswald, proved that it must have also wounded Governor Connally. The commission made much of the fact that a search of the interior of the limousine failed to show any spot where the downward-flying missile had struck—and so it concluded that this pellet *must* have been the one that pierced Governor Connally's back. But once it is realized from the evidence of the President's wounds that the bullet was on a virtually level trajectory, one of the commission's strongest arguments for believing the first shot wounded both the President and the Governor is vitiated. A bullet on level flight, exiting from the President's neck, could have simply taken off into space.

Such a reconstruction of events, based on the official anatomical evidence, indicates that Lee Harvey Oswald did not fire the first shot that wounded President Kennedy; it suggests very strongly that someone else was firing at the President from another vantage point, with a different rifle, on a different and far flatter trajectory. The evidence argues further that the Stemmons Freeway sign may well have been a predesignated firing point. It would be a standard ambush tactic to zero in on the roadway at such a landmark, and to begin firing when the President reached this precise point. That would explain, as the commission's version does not, the rapidity of the first two shots that hit President Kennedy and Governor Connally; it would not conflict head on with Governor Connally's assertion that he was wounded by the second shot; and it might explain, assuming that rifle reports in such circumstances would almost blend, the confusion in the minds of witnesses about the number of shots and their incredibly close spacing.

If Oswald was not the only gunman, were the assassins working together? This is a question to which, at present, there is no possible answer since it is a question that was never really explored. All that exist in the record are certain vague trails, peculiar and tantalizing.

One of the more remarkable aspects of the case may be found in the speed with which Oswald was

identified as the killer. This has suggested to some that he may have been a pre-selected pigeon, slated from the start to be fingered and caught. Such suspicions gave rise to rumors of some pre-assassination connection between Oswald and Jack Ruby or between Oswald and Patrolman Tippit. The Warren Commission tried diligently to track down such reports, and decided that there was no factual evidence to justify the allegations. What remains, then, is the question of the lightning speed of the identification. Is this natural? Can it be normally and logically explained?

The shots that killed President Kennedy were fired at 12:30 P.M. By 12:45 the police radio was carrying its first, quite accurate description of Oswald. And at 1:16 Patrolman Tippit, apparently acting on the radio description, stopped Oswald—and, according to all the evidence, was murdered by him. This rapid-fire sequence is dealt with in the Warren Report with the statement that the radio description of Oswald "probably" stemmed from details supplied by Howard L. Brennan, a steam fitter. The commission's vagueness on this vital point earned it some justifiable criticism, but there is little doubt, from the report and other accounts, that Brennan was the man who first accused Oswald. Rep. Gerald Ford (R., Mich.), a member of the commission, later declared in an inside-the-hearing-room piece for *Life* that Brennan was "the most important witness to appear before the Warren Commission in the ten months we sat."

Brennan told the commission that he arrived on the scene about ten minutes before the Presidential motorcade appeared. He perched himself on top of a low retaining wall around a little pool in the park directly across Elm Street from the Texas School Book Depository. It was later calculated that Brennan was about 120 feet, looking upward at an angle, from the corner sixth-floor window behind which Oswald was stationed. Brennan testified that as he waited for the President he "observed quite a few people in different windows of the School Book Depository building. "In particular, I saw this one man on the sixth floor which left the window to my knowledge a couple of times."

Why "in particular"? What was there about this one man, in advance of the event, that caused Brennan to focus acute and special attention upon him? One wishes here, as at other points in Brennan's recital, as at many other phases of the testimony, for the illumination that comes only from the trial process, with a keen and skeptical opposing attorney cross-examining and probing a witness' story.

Brennan's story, accepted without challenge, continued as follows:

After the President had passed, he heard "this crack that I positively thought was a backfire." Then there came a second explosion that "made me think that it was a firecracker being thrown from the Texas Book Store and I glanced up. And this man that I saw previous was taking for his last shot."

Asked to describe exactly what he saw, Brennan went on:

> 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 gun back from the window as though he was drawing it back to his side and maybe paused for a another second as though to assure himself that he hit his mark, and then he disappeared. (*Italics added*.)

Brennan was asked how much of the marksman he could see.

