

## **Tom Hanks, Gary Goetzman, and Bugliosi's Bungle: A Comprehensive Review of *Reclaiming History***

### **Part VI:**

#### **Bugliosi on the first 48 Hours, or, How the Dallas Police Really Didn't Screw Up**

James DiEugenio

##### **VI.1**

*"I can't believe that!" said Alice. "Can't you?" the queen said ... "Try again, draw a long breath and shut your eyes!"*

—Lewis Carroll, *Through the Looking Glass*

In this Part I am going to do chronicle some of the unbelievable things done by the first official investigators of the John F. Kennedy assassination: the Dallas Police Department (DPD).

One of the most startling things about *Reclaiming History* is this: Bugliosi finds almost nothing wrong with how the DPD handled either the JFK case or their detention of Oswald. In fact, he has little but fulsome praise for them, saying that in forty-eight hours they accumulated enough evidence to "prove his guilt beyond all doubt" (End Notes, p. 115). Amazingly, he even tries to excuse their responsibility for the murder of Oswald, by shifting the blame to city manager Elgin Crull (End Notes, p. 114)—a man whose name is hard to find anywhere in the literature.

Bugliosi decided to take an absolutist stance on this case: everything is seen in black and white. Therefore, when he trots out his representatives of Dallas law enforcement, he presents what they say as unequivocally true. Some examples of the people he uses are: police officer Jim Bowles, who later became Dallas Sheriff; the late District Attorney Henry Wade; and, most frequently, Wade's assistant in the D.A.'s office, Bill Alexander. He then pulls out all the stops in his paean to Captain Will Fritz, the long-time chief of the Robbery and Homicide division. This was a Chief of Homicide who admitted that he had no formal training in forensics (Warren Commission, Vol. IV, p. 203). Bugliosi has to do this, since Fritz was the man who, along with Wade, was essentially running the investigation of Lee Oswald (Bugliosi, pp. 114–5)—so if you pose questions about Fritz, you pose questions about the overall efficacy of the DPD's Kennedy investigation. Bugliosi doesn't want to do that, so he systematically eliminates the questions. He then tries to portray the Dallas Police as the crime-detecting equivalent of Scotland Yard, with Fritz as something like Sherlock Holmes. (As we shall see, in reality he was more like Barney Fife.)

Virtually all of the book's praise of the DPD is self-serving and self-sustaining—that is, it comes from inside the DPD or D.A.'s office, and is simply reverberated by Bugliosi. Bugliosi ran a risk here: since there was no independent outside standard involved in his appraisal, there was no control factor in what he wrote; therefore, the uninitiated reader was relying on the author's judgment.

Unfortunately for the author, the pretty portrait he drew blew up in his face. Because right after the book was published, an outside standard did emerge—and it demonstrates the risk of writing careless, unrestrained, advocacy journalism. In 2006, Dallas elected Craig Watkins, its first black D.A. He was the first D.A. in over a half century who was not from—to put it kindly—the “good ole boys” network. To put it unkindly—well, let's use Watkins' own words to describe what preceded him: “There was a cowboy kind of mentality, and the reality is that that kind of approach is archaic, racist, elitist, and arrogant.” (*USA Today* online, 29 July 2008) Watkins never worked for Wade nor met him. Therefore, he was free to go ahead and review many of his cases with an independent eye. What was the result? “No other county in America—and almost no state, for that matter—has freed more innocent people from prison in recent years than Dallas County, where Wade was D.A. from 1951 through 1986.” (*ibid.*) In the review Watkins instituted, twenty convictions—three for murder—have been overturned so far—and there are 250 more to go. This review has caused both the D.A.'s office and the DPD to be exposed for what they really were—and it makes *Reclaiming History* look like nothing more than a cheap PR guide.

Watkins has said that many of the cases won under Wade “... were riddled with shoddy investigations, evidence was ignored, and defense lawyers were kept in the dark” (*ibid.*). Take, for instance, the case of James Lee Woodard. Woodard spent 27 years in prison for a murder that DNA testing later showed he did not commit. But what makes it worse is that “Wade's office withheld from defense attorneys photographs of tire tracks at the crime scene that didn't match Woodard's car” (*ibid.*). A lawyer overseeing the review said that many corners were cut to get the case finished. And it was hard for her to be precise about who was more involved in that: the DA's office, or the detectives running the case. Another person involved in the review, a professor of criminology at UT, has commented that it was a “win at all costs” mentality: “When someone was arrested, it was assumed that they were guilty. I think prosecutors and investigators basically ignored all evidence to the contrary, and decided they were going to convict these guys.” (*ibid.*)

There was another case reversal in which the man accused of rape had a solid alibi. As the *Dallas Morning News* reported, Johnnie Earl Lindsey was at work when the crime was committed, and his supervisor vouched for his alibi—plus he had time cards to prove it. The case made against him was based upon eyewitness testimony (Howard Brennan, anyone?) and faulty police lineups. Hmm. (19 September 2008 online edition)

Another reason for Wade's success in the face of good evidence may have been his penchant for stacking the jury against minorities. At Wade's request, assistant D.A. Jon Sparling actually wrote a manual on how to pick a jury. Some of

guidelines make for interesting reading. Take this, for starters: "You are not looking for any member of a minority group which may subject him to oppression—they always empathize with the accused." Here's another: "Look for physical afflictions. These people usually sympathize with the accused." These kinds of rules manipulated the racial make-up of juries. In any year, up to 90% of qualified black candidates were kept off felony juries. Even when confronted with these statistics, Wade was not convinced that his office systematically excluded minorities from juries (*CNN.com* online, 15 August 2005). How could he? Here's a guy who, in 1963, issued a memo telling his prosecutors, "Do not take Jews, Negroes, Dagos, Mexicans, or members of any minority race on a jury, no matter how rich or well educated." (*law.com*, 8 March 2004) If you read *Reclaiming History*, there is no evidence that Alexander ever told the author about any of these memos. I wonder why.

One could possibly make an excuse for Bugliosi, since most of these explosive revelations emerged after his book came out. But note: I said "most". For instance, as the reader can see, this last memo surfaced in 2004—which is three years before *Reclaiming History* was published. Even before that, in 2001, a month before Wade passed away, DNA evidence was used to reverse a rape conviction (*USA Today, ibid.*). But *way* before all this muck emerged, back in 1983, there was the Lenell Geter case. Geter was a black engineer, who was convicted of armed robbery and sentenced to life in prison. It's almost superfluous to write the following: even though he had an alibi, he was picked out of a police lineup. After a year in jail, the case attracted so much adverse publicity to his office that Wade agreed to a new trial. Yet because of the questionable evidence and the strong belief that Geter was singled out because he was an available African-American, Wade dropped the case (*ibid.*). It's hard to believe that Bugliosi completely missed this one. Why? Because it became a *cause célèbre*. It was so high-profile that, in 1984, *Sixty Minutes* ran a famous segment on it that helped get Geter out of jail. After he was released, there was a 1987 TV film made on the subject, entitled *Guilty of Innocence: The Lenell Geter Story*. I guess Bugliosi missed them both—and apparently, his buddy Alexander didn't tell him about it.

There is something else that Watkins has managed to reverse in Dallas. As most people know, the ARRB was supposed to have collected all the outstanding documents from each level of government involved in the Kennedy case. They visited Dallas in 1994; and the Dallas Police turned over several thousand pages of documents to the City Manager's office before the visit. But the D.A.'s office was not as forthcoming—and, apparently, Bugliosi's main source, Mr. Alexander, wasn't either. In early 2008—fourteen years after the ARRB visit—Watkins unearthed twelve boxes of materials that the D.A.'s office failed to surrender to the ARRB; indeed, there were even more pages in this cache than what the police originally turned over. This is double trouble for Bugliosi, because (1) he states, throughout his book, that the ARRB got everything, and therefore only nutty conspiracy theorists could say otherwise; and (2) when the news media called his trusted source about why this was not turned over years earlier, Mr. Alexander refused to be interviewed (*khou.com* online, 1 March 2008).