> Well, I could see—at one time he came to the window sill and he sat sideways on the window sill. That was previous to President Kennedy's 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*. *(Italics added.)*

So fortified with observations, Brennan rushed to a policeman and rattled off this description of the marksman at the sixth-floor window: a white man in his early 30s, fair complexion, slender and neat, 5 feet 10 inches tall, weighing 160 to 170 pounds. Note how nearly letter perfect was this description. Oswald actually was 24 years old, slender, 5 feet 9 inches tall, weighing about 150 pounds.

Other witnesses later reported that they, too, had seen a man lurking at the sixth-floor window, but none had seen him with Brennan's precision and detail. Most had seen only a vague figure and "a stick" or "a pipe" poking out the window. According to those witnesses, Oswald himself was barely visible—and for a very good reason. In its report, the Warren Commission gave this description of Oswald's sniper nest:

> A carton had been placed on the floor *at the side of the window* so that a person sitting on the carton could look down on Elm Street toward the underpass and *scarcely be noticed from the outside*. Between this carton and *the half-open window* were three additional cartons arranged at such an angle that a rifle resting on the top carton would be aimed directly at the motorcade as it moved away from the building. *(Italics added.)*

The conflict becomes obvious. This man who could scarcely be seen from the outside had been observed in startling detail by Brennan 120 feet away and looking up at a sharp angle. Brennan could give an almost exact description of the height, weight and appearance of this man who was only barely visible to everyone else.

But the difficulties are only beginning. At the moment of gunfire, a press photographer, Thomas C. Dillard, swung his camera on the upper stories of the Texas School Book Depository. His lens caught the figures of two Negroes in windows on the fifth floor, and above them it pictured a black gap behind the half-raised window of Oswald's aerie. It is interesting to note that the Negroes on the fifth floor appear right in the open window frames, resting their elbows on the window sills and looking out. But can you judge their height, weight and age with any exactitude? Try it. You will find that you cannot.

One of the problems lies in the fact that the men appear to be standing and leaning on the window sills. But the window sills of the School Book Depository were very close to the floor, and the men

at the windows were actually kneeling. Exactly so, above them, was Oswald. He could not have stood and fired his shots through the half-open window; he had to be either kneeling or squatting on the carton he had placed at the side of the window for this purpose—the carton on which his palm print was later found. Yet we are to assume that Brennan judged perfectly the height of a squatting or kneeling man whom he mistook for a standing man—and that he saw this squatting man from the belt up as he fired his last shot.

Brennan's explanation, of course, was that Oswald had come out and squatted on the window sill prior to the arrival of the President; at which time he had had a chance to observe him more closely. It must be said that no one else saw Oswald sitting on the window sill, and it should perhaps be noted that Oswald would have found it difficult to perform the feat. As pictures taken at the time make clear, the entire window sill was blocked by three heavy cartons of books, arranged at an angle, the last carton resting on the sill itself and giving Oswald a rifle rest for his shots down Elm Street. For Oswald to have sat on the window sill and displayed himself to Brennan, he would have had to lug away some of the obstructing book cartons, and one might have thought that he would have raised the sash all the way up so that he could see out without obstruction. There is no evidence of any of this activity.

A hint of the puzzle shows in the testimony. David W. Belin, an assistant counsel, showed Brennan the Dillard photos, and it is fairly obvious that Brennan was a bit staggered. He had described the pile of boxes that reared up behind Oswald's nest, shielding Oswald from view inside the building. Belin asked if he had seen any box in the window itself.

"No, no," Brennan said. "That is, I don't remember a box in the window. . . ."

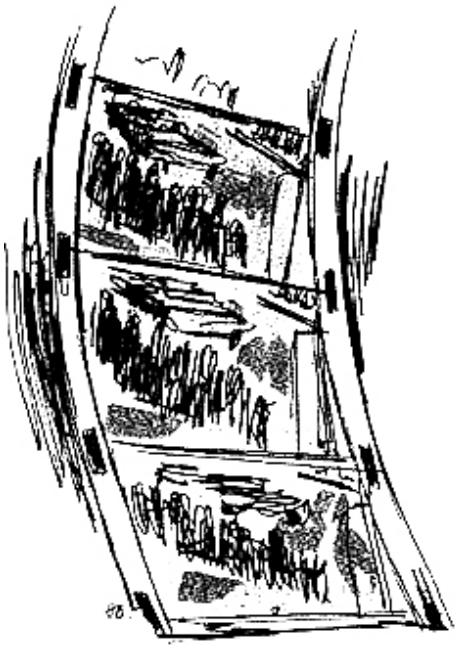
BELIN: Well, here is Exhibit 482. First of all, I see a box on Exhibit 482, right in the window.