All of the above is meant to illustrate two points. Firstly, it shows how willingly and thoroughly Bugliosi has sided with not just the official story, but the bodies involved in creating that story. To make one telling point of comparison: as we saw in Part V, Bugliosi recycles all the tired and provably false tales about Jim Garrison being a poor and corrupt D.A.—and he uses untrustworthy sources like Harry Connick to do so. But here, where the charges of corruption and malfeasance were true—and backed by solid evidence—he decided not to investigate. Instead, he maintained an open ear to Hugh Aynesworth's buddy, Bill Alexander: a man who clearly has a stake in not telling him the real story—when, in fact, he had to have known what was really going on, and was therefore a part of the cover-up. Again, this is the danger of advocacy journalism, which Bugliosi somehow didn't anticipate.

With the author's make-believe version of the Dallas Police cast aside, let us examine some of the controversial practices of that now-exposed department, at the time that they had their most important suspect ever in their hands.

## VI.2

*"She declined to be interviewed ... I asked if she would direct me to her brother. She said that he was in the army and that she would not give out his address."*

—Linnie Mae Randle to George O'Toole

This is one of the most fascinating passages in O'Toole's concise but interesting book, *The Assassination Tapes*. O'Toole was one of the very first people to become interested in Buell Wesley Frazier, and to actually investigate him. Linnie Mae Randle was Frazier's sister, and what she told O'Toole about her brother was a misleading half-truth. It's true that, at the time of the above conversation, Wesley Frazier was in the army—but he came home each weekend, and stayed in the same town where she lived: Irving. So it would have been easy for O'Toole to interview him. But neither Linnie nor her brother wanted to be interviewed by O'Toole; and this was a firm policy of theirs for decades. Wesley and Linnie Mae appeared on very few TV programs since 1964—and, in fact, even to this day, Wesley is handled very gingerly by the likes of FBI/CIA-associated journalist Hugh Aynesworth, and his partner in cover-up, Dave Perry. Let me explain why.

The Warren Commission tells us that Ruth Paine called the Texas School Book Depository at the suggestion of a neighbor, who told her that her brother had just been hired there (*Warren Report*, p. 14). The neighbor was Linnie Mae Randle. Oswald was hired and started work there in mid-October. He was living in town, while his wife Marina was staying with the Paines in the Dallas suburb of Irving. On weekends, Oswald would hitch a ride with Wesley to Irving to see his family, and Wesley would drive Oswald back to work on Monday. On Thursday, 21 November 1963, Oswald asked Frazier if he could drive him to the Paines to see his family. This is probably because he had not gone out on the previous Friday, and had had a quarrel with Marina that week (*Warren Report*, p. 15). But the Commission tries to explain this visit otherwise: there follows in the *Warren Report* a sentence that has become enshrined in assassination literature

since 1964, by both critics and Commission defenders alike—neither side questioning it. It goes like this: “Oswald told Frazier that he would like to drive to Irving to pick up some curtain rods for an apartment in Dallas.” (*ibid.*)

As written, this statement is not accurate. Oswald did not admit to saying this; it originates with Frazier. And the other detail that goes with it—namely, that he said he carried those curtain rods in a long paper bag to work on Friday, is also not accurate; Oswald did not say that either. Will Fritz wrote a report after Oswald was killed, in which he said that, when he confronted Oswald with Frazier’s story about the curtain rods, the suspect denied it (*Warren Report*, p. 604). Oswald maintained that he carried a lunch bag to work on Friday (Sylvia Meagher, *Accessories After the Fact*, p. 225)—yet this long-paper-bag story was injected into the press so quickly and forcefully that even as able a critic as Sylvia Meagher accepted it. She and Mark Lane did not argue about who was telling the truth, Frazier or Oswald; instead, they argued over how long the bag was. This story about the long paper bag had to wait for decades to be seriously challenged—but challenged it is.

The first problem with it is this: Jack Dougherty saw Oswald as he entered the building that morning after he left Frazier’s car. He was specifically asked about the long bag, he didn’t recall it (Warren Commission, Vol. VI, p. 377). No one else saw it either (Meagher, p. 58). This is a package that the Commission says was three feet long (Harold Weisberg, *Whitewash*, p. 58). One way to have tested Oswald’s lunch bag story was to have interviewed the driver of the catering truck that visited the worksite each morning; but there is no evidence that this was done (Meagher, p. 225). This is an important point, because Frazier said that Oswald always carried his lunch, except for that day (*Warren Report*, p. 133). So if Oswald did not buy his lunch that day, then what was he eating on the first floor? Also, there is no affirmative evidence from the Paine household that Oswald picked up any curtain rods. Ruth Paine, who helped incriminate Oswald in every way she could, said that he took no rods from their household (Warren Commission, Vol. IX, p. 424). Marina Oswald said the same (Warren Commission, Vol. XXII, p. 751). No witness saw Oswald transport the paper bag to the Paine household, or is on record as seeing the long paper bag at the Paines (Weisberg, pp. 51, 52, 59).

Depository witness Troy West is interesting in this regard. As Harold Weisberg notes, the Commission states that this long paper bag was made from paper and tape secured from the Depository (Weisberg, p. 58). West had worked at the place for sixteen years. He said that he never left his station, even for lunch. He was the man in charge of dispensing the paper and tape for packaging. When asked if Oswald ever approached his desk for paper or tape, he said that he did not (Warren Commission, Vol. VI, p. 360). Further, West established that the tape would automatically be dispensed from the machine wet; to take it out dry, you would literally have to take the tape out of the machine first (*ibid.*, p. 361)—which neither West, nor anybody else, saw Oswald do.

Furthermore, the FBI reported that the rifle in evidence was well-oiled—yet the bag had no oil stains on it (Ian Griggs, *No Case to Answer*, p. 203). British Det. Griggs has also done experiments in disassembling the Mannlicher-Carcano. It

turns out that the Commission and the FBI were deceptive in this: when actually disassembled, the rifle has to be broken down into twelve parts to isolate the wooden stock; and unless the smaller parts are placed inside an envelope, they would bounce around inside the package and make noise—which Frazier did not report hearing. Finally, when this is done—and Griggs did it—the stock is inevitably scratched by the metal parts—yet this scratching is not seen on the rifle in evidence today (Griggs, p. 200).

Let's add this up. Oswald never approached Troy West to secure the paper or the tape that the Commission says he used to prepare the package; and if he had, he would have needed to create the package in front of West—which West would surely have remembered. Yet, in spite of that fact, no one saw Oswald carry the package with him to the Paines (Meagher, pp. 48–49)—not even Frazier. (Think about all that for a few seconds.) Furthermore, no one at the Paines' residence recalls the package, or Oswald asking for curtain rods. Once Oswald left Frazier's car, no one saw him carrying a long bulky package inside the building. So, besides Frazier—I will get to Linnie Mae Randle's testimony later—how did the Commission link Oswald to the bag?

Through a right palmprint and the left fingerprint of his index finger (*Warren Report*, p. 135)! Note how absurd this is: in all the necessary handiwork of securing the paper, preparing this three-foot package, taping it together, putting the rifle inside, carrying it into the building, and, finally, taking it out of the package, Oswald got *one single fingerprint* on it. Furthermore, there were no other prints on the bag. How could that be, if—as we shall see—the police told the Warren Commission that two of them—possibly three of them—picked it up and delivered it to Headquarters?

What makes this print evidence even more questionable is the fact that there are two differing documents on the FBI analysis of the paper, discovered by Gary Shaw way back in 1977, saying nearly opposite things about the same exhibit. One document said that paper samples from the Depository were “not identical” with the bag in evidence; the other said that the samples had the same observable characteristics as the bag in evidence. This indicated that the Bureau realized that the bag created a problem for them, and that the Dallas Police were wrong about where the paper came from. They therefore changed the first document—containing precise language—to the second one—containing vague language—to give themselves legal leeway; because if they admitted that the paper did not come from the Depository, then where did it come from? Shaw—and researchers Jack White and Ed Tatro—believed that the Bureau altered the document in order to frame Oswald.

As Pat Speer notes, Bugliosi deals with this issue in his End Notes: he says that, since the reports were from different days, it is obvious that further investigation by Hoover, of later paper samples, straightened it all out. Speer comments that there is a big problem with Bugliosi's solution: both reports were created on the same day, 30 November 1963; and since the further paper samples Hoover tested did not arrive until 1 December, how could they have been tested for these 30 November documents? Furthermore, Bugliosi leaves out the fact that the FBI later offered two differing explanations for the differing docu-

ments, one by Public Affairs Officer William Baker, the other by the actual author of the documents, Vincent Drain. They offered differing but benign explanations. It turns out that they were both wrong. It now appears that the bag in evidence did not match the Depository paper samples, and that the document was later altered to say it did (see Speer's article, "Proof the FBI Changed Documents and Vincent Bugliosi was Wrong," at the Mary Ferrell Foundation).

This indicates that the bag in evidence today was manufactured after the fact. Speer makes a cogent argument on his website, [patspeer.com](http://patspeer.com), that this happened. He shows that the paper bag allegedly found in the Depository, carried outside, and photographed by the press that day does not appear to be the same paper bag returned by the FBI to the Dallas Police, four days later. The fascinating thing about his study is that it appears that not only did the Dallas Police not photograph the bag where they say they found it, but they also do not appear to have photographed it at all until 26 November! This, of course, casts even further doubt on the aforementioned fingerprint evidence. The DPD did not lift or photograph any such evidence while they had the bag; and, according to FBI agent Gordon Shanklin's inventory, the bag was not sent to Washington on the evening of the assassination (*The Third Decade*, Vol. 1, No. 2, p. 12). Once it did get there, the FBI had to do three different tests in order to pull off one index finger fingerprint and one palm-print (Warren Commission, Vol. IV, pp. 3-4). The bag then returned to Dallas appears to be a different bag than the one sent. If so, how did the palm-print and index fingerprint get on it? In other words, which bag was the print evidence on?

As Speer notes, the Dallas Police could not tell a consistent story on what was discovered first: the bag or the rifle. They could not tell a consistent story on who dusted the rifle. Lt. Day says that he did this on the scene, but no one on the scene backs him on this. Others say it was Det. Studebaker who dusted the bag.

But it's even worse than that: the DPD can't even tell a coherent story as to who found the bag. Day said that the bag was found near the shells. Yet when Luke Mooney described the discovery of the shells, he mentioned no bag. But, as Griggs points out, if Day was telling the truth, then Mooney had to have been standing on the bag as he stood over the shells (Ian Griggs, *No Case to Answer*, pp. 176-7)! When David Belin asked Deputy Sheriff Roger Craig if he saw any long sack lying in the floor, Craig replied that he did not (*ibid.*, p. 178). Sgt. Gerald Hill said that he didn't see the long sack, even though he wasn't really asked the question (*ibid.*): in his obtuse answer, Hill referred to Det. Hicks. Yet when Hicks was asked if he saw a long paper sack, he replied, "No sir; I don't believe I did." (*ibid.*, p. 179) The police now relied on Detectives Johnson, Montgomery, and Studebaker to save the day. Listen to Montgomery: "Let's see—the paper sack—I don't recall for sure if it was on the floor or on the box, but I know it was just there—one of the pictures might show exactly where it was." (Meagher, p. 59) Of course, there was no picture—and we are to believe that Montgomery didn't know that.

A further problem with Montgomery and Johnson was that although they allegedly saw such a bag, they couldn't decide who picked it up and unfolded it.

Johnson said that Montgomery picked it up and unfolded it; but Montgomery said nothing about unfolding it, and firmly denied picking it up (Griggs, pp. 181–2). Montgomery passed that buck onto Studebaker, who is the man that photographed much of the evidence—but, somehow, he did not photograph the bag *in situ*—or even on the floor of the Depository on which it was found, for he admitted that the bag did not show up, even incidentally, in any related photos he took on the sixth floor. He also said that he put a piece of tape on the bag where he thought he saw a possible print; but there was no such visible print, or tape, on the bag when received by the FBI (Meagher, p. 61). But here is the capper with Studebaker: when asked how long the bag was, he said it was between three and four feet long (Griggs, p. 185). This is almost twice as long as the bag that Frazier testified to. In other words, the man who should have seen the bag first, did not, even though he was standing on it; and the man who did see it, and should have photographed it, did not take the picture. What makes it even worse is that it appears that it is this bag that was photographed outside the Depository by the press. Speer has some fun showing the difficulty in matching this package to the bag in evidence today.

In light of all the above, even Police Chief Jesse Curry had doubts about the paper bag. As Speer notes, in describing the bag in a picture, Curry wrote: “A paper bag *probably* constructed from wrapping paper and tape at the Texas School Book Depository ... This is *probably* the same bag which was found on the sixth floor by investigators.” (Italics added.) Here, the Police Chief—the man ultimately responsible for the case against Oswald—actually used the qualifier “probably” not once, but twice. Finally, Speer shows that the second bag—the one in evidence today—was very likely cut down in size from the Commission’s larger bag, the one described by Studebaker. It had to be, in order to fit the allegations of Wesley Frazier about a different bag—which indicates just how important Frazier was to the official story in this regard.

### VI.3

*“I’m not familiar with it.”*

—Det. R. D. Lewis to George O’Toole

The above statement shows just how deep the deception inside the DPD about Wesley Frazier went: Det. Lewis is denying a police report saying that he gave Frazier a polygraph examination on the evening of the assassination (Commission Exhibit 2003). It is hard to believe that he did not recall the test he administered, since the conditions surrounding the examination were bizarre. Firstly, it took place at midnight on 22 November 1963. Secondly, it took place on the direct order of Capt. Fritz (*ibid.*). Thirdly, Lewis had gone home for the day, and was likely preparing for bed when he was called back to conduct the polygraph. Lewis was so much in denial about the test that when O’Toole asked him about it, he replied, “What day was Kennedy shot on?” O’Toole said that it was a Friday. Lewis then asked, “What, what was the date?” After a few more moments of this jousting, Lewis finally admitted he recalled it: “I do remember running some guy regarding a package and knowing Oswald and curtain rods and so forth.” (O’Toole, p. 187) But he still said that he couldn’t remember the

exact day, or the results, or the guy's name. In fact, in trying to recall Frazier's name, he chose curious words: "If my life depended on it, I couldn't remember." (*ibid.*, p. 186) If we believe him, Lewis couldn't recall the events of the biggest day in the history of the Dallas Police Department, or the most important polygraph he ever ran, on midnight of that day. As O'Toole notes, Lewis wasn't alone in this regard: Det. Stovall also tried to feign amnesia about being present for this polygraph—even though he was (*ibid.*, pp. 178–9).