BRENNAN: Yes, I don't recall that box.

There it ends. No one seems to have thought that the obstructing cartons raised a question of credibility abut Oswald's supposed window-sitting feat—and so about all of Brennan's reported observations.

Brennan's subsequent performance on the day of the assassination might well raise doubts as to his story. After Oswald's arrest, Brennan was summoned to see if he could identify the suspect in a police line-up. He said that Oswald "looked like" the man he had seen in the window, but he could not be certain. Actually, he insisted to the commission, he had always been certain but he was scared of what might happen to himself or his family if he made a positive identification. As he explained to the commission:

"I believed at the 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."

It is impossible to reach a final judgment on Brennan's testimony, but it strains credulity to believe that he could have observed Oswald as he said he did. Had he known Oswald previously? Did he recognize him? And, if so, how and where and when had they met? Such questions instantly suggest themselves; indeed, they are elementary—but they were never asked.

In the brief span of life left to him, Oswald kept insisting—for example, to Seth Kantor of the Scripps-Howard press—that he had been made the "patsy." What did he mean by this? What might have been brought out had Oswald lived to go to trial? One can never know. Certainly, Oswald's character does not shine with the light of truth. He denied to police, for example, that he owned the Carcano, yet clearly it was his. Oswald was hardly the compete innocent that he pretended to be, and his cry of "patsy" may have been nothing more than the bleat of a guilty man deprived of other excuse. Yet, in view of all the evidence that there had to be a second gunman, one cannot completely dismiss the possibility that Oswald may indeed have been double-crossed so that other, more important men might go free.

If there was such a plot, what was its basis? There is a possibility that Oswald intended to kill Governor Connally, not president Kennedy. Connally was secretary of the Navy when Oswald's honorable discharge from the Marines was changed into a dishonorable one, and Oswald blamed Connally, as he showed in one angry letter that he wrote. Since the only bullet definitely tied both to a victim and to Oswald's gun by ballistics tests is the one that wounded Connally, since the autopsy suggests that the first shot that struck the President was fired by another marksman, it is possible that Oswald's selected target was the Governor and that someone, knowing of his hate and intentions, perhaps stimulating them, took advantage of the situation. Such nagging threads of doubt and suspicion have been exhibited by those closest to Oswald. Marina Oswald first indicated to the Warren Commission that she had no doubt her husband had shot the President; but later she shifted ground and said she thought he might have intended to shoot Governor Connally. The change in testimony incensed Congressman Ford and veteran Sen. Richard B. Russell, who both concluded that, for some reason they couldn't fathom, Marina was a far less candid person than they originally had thought her. Immediately after the publication of the Warren Report, Robert Oswald said that he accepted its findings about his brother's guilt, but added that he felt someone must have worked on Lee to get him to commit such a deed.

Against this background, one is compelled to ask: What about the final and fatal head shot? If there

was a second marksman, as the evidence indicates, did he fire this shot? Or did Oswald?

Two fairly large shell fragments, identified by ballistics experts as coming from Oswald's Carcano, were found in the front seat of the limousine. Clinging to them were particles of tissue, indicating that they had struck either the President or Governor Connally. No attempt was made to examine this issue clinically; the fragments were simply cleaned off so that ballistics tests could be made. Since the commission had attributed all of Governor Connally's wounds to the nearly whole bullet found on his stretcher, it followed logically that these large fragments with their clinging tissue could have come only from the shattered head of the President.

But even here difficulties arise that make this conclusion not as simple as it first appears. As the commission reconstructed events, one bullet did all the damage to Governor Connally. The Governor himself could recall having been hit just once, but then he was in pain and shock and did not even realize his right wrist had been fractured until he woke up in the hospital and found it in a cast. For the commission, adhering to its one-assassin-three-shot theory, it was essential to decide that only one bullet had struck the Governor.

Cracks began to appear in this hypothesis with the testimony of FBI expert Frazier. Frazier said that the almost whole bullet weighed 158.6 grains; standard bullets of identical make weighted about 161 grains—sometimes even a little less. This meant, Frazier estimated, that the Connally bullet had probably lost only about 1.5 grains; it could not possibly have lost more than 3 or 4 grains. But Frazier had also been given a one-half grain fragment of metal that had been taken from Governor Connally's wrist. In addition, other minute fragments of metal were never recovered from the Governor's wrist and leg.