What makes this amnesia even harder to swallow is the description of the polygraph rendered in Jim Bishop's 1967 book, *The Day Kennedy Was Shot*. Bishop was an Establishment journalist who sold the official story, so his book was written with the cooperation of the Dallas authorities—and even Judge Brown, who had presided over the Ruby trial. In fact, Bishop writes that police employees who had previously been told not to talk were allowed to speak to him. Bishop describes a tense midnight scene in which Frazier could not emotionally compose himself; therefore, it was difficult for Lewis to attain any valid contrasting readings on the machine. Bishop actually used the phrase "controlled hysteria" to describe the readings that Lewis was getting to even innocent questions (*ibid.*, p. 180). According to Bishop, there were five people in the room "... and there wasn't one who expected to learn anything from Wesley Frazier. All they had managed to do was scare the wits out of him." (*ibid.*)

As O'Toole notes, this test broke established guidelines in more ways than one: there is no evidence of a pre-interview; and it was done at the end of the day, whereas examiners like to give the tests at the beginning of the day, when the subject is fresh. So, from the description above, any polygraph examiner would predict that the results of the test would be inconclusive. But they would be wrong: according to the police report, Frazier passed the test (Commission Exhibit 2003). What makes this unexpected result even more surprising is the following: in addition to "forgetting" about the test, Lewis did not sign the police report, and he did not testify to the Warren Commission. Why not? Because, as Greg Parker discovered, the actual test and the readings are nowhere to be found today. Of course, this raises all sorts of questions about what the test was really about, and its validity—yet this is the police force that Bugliosi cannot find serious fault with.

How Frazier was placed in the hot-seat on 22 November 1963 is not an easy story to put together. It appears to begin with the visit by the Dallas Police to the Paine household that afternoon. During this visit, Linnie Mae Randle walked over to the Paine house, and told them about her brother giving Oswald a ride to work. She apparently told them about a bag in the back seat. She then told Det. Adamcik where her brother, Wesley, was. The DPD then had the Irving police arrest Wesley Frazier and take him into custody: Frazier was picked up by the DPD at around 7:15 p.m. The police then did a search of both his car and his home. The most interesting thing they found was a .303 Enfield rifle with clip and ammunition (Commission Exhibit 2003). Why is that interesting? Because, as Walt Brown has confirmed in his Master Chronology of the Kennedy Assassination, this was the very first rifle reported as found by the police—even before the 7.65 Mauser. With that in mind, it doesn't take a great leap to understand why Frazier's reactions were "controlled hysteria" during his mid-

night polygraph. After this search, Frazier and his sister were taken to the station, where they filled out affidavits. They left, and were then called back for the polygraph. (There are two versions of Frazier's affidavit: one with no date, and one with 22 November 1963 on it. There is no date on the police report that makes up Commission Exhibit 2003.)

The reader may have noticed: I have minimized the importance of the testimony of Linnie Mae. I do so because, in my view, it is highly questionable. Her testimony about seeing Oswald put something in the back of Frazier's car has been vitiated by a few researchers, including John Armstrong. As he notes in *Harvey and Lee*, if one looks at the photos of the Randle home in the Commission volumes, it is hard to believe Randle's story about seeing Oswald opening the door to Frazier's car from where she was looking, because her view would have been blocked by the carport wall (Armstrong, p. 796; Commission Exhibit 446; Commission Exhibit 447)—and both Linnie and Wesley said his car was parked on the outside of the car port, beyond the wall (Warren Commission, Vol II, pp. 226–251). According to Linnie's testimony, she saw Oswald first that morning (*ibid.*, p. 248)—yet she said nothing to Wesley about it. Their mother, Essie Williams, was also at home that morning. She is the one who told Wesley about Oswald being outside (Warren Commission, Vol. II, p. 225)—yet she did not mention the bag to the FBI (Commission Document 205, p. 147).

Wesley Frazier has always said that he and Oswald drove into the parking lot at work together that morning; Oswald got out and picked up his package; and then, for some unknown reason, Oswald sprinted up ahead of him. When asked if he usually did that, Frazier replied no: they usually walked up together; this was the first time that it happened. So, therefore, Frazier got this long look at Lee carrying the much-storied package (Warren Commission, Vol. II, p. 228).

A funny thing happened to Frazier's story during the HSCA investigation. Edward Shields was a co-worker of Frazier's, who worked at the warehouse building north of the Depository. Shields had been questioned by the Warren Commission, but he was not asked about anything other than where he was at the time of the shooting (Warren Commission, Vol. VII, pp. 393–5). The HSCA, however, went further: they asked him if he saw Frazier in the parking lot that morning. He said that he did, and that Frazier was alone. Someone he knew asked Frazier where his friend was, and Frazier said, "I dropped him off at the building." (*ibid.*, p. 797)

But that's not the clincher—at least, not for me—but rather the following: as noted above, the early critics—Weisberg, Meagher, and Lane—all bought into Oswald and the curtain-rod story, even though that story was delivered second-hand through Wesley Frazier. Yet when Oswald's apartment's owner, Gladys Johnson, was asked if the room Oswald lived in had curtains on its curtain rods, she said that it did. When asked if Oswald ever mentioned bringing in new curtains or rods, she said no. Her testimony was minimized by Weisberg's discovery of the famous Black Star Photo Agency picture taken by Gene Daniels. On 23 November 1963, Daniels took a photo of Mrs. Johnson adjusting the curtains standing atop Oswald's bed. This photo did much to persuade me that Frazier was simply repeating what Oswald had told him. Yet, as Griggs points

out, Howard Roffman wrote Daniels a letter inquiring about the circumstances of the picture. Daniels wrote back that the lady asked him not to take any photos at the time since she had to adjust the curtains: *the reporters had disturbed the room* and she didn't want anyone to see it like that (Griggs, pp. 205–7; italics added). Daniels shot the picture anyway. The critics had been taken in.

To show just how invested the Dallas Police are in Frazier's story, consider the following: when a big question mark arose around this issue—namely, why would Oswald tell Frazier about curtain rods if he didn't need any—they came up with a fallback position: In Larry Sneed's cover-up book, *No More Silence*, the story was revised to Oswald bringing the rods for someone else. This shows how necessary it is for the DPD to protect Frazier.

Bugliosi's discussion of this complex, multi-layered, and deliberately buried issue is grade-school stuff. As mentioned above, he gets the FBI report on the paper samples wrong. He then argues about the length of the rifle, and whether there were curtain rods found by the police at the Depository (End Notes, pp. 407–410). He actually writes that Oswald's "fingerprints" were on the bag, leaving out the fact that it was one index finger, and that it was likely that there were two bags. R. D. Lewis's name is mentioned once, but not in regard to Frazier's polygraph. I could find no mention of the Enfield at Frazier's house, either. Bugliosi even writes this: "... the general description of the bag given by Frazier and his sister matched the bag found in the sniper's nest". I really don't know what he is talking about here, since the bag tested by the FBI was not just significantly smaller, but was actually discolored by the test that they performed (Warren Commission, Vol. IV, p. 93). But, furthermore, there was no photograph taken of the bag inside the Depository, so how does he know what was found "in the sniper's nest"? Moreover, if you look at the Commission testimony just cited, you will note something quite disturbing: Pat Speer and I have noted that the bag photographed by the press outside the building does not look like the bag returned to the DPD by the Bureau on 26 November 1963. But in the testimony by FBI agent James Cadigan quoted above, it is revealed that there was actually a third bag (*ibid.*; maybe they wanted to match the number of wallets Oswald was supposed to have had)! This was a "replica" bag made by the Bureau at the Depository on 1 December 1963, and then used to present to witnesses for "identification purposes"! Get that? They were supposed to identify a bag that was not in existence on the day of the crime. Only the Warren Commission could let the FBI get away with such a thing. Bugliosi not only makes no criticism of it, he doesn't even tell the reader that it happened—probably because he doesn't want to admit that there are now three bags. In fact, reading Bugliosi, you would think that there was only one.

But I'm still not done counting: if you can believe it, there was a fourth bag. Sylvia Meagher first wrote about it back in 1967 (pp. 63–64). John Armstrong built on her work, and added significant details (pp. 782–4). On 4 December 1963, a package was discovered in the dead-letter department of the Irving post office. It was addressed to Lee Oswald, yet it had the wrong address. No one knows precisely how long it had rested there. There was no return address, but it had been postmarked "Irving Tex 5:30 a.m."; the date was not readable (Armstrong, p. 783). The address marked on the package did not exist in Dallas.

Armstrong discovered that the non-existent address is written on a gummed label, which appears right above the written inscription of "Irving, Texas". Armstrong postulates that the gummed label is probably stuck over another address, which is how it got to Irving—a suburb of Dallas. It was not delivered because of postage due. But, as Armstrong writes, why would you mail someone a paper sack?

What makes this even more fascinating is that, on 20 November 1963, a package was mailed to Ruth Paine's home. On 23 November, a postage due notice for it was found in Ruth Paine's mailbox. The amount due is the same amount that was due on the bag waiting for Oswald at the Irving post office. The name and address on the delivery notice was Lee Oswald, 2515 W. 5th, Irving, Texas, where the Paines lived. When this notice was discovered on 23 November, an Irving policeman who accompanied the Dallas detectives to the Paines' volunteered to go to the post office and pick up the package. He later returned and said that it had already been retrieved. This is simply not true (*ibid.*, p. 782). But too many people at the post office knew about the package by that time, so it could not be deep-sixed.

Sylvia Meagher, working from less information than Armstrong, summed up this utterly intriguing affair like this: "No one not implicated in the assassination could have known before the event that a homemade paper bag would become a piece of key evidence against a suspect who was said to have acted alone. The sender was implicated, either as Oswald's co-conspirator or as a member of a plot ... to frame an innocent man, in advance, for the crime." (Meagher, p. 64) In other words, if Oswald was a lone gunman, he had to have mailed this bag to himself.

The story of the paper bag(s), Wesley Frazier, his sister, and the curtain rods can be challenged every single step of the way: from Troy West, to whether or not there were two, three, or even four bags eventually submitted into evidence. Like the issue of Oswald ordering the rifle, the paper bag has, to me, been accepted for far too long. And so has Wesley Frazier. As Roger Feinman has written, one way to look at the episode is this: by the early evening of 22 November, the DPD had very little besides the notorious Howard Brennan, the shaky eye witness who couldn't be relied on to put Oswald on the sixth floor. As Police Chief Jesse Curry later admitted, they had no one who put Oswald in the building with a gun in his hand (Michael Benson, *Who's Who in the JFK Assassination*, p. 96). Therefore, they needed Frazier and his "Oswald carrying a package" story. With what we know about this story now, we also know why Frazier needs to be handled by the likes of Dave Perry and Hugh Aynesworth: if this case were ever reopened, he would be one of the first witnesses called to the stand. And he would be there a long time. The reason is easy to understand: if there is no bag, there is no rifle.

#### VI.4

*“Unfortunately, Lieutenant Day ... broke off the interview and referred me to the Warren Report when I began by asking if more than one rifle had been found in the Texas School Book Depository.”*

—George O’Toole, *The Assassination Tapes*

Let us continue with some more of the work done by the DPD, with which Bugliosi can find no serious fault.

As noted in Part I of this series, Bugliosi raises no questions about the bullet audit or collection procedures of the Dallas Police. What he does with the bullet apparently found by DPD detective Buddy Walthers is a case in point (End Notes, pp. 307–9). This incident was captured by photographers Jim Murray and William Allen shortly after the assassination. Walthers and another man both bend over to examine something in the grass. The other man inserts something in his pocket. According to Bugliosi, they were just testing sod; he concludes, as he always does, that this is all much ado about nothing. There are two problems with his analysis. Firstly, Mark Oakes did an excellent job researching this subject many years ago, and I saw his filmed report on his investigation of the incident. He makes a strong case that the man next to Walthers was FBI agent Robert Barrett. Barrett’s friend, FBI agent Robert Gemberling, is the person who helped identify Barrett. What does Bugliosi do? Predictably, he calls Barrett. Barrett says that it was not him, and that is that. I could have saved Bugliosi the trouble on that one—sort of like J. Edgar Hoover denying that Oswald was an FBI informant to the Warren Commission, and Bugliosi believing it (which, of course, he does). Secondly, Bugliosi says that Walthers only *talked* about the bullet to various people, for example, Alvin Maddox of the sheriff’s department. But in a 1996 interview, Maddox said that he actually saw the bullet.

Let’s take another example in this regard. The *Dallas Times Herald* reported on 24 November 1963 that “Dallas Police Lt. J. C. Day of the crime lab estimated the distance from the sixth floor corner window the slayer used to the spot where one of the bullets was recovered at 100 yards.” When George O’Toole called Day about this, plus the matter of the second rifle found in the Depository, Day broke off the conversation and referred him to the *Warren Report* (O’Toole, p. 205). Of course, that makes no sense, because the *Warren Report* says that there was one bullet found at Parkland Hospital, and that there were two fragments of a bullet found in the limousine. If you add those two to the hit to James Tague, 200 yards away, and add in this one, then that makes four bullets. Bugliosi mentions this report by Day, sloughs it off, and does not mention O’Toole’s call to Day (End Notes, p. 308); as he usually does, he says that for the report to be true then the DPD was in on the conspiracy, “an allegation for which there is no evidence” (End Notes, p. 311). Not true, Mr. Prosecutor: they would have to have been in on the cover-up, which is a different thing—which they could have done for different motives; and it didn’t have to be planned in advance, or hit upon spontaneously within a few minutes of the shooting. As we have seen with Wesley Frazier, it could have happened many hours later.

It would have been interesting if O'Toole had had the opportunity to talk to Day about the second subject he wanted him to address, namely, the second rifle found in the building—because, as noted in Part I, there were several reports that a German Mauser was located before the Mannlicher-Carcano was discovered. In addition to the affidavit by Seymour Weitzman, the report by Deputy Sheriff Eugene Boone, and Boone's testimony about Fritz and Day identifying the weapon as a Mauser, there is also the testimony of Treasury agent Frank Ellsworth, who was on the scene that day. He said that the Mannlicher-Carcano was discovered on the fourth or fifth floor by a couple of local detectives. It was not discovered on the same floor as the cartridges. Ellsworth recalls talking about this with others. His idea at the time was that the assassin carried the rifle down a floor or two and then dropped it (James Fetzer, ed., *Murder in Dealey Plaza*, p. 82). Thus, Ellsworth corroborates Roger Craig's interview in the film *Evidence of Revision* ([youtube.com/watch?v=riHY9Ik-Uoo](https://www.youtube.com/watch?v=riHY9Ik-Uoo)).

One reason that O'Toole was interested in talking to Day about the second rifle was that he had done a polygraph on Deputy Constable Weitzman when he appeared on the 1967 CBS special about the *Warren Report*. By this time, of course, Weitzman had been forced to take back his original affidavit saying that he identified the weapon as a 7.65 Mauser. O'Toole found near-maximum stress throughout Weitzman's renunciation of his first identification (O'Toole, p. 100). When he tried to find Weitzman in Dallas in 1973, he discovered that he was not with the Sheriff's department anymore. He then tried to locate him, but was unsuccessful. One more thing to add in this regard: as Sylvia Meagher points out in *Accessories After the Fact*, when Weitzman was deposed in Dallas by assistant counsel Joe Ball, they discussed an interview he did for the FBI, in which it appears that he described the rifle in detail—but that FBI report is nowhere in the 26 Commission volumes (p. 99).