Lt. Col. Pierre S. Finck, chief of wound ballistics for the Armed Forces Institute of Pathology, one of the three experts taking part in the autopsy at Bethesda, was asked by Specter whether this nearly whole bullet could have inflicted Governor Connally's wrist wound along with his other wounds.

"No; for the reason that there are too many fragments described in that wrist," Colonel Finck replied.

Commander Humes, asked if this nearly whole bullet, after passing through Governor Connally's chest, could have inflicted the wounds on his wrist and thigh, answered:

"I think that is most unlikely. . . . The reason I believe it most unlikely that this missile could have inflicted either of these wounds is that this missile is basically intact; its jacket appears to be intact, and I do not understand how it could possibly have left fragments in either of these two locations."

Commander Humes believed that the "intact" bullet was the one that had caused Governor Connally's chest wounds because no particles of metal were found in the Governor's chest and "*I doubt if this missile would have left behind it any metallic fragments from its physical appearance at*

this time." Arlen Specter tried again, with a persistence that shows the importance he attached to the issue. But wouldn't it have been possible, he wanted to know, for this bullet to have caused Governor Connally's thigh wound? Colonel Humes stood fast. "I think that extremely unlikely. The reports, again Exhibit 392 from Parkland, tell of an entrance wound on the lower midthigh of the Governor, and X rays taken there are described as showing metallic fragments in the bone, which apparently by this report are still present in Governor Connally's thigh: *I can't conceive of where they came from this missile*." (*Italics added*.)

Dr. Robert Roeder Shaw, of Parkland Hospital, was asked whether this one bullet could have inflicted all of Governor Connally's injuries, and he replied: "I feel there would be some difficulty in explaining all of the wounds as being inflicted by bullet Exhibit 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet. . . . As far as the wounds of the chest are concerned, I feel that this bullet could have inflicted those wounds. But the examination of the wrist both by X ray and at the time of surgery showed some fragments of metal that would make it difficult to believe that the same missile could have inflicted those two wounds. There seems to be more than three grains of metal missing as far as the—I mean in the wrist."

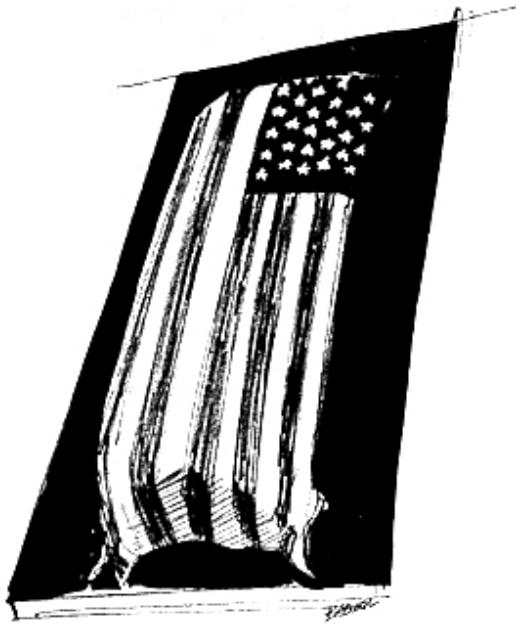
This explicit testimony strongly indicates that Governor Connally was hit by two bullets, a situation that in itself would cast heavy doubt on the commission's one-assassin-three-shot theory. It would also remove all certainty from the deduction that the two large fragments found in the front of the Presidential car were sprayed there from the bullet that killed the President. They may have been, but again they may not.

The possibility remains that Oswald, though clearly involved and guilty, may still have been a decoy for others more intent than he on killing the President. Who would these others have been? There is no evidence on which to base a judgment since the very possibility was shunted aside, first by authorities in Dallas and later by the commission. The kind of deep-digging investigation that alone could have found the answer was never made.

Given the almost hysterical right-wing bias of Dallas, given a "Patriot" whose brain had envisioned the wholesale slaughter of public officials, an all too easy assumption is that Oswald may have been the pawn in some devious right-wing conspiracy. But, again, it is not necessarily so. In the background are Oswald's undeniable Castroite activities and his earlier attempt, seemingly well established by the testimony of his wife, to assassinate rightist Maj. Gen. Edwin A. Walker. That abortive attempt at murder is said to have taken place on the evening of April 10, 1963, when a bullet, fired through the window of Walker's study, missed his head by inches, went through a wall and was later recovered, battered beyond identification, on some packing cases in an adjoining room. Marina Oswald testified that her husband, before going out that evening, had instructed her on how to act if he never came back. She said that he later admitted to her that he fired the shot, and that he hid the rifle for a time so that he would not be caught with the evidence if the bullet should be traced.