In 1997 author Noel Twyman first published evidence questioning whether or not there were two or three shells found at the so-called sniper's nest. Twyman presented photos and documents showing that the DPD sent not three but two shells to be examined by the FBI. This matches the documents turned up by John Hunt, which show that two shells arrived in Washington that night. Bugliosi admits this, but he explains it by saying that Will Fritz kept one shell in Dallas for "comparison tests" (End Notes, p. 419). Question to Bugliosi: weren't those tests being done in Washington that night by the Bureau? Bugliosi tries to dodge this question by saying that Fritz was trying to find out where the shells had been purchased. Really? And you needed a sample to compare the ones on the shelf with the ones in evidence? What makes it worse is this: if you look at the photos of the shells sent to Washington that night, it appears that the one that is missing is CE-543: the shell I discussed at length in Part I; the one that could not be fired that day. But let me add one more thing about this shell issue: when Twyman's book first appeared and this issue was raised, the ARRB did an inquiry about it. They discovered an odd thing. When they interviewed the policemen still alive, involved with the search of the sixth floor, each of them passed the buck—that is, no one would take responsibility for discovering the shells. The police then said that this happened a lot: the name credited to a discovery was not always correct. Go figure. (Confidential source at the ARRB.)

As I said, Bugliosi backs the DPD all the way; therefore, he finds no problem at all with one of the most highly controversial areas of their investigation: the fingerprint tests. In fact, he actually calls it probative evidence in the case (Bugliosi, pp. 802–3). Again, this is quite puzzling. In his web essay on the subject, Michael Griffith noted that Lt. Day said that he had lifted a palm-print from the rifle barrel, before the rifle was sent to Washington late on the evening of 22 November. Yet when FBI expert Sebastian Latona got the rifle, not only did he find no prints of any value anywhere, he found no evidence of any fingerprint traces or of a lift (Meagher, p. 121). Furthermore, Day took no photograph of this palm-print, either before or after he says he lifted it; but former New York City Deputy D.A. Robert Tanenbaum told me that this is standard procedure for any respectable police department: you do this to guard against losing the print in the lift; and Latona said the same thing (Meagher, p. 123)—but Day didn't do so with this palm-print. Further, Latona said that there was no note on the rifle about where to look for the palm-print (*ibid.*, p. 122).

Now, Bugliosi says that Day did not do this because he was alerted that the FBI was taking the rifle to Washington (Bugliosi, p. 800)—the implication being that everything was rushed and impromptu. Interestingly, in this paragraph, the author supplies no time frame for when Day was alerted to this fact, and when the rifle then left Dallas. Day said that this call came in at around 8:00–8:30 p.m. Yet, by his own admission, Day took a photo of the rifle at 9:00–9:30 p.m. (Warren Commission, Vol. IV, p. 273). Why did he not take a photo of the palm-print then? Because the rifle did not actually leave until shortly before midnight (Meagher, p. 122). By not supplying the time-frame, Bugliosi avoids the question of what Day did with the rifle for those intervening hours. And if the print was there, why on earth did he not lift it at that time?

Now, the evidence was returned to Dallas from Washington on 24 November. One would think that Day would have certainly jumped on the rifle at this point, and finished the job that he was prevented from completing. He didn't. He didn't get to work until 26 November—the day that the evidence was sent back to Washington. Yet Day's palmprint did not arrive there until 29 November—whereas the other prints, from the Depository, arrived on 27 November (*ibid.*, p. 123)!

As Griffith pointed out, Day had two opportunities to forward the lift with the rifle, yet the palm-print did not arrive in Washington until one week after the assassination. Bugliosi does not even point this out to the reader. In fact, he does the opposite: after noting the date of 29 November, Bugliosi announces—two lines later—that this palm-print now precluded Oswald from saying that he was not in possession of the rifle (Bugliosi, p. 801). The author ignores the fact that Oswald had now been dead for five days, so his verdict is post-mortem.

It is interesting, in this regard, to note something that Bugliosi author does not: Henry Wade was the chief spokesman for the DPD during Oswald's two days in detention. He held press conferences on Friday and Saturday night. Yet he did not mention any palm-print on either evening—even though he was asked about them. But he did mention it on Sunday night, post-mortem (Meagher,

p. 124), after Oswald's autopsy, and around the time of the delivery of the corpse to the local funeral parlor.

Now, as Griffith notes, even the Warren Commission had problems with the late-arriving palm-print. Chief Counsel J. Lee Rankin asked the FBI to question Day about it. Here is what makes this episode fascinating. The man they sent to question Day was FBI agent Vincent Drain—the man responsible for transferring the evidence on the evening of 22 November. Drain says that he was never told by anyone in the DPD about any such palm-print when he picked up the evidence (Henry Hurt, *Reasonable Doubt*, p. 109). Day said that he *did* mention it. So when Drain went to interview Day for the FBI about his palm-print, Day refused to sign any sworn statement—knowing that Drain would contradict him.

But Bugliosi has an out for that: he brings us Rusty Livingstone. Livingstone says that Drain was distracted when Day told him this, so he didn't hear it (Bugliosi, p. 801). Evidently, Bugliosi kept a straight face when he heard this: Drain is hearing about a print on the rifle that killed JFK, but he was distracted. By what, pray tell? A heart attack?

Livingstone is the Dallas cop who waited thirty years to co-publish a book called *First Day Evidence*. This book came out in 1993, right after the time of Oliver Stone's film, *JFK*. Livingstone now pronounced that not only did they have a palm-print, but also a fingerprint within an inch of the trigger guard. As many have asked—but not Bugliosi—why did Rusty wait almost three decades to tell us this? Consider all the pressure the DPD had been under during the first 48 hours, and, then, during the ten months of the Warren Commission: how they were being questioned by the FBI and the Commission and the press about the late-arriving palm-print. Why did they not make this fingerprint public during the first 48 hours, or the ten-month life of the Commission? Why did they keep this evidence under wraps? Furthermore—and equally inexplicable—why did they then not give it to the HSCA, fifteen years later? Did Rusty know that Oliver Stone was going to make a movie, and that he might be able to make some money with a book before he died? It is all too bizarre to contemplate. Yet Bugliosi asks none of these questions. But as we saw in the last installment, he poses all sorts of interrogatory flatulence about, for example, the photograph that Jim Garrison had in Clinton—yet Rusty Livingstone's three-decade-old prints leave him strangely silent. With this sort of the behavior from the DPD, I have little doubt that they will have another surprise for us at the fiftieth anniversary—and that Bugliosi will pose no question about its rather late arrival.

Bugliosi does what he can to cut off any speculation that anyone was taking fingerprints from Oswald's corpse at the Miller Funeral home. Eventually, he admits it happened—and he admits that the FBI must have done it (End Notes, p. 414). He doesn't have much choice, since the funeral director was wiping black ink from Oswald's fingers (Hurt, p. 107). But then he tries to limit what could have actually been done. Firstly, he makes all kinds of excuses for agents being there in the first place: he says that they had to have multiple fingerprint samples. But everyone knows that the DPD fingerprinted Oswald multiple times—even sets of prints where they say he "Refused to Sign" (which is an es-

say in and of itself: why would Oswald refuse to sign his own fingerprint card?). Secondly, he uses Day—of all people—to say that he does not think that it's possible to transfer a print from a print card to another object (Bugliosi, p. 802). FBI agent Drain says that not only can it be done, but he thinks that the DPD did it: "... because they were getting a lot of heat by Sunday night ... Something like that happened." (Hurt, p. 109)

## VI.5

*"Missing Baker, he [Truly] came back to find the officer in the doorway to the lunchroom facing Lee Harvey Oswald."*

—The Warren Report

Like Wesley Frazier and his dubious curtain-rod story, the Warren Commission printed the above statement (*Warren Report*, p. 152), and the first generation of critics accepted it. Oliver Stone then memorably depicted it in his 1991 film, *JFK*. Since the incident has attained iconic status, we all understand what it conveys, and what it is supposed to mean: Dallas Patrolman Marrion Baker was traveling in the motorcade; he heard the shots; he drove up to the Texas School Book Depository; he met Oswald's supervisor, Roy Truly; and they ascended to the second floor. Baker somehow saw a figure through a door window in the lunch-room there. He accosted him with his gun drawn, and said to Truly, "Do you know this man; does he work here?" Truly replied that he did, and they turned around and continued back up the stairs (*ibid.*). As with Frazier's curtain-rod tale, everyone on both sides accepted it. In the Frazier instance, the question became not whether it was true, but rather how long the bag was. In this case, the argument centered over whether or not Oswald could have come down from the sixth floor and walked into the lunch-room in time for Baker to see him in front of a soda machine—or, for authors like Howard Roffman and Don Thomas, whether or not Baker could have seen Oswald through the glass window in the door; if he did not, then he had likely come up to the lunch-room from the first floor. No one questioned whether or not it happened. And in one version of Baker's story, Oswald had a Coke in his hand; in another, he did not.

That last discrepancy should have been a warning: for how, on the day of the assassination, could Baker have been confused about such a revealing detail—or how could he have let someone talk him out of it? Because in the version of his story printed in the *Warren Report*, Truly added that Oswald's hands were empty. Yet, as Sylvia Meagher points out, as late as September 1964 Baker was still writing about the Coke in Oswald's hands (p. 74). Someone actually drew a line through that piece of information (*ibid.*). What makes this interesting is that Baker wrote this after six months after he gave his Commission testimony, in which he said that there was nothing in Oswald's hands (*Warren Commission*, Vol. II, p. 251). In other words, Baker never got his story straight.

Another indication as to the evolution of Baker's testimony is the version of it in Gary Savage's book, *First Day Evidence*. In that version, Baker says that he encountered Oswald on the first floor; Truly identified him as an employee, and they left him there as they proceeded into the building. But then Baker adds

something interesting: “The investigator from Washington contacted me for my recollection of what happened, but I guess they weren’t interested in what I said.” (p. 365)—as we shall see, probably because the improvement wasn’t quite good enough yet for the Warren Commission, because Oswald was still on the first floor. Yet, this version pretty well coincides with Oswald’s own story (*Warren Report*, pp. 613, 636).

The first person I ever heard who actually questioned the provenance of this story was David Lifton. He asked whether, on the surface, it made any sense: because, as Truly tells it, Baker hailed Oswald; Oswald walked towards him; and Baker essentially had his gun within three feet of his stomach. As Lifton commented, “Was Baker going to shoot him for drinking a Coke?” I smiled at the cleverness, but I didn’t actually question the incident.

Today, I do. Why? Because the final Commission version does not even resemble the incident that Baker described on the day of the assassination. On that day, Baker executed an affidavit in which he described this encounter himself. He describes going up the stairs with Truly. Then this startling passage follows: “... as we reached the third or fourth floor, I saw a man walking away from the stairway. I called to the man and he turned around and came back towards me. The manager said I know that man he works here. I then turned the man loose and went on up to the top floor. The man I saw was a white man approximately 30 years old, 5'9", 165 lbs, dark hair and wearing a light brown jacket.”

This affidavit exists in two forms, a handwritten version, and a typed version. Unlike the handwritten one, the typed version has no cross-outs, and is phrased better, grammatically speaking; but they both say the same thing. Baker signed them both on 22 November 1963. Note the stunning differences between the affidavit, and the incident as described in the *Warren Report*. In the affidavit there is nothing about seeing Oswald through a window in the door; nothing about the lunch-room; nothing about a Coke; and they weren’t even in any room, but near a stairway. And the guy he saw does not appear to be Oswald: he was older, heavier, and he was wearing a brown jacket.

For me, what certifies that Baker is being honest here is that when he went down to the police station to write his affidavit, Oswald was in the same room with him, which Baker described as a small room—so small that he had to almost fall over Oswald to get out (*Warren Commission*, Vol. III, pp. 257–8). In other words, he was in the same room with Oswald, yet he did not name him in either version of his affidavit.

Towards the end of the evening, the DPD began to realize that Baker’s first-day testimony could prevent the noose they were preparing from setting around Oswald’s neck. So when Det. Marvin Johnson made out an undated report, either that evening or the next day, he transmitted Baker’s first-day information accurately—except for one thing not in the affidavit: he wrote, “Officer Baker later identified Lee Harvey Oswald as the man he had seen on the 4th floor ....” At the very end of this report, and completely out of chronological order, Johnson adds that Baker identified Oswald at the station in the small room—yet

Baker told the Commission that he was making out the affidavit at the time in the room—and Oswald's name is not in it (*ibid.*, p. 257)!

Then, four months later, Baker's testimony was in its final dry-cleaned and altered version for the Warren Commission. Baker identifies Oswald, but now he is a guy in the second floor lunchroom (*ibid.*, p. 262); in other words, the guy in the jacket on the fourth floor stairway was gone, not to be seen again. If you are counting, that is five different versions of this story.

But let me add the following points about Baker's Warren Commission testimony. Firstly, he still denied that Oswald was dressed like the man he saw (*ibid.*). Secondly, assistant counsel David Belin had to admonish him about his revealing body language—he told him to look at him when he answered questions (*ibid.*, p. 259). Thirdly, Allen Dulles understood the problem that Baker's police-station non-identification of Oswald presented; so he tried to make the time that they shared the same room as brief as possible (*ibid.*, p. 258). Finally, Dulles and Belin took this interview off the record no less than five times (Meagher, p. 72).

In following the evolution of this story, I believe it is necessary to follow how Oswald's words were also transmuted. As Anthony Summers writes in *Conspiracy*, Oswald maintained that he was on the first floor eating his cheese sandwich lunch at the time of the shooting (p. 74; *Warren Report*, p. 622)—which, by the way, is the lunch he maintained that he brought from home (*Warren Report*, p. 626). On 23 November 1963, James Hosty and Jim Bookhout wrote an FBI report (*Warren Report*, p. 613). Based on Oswald's 22 November questioning, the authors wrote that Oswald said that he ate lunch on the first floor, but went up to the second floor to get a Coke. It is not specified in this report when he went to the second floor; but, more importantly, there is no mention of Oswald getting a gun stuck in his stomach by Baker—which Oswald certainly would have recalled and reported. On 24 November, after Oswald is shot, Bookhout rewrites this report by himself. Now Bookhout has Oswald remembering the Baker gun in his stomach (*ibid.*, p. 619). Notably, before the Commission, Hosty also had an opportunity to alter this memo; but he chose not to (*Warren Commission*, Vol. IV, p. 468). Another example of this phenomenon: when postal inspector Harry Holmes wrote a long memorandum recalling what Oswald said in his interviews, there was no mention of Oswald at the soda machine, the Coke in his hands, or of Baker pointing the gun at him (*Warren Report*, p. 636). When pressed by the Commission, he could not recall Oswald saying anything about the second-floor encounter with Baker. But David Belin later prompted Holmes about the Coke: "Did he say anything about a Coca Cola or anything like that ...?" This was clearly a leading question—and then Holmes recalled it, five months after he wrote the memo (*Warren Commission*, Vol. VII, p. 306)—but he only recalled what Belin prompted him about: the Coke and the machine. There was nothing else about Baker and Truly.