The Walker incident could suggest a plot by some Castroite fanatics of Oswald's own persuasion. For one thing, there are some indications, vague and indefinite but still disturbing, that Oswald was not alone in the Walker attempt. Robert Alan Surrey, who described himself as General Walker's partner in a book-publishing venture devoted to right-wing propaganda (he claimed the Fifth Amendment when the Warren Commission sought to question him about his role in distributing a scurrilous handbill that showed President Kennedy's picture under the headline, "Wanted for Treason") said that two nights before the shooting he had seen a car parked about 20 yards from Walker's house: "I saw two men around the house peeking into the windows and so forth." The men leaped into the car and sped away. Surrey chased them, but lost them. The next morning he reported the incident to General Walker, who notified the police. Surrey said he had not had a good look at either of the prowlers, and could not identify either as Oswald.

On the night of the Walker shooting, a next-door neighbor, Walter Kirk Coleman, 15, heard the sound of the shot. He ran out and peered over a picket fence into a Mormon Church parking lot that adjoined the Walker property. Coleman subsequently told authorities that he saw two men. One was hurrying toward the driver's seat of a Ford, parked headed out with lights on and motor running. The other went to a Chevrolet parked by the fence adjacent to the Walker property, and appeared to put something into the back of the car before getting in behind the wheel. Coleman could not tell whether there was anyone else in either car. Both cars drove away. Later, shown a picture of Oswald, Coleman told the FBI that neither of the men he saw resembled Oswald. And there it ends.



Again, nothing is definite. Surrey and Coleman may have seen different men, and perhaps none of these men had anything to do with the attempt on Walker's life. But the faint threads dovetailing between the two accounts, plus the fact that Coleman added he had never seen anyone prowling around the Walker home before or since, makes it seem unlikely that it could all have been inconsequential coincidence. If it was not, serious questions are raised. If Oswald had collaborators in an attempt on Walker's life, he might have had the same collaborators in a Kennedy assassination plot. Crackpot leftists might have hated Walker enough to want to kill him; and the same men, if of Castroite persuasion as Oswald was, might have hated Kennedy just as irrationally for the Bay of Pigs, the missile crisis and his general Cuban policy. It is only a possibility, but it cannot be dismissed.

In summary, then, we are left with this picture:

Unless the commission's one-shot-multiple-wound thesis can be justified, the entire one-assassin theory collapses. To uphold this hypothesis, the commission had to turn its back on Governor Connally's clear and explicit testimony; it had to disregard the graphic, corroborative evidence of the Zapruder film; it had to ignore the vital fact that *every* eyewitness supported the Governor, that *not one* saw the action as the commission reconstructed it. To make the pieces of its theory fit together, the commission took the fastest firing time of the fastest finger in the FBI and implied that this "bolt-action only" speed was consistent with both Oswald's capabilities and his task of aiming accurately at a moving target. But even with this assumption, theory would not mesh with fact. The commission's case rested upon the evidence of the Zapruder film and its own reconstruction, and it established these fixed points: if Oswald were the marksman, he could not have shot President Kennedy before frame 210—and Governor Connally could not have been wounded after frame 240. Yet the fastest marksmen the commission could find could not fire two shots within that time span; if the President and Governor Connally were wounded by separate shots, as the weight of the evidence indicates, there had to be a second marksman. This conclusion is reinforced by the anatomical evidence. The first bullet to strike the President, if fired on a downward-slanting angle by Oswald, could not have entered his back at the point it did and still have exited just below his Adam's apple; the anatomical evidence says that this bullet was fired into the President on virtually a flat trajectory. Such a trajectory would conflict with the angle of fire from Oswald's window, and so, in illustrative drawings, the entry point *was actually moved* from back to neck; otherwise, the downward trajectory of this bullet could not have been depicted. All of this suggests a reconstruction of the assassination in serious conflict at vital points with the preponderance of the evidence.

Yet if the reconstruction was not valid, there had to be a second marksman—and a Pandora's box of possibilities flies open. To admit so much is to admit that the man whose bullet actually killed President Kennedy may still be at large.