In nearly every instance where one reads of his interrogations, Oswald is mentioned as having seen two black workers at lunch in the "domino room" on the first floor (*Warren Report*, p. 636)—and, as Summers notes, this was corroborated by Harold Norman and Junior Jarman (Summers, p. 76; *Warren Commis-*

sion, Vol. III, p. 189). Now, Jack Dougherty told the Commission that he was on the fifth floor at the time of the assassination, near the west elevator (Warren Commission, Vol. VI, p. 380). This would have had to be very close to the stairway where the Commission has Oswald allegedly tearing down at the time. Dougherty never mentioned seeing him.

Let me note one more point about why I think the Baker–Oswald incident was likely created. In most accounts, Bonnie Ray Williams is said to have been on the sixth floor eating his lunch until about 12:15–12:20. (Bugliosi, as I noted in Part II, makes him a fast eater and has him out of there at about 12:09.) But there is evidence that Williams was there until even later, as is clear from the following: After Jarman picked up his lunch, and Norman quickly ate in the domino room, they both went outside for the motorcade (Warren Commission, Vol. III, p. 189). (Let me add here that Jarman wrote an affidavit on 22 November 1963 in which he revealed that Oswald asked him early that morning about what the people were doing on the street below. Jarman told him about the presidential motorcade, and Oswald replied, “Which way do you think he is coming?”) Norman and Jarman did not walk up to the fifth floor for a bird’s-eye view until the announcement was made that the motorcade was on Main Street (Warren Commission, Vol. III, p. 190). At the earliest, this came on the police radio at 12:22; and, in fact, Jarman told the Commission that they went up between 12:20 and 12:25 (Warren Commission, Vol. III, p. 202). The two went inside and rode an elevator up. Williams said he joined them down there after lunch (Warren Commission, Vol. III, p. 171); this must have been at 12:25. It is clear from reading Williams’ testimony that the FBI and the Commission wanted him to change his story, and have him leave the sixth floor as early as possible—to the point of the Bureau writing down things that he did not say. The reason for the witness-tampering was to give Oswald more time to set up his so-called sniper’s nest, i.e., the shield of boxes and the gun rest. Bugliosi does not mention the clear tampering with Williams’ testimony. (I won’t even discuss Mrs. Robert Reid, who says that she saw Oswald walk through her office at about 12:33. I don’t find her credible—one reason being that, as Don Thomas has shown, Oswald was out of the building by 12:33. See “Bugliosi Parses the Testimony” at the Mary Ferrell Foundation.)

Now, let us interconnect this material, to explain why Bugliosi leaves it out. With Williams on the sixth floor until 12:25, and Dougherty where he was on the fifth floor at the time of the shooting, Oswald could not have been where the Commission says he was at the time that Kennedy was killed. With the Baker incident now dubious, this most likely leaves him on the first floor. When exactly he bought the Coke, no one knows; but it was not when Baker said he did. And this is the reason, I believe, that the incident was created after the fact. Getting Oswald from the sixth floor to the second floor was improbable enough; getting him from the sixth floor to the first floor would have been impossible. And the weight of this new evidence says that the DPD, the FBI, and the Warren Commission understood that. So they created this phony argument—which has persisted for over forty years—over Oswald speeding down the stairs, by altering Baker’s first-day affidavit—just like they created the ersatz argument about the length of the curtain rod bag. (I am indebted to researchers Greg Parker, Duke Lane, and especially Sean Murphy for much of the above.)

Now, one could note the following: if Williams did not leave the sixth floor until 12:25, then (1) the hit team must have had incredible timing; or (2) the team did not use the sixth floor. But here is a real puzzler in that regard: on his first-day affidavit, Williams does not mention being on the sixth floor; he says that he saw the motorcade with Jarman and Norman from the fifth floor (for details, see [jfk.ci.dallas.tx.us/05/0503-001.gif](http://jfk.ci.dallas.tx.us/05/0503-001.gif)). I am not trying to confuse matters by including that last bit of information; I want to show just how clear the indications are that there was widespread witness-tampering in what Bugliosi calls “a simple case”. As Greg Parker has pointed out, if Williams really was on the fifth floor after all, one reason he may have been manipulated was to neutralize Arnold Rowland’s testimony. Rowland recalled seeing a gunman on the west end of the sixth floor, and an older black American on the other end (Warren Commission, Vol. II, p. 183). Williams was not old, but he was black.

Before finishing up with the climax of the DPD’s excellent performance—that is, the murder of Oswald by Jack Ruby while he was literally in their arms—let us note an episode that attracted attention to them in 1993. At this time, the DPD had allowed their files to be catalogued by the City Manager’s office, under the guidance of Cindy Smolovik. Reporters Ray and Mary LaFontaine searched the new releases, and discovered the so-called “ghost photograph”: a cut-out of the famous backyard photograph of Oswald with rifle and handgun. (See Part I for a discussion of these pictures.) I call it a “cut-out”, because the figure of Oswald is actually removed; in other words, it appears to be part of the process of matte insertion, to create a composite—the process actually depicted in Oliver Stone’s film, *JFK*. Along with this photo, there was also a picture of a Dallas police officer named Bobby Brown, in a pose similar to Oswald in the backyard of the Neely street house—the house where Marina supposedly took the picture of Oswald.

Brown's story was that this was done at the request of the Secret Service a few days after the assassination. So what about the image being removed from the photo? Brown told author Gary Savage that he had his image removed from the photo because he did not want to be identified with it. When Savage asked him why he would want his image removed from a reenactment: “He was adamant ... that he only wanted to take himself out of the photograph since it was the background that was the subject and not himself. He said he did this entirely on his own ... He said he cut his image out of a developed photograph and placed a white piece of paper behind it ....” (Savage, *First Day Evidence*, p. 140)

As Savage later found out, Brown was not telling him the truth—for the image removed from the photo was not Brown’s, but Oswald’s. As writer John Johnson discovered, this can be proven by comparing this altered photo with the Commission Exhibit 133-C version of it in the Warren Commission volumes (*The Fourth Decade*, Vol. 5, No. 1, p. 4). Furthermore, if Brown was only interested in the photo’s background, he could have simply studied the photographs the DPD attained from Ruth Paine’s home over the weekend of the assassination.

In light of this, Brown then amended his answer: he said that it was done when they got the photos back from the FBI. The idea was not to insert anything into

the removed area of the photo, but just to get Oswald's image onto a blank white background. Of course, it was all his idea: "I just did it to be doing something." (*ibid.*) But if we believe Brown, then that would produce Oswald in a seasonally-adjusted photo from November, and the originals were allegedly taken in March. What would be the evidentiary value of such an exercise? Furthermore, Brown had a weak explanation for the two thin vertical white lines on the ghost photograph: he said that they were the cut lines, where Oswald's image was removed—but it was not removed along neat vertical lines. As the La Fontaines suggested, the lines could also have betrayed the use of an overlay of acetate, where the inserted figure could be fit into the picture before going to a copy camera (*ibid.*, p. 5).

Another interesting note: the pose struck by Brown did not resemble the photos originally removed from the Paine home; it was a different pose, which actually resembled a photo pilfered from the Dallas Police, not showing up until the widow of Roscoe White returned it in 1975 (*ibid.*). Furthermore, as Johnson notes, there were actually two ghost photos in the archives; the silhouette was the same, but the backgrounds were slightly different. One has the two vertical lines visible; in the other, they are removed. As Johnson notes, someone went to some trouble with an airbrush to do so.

This is all quite interesting, and Bobby Brown's story to explain it away is difficult to believe. When you look up Brown's name in Bugliosi's index, you will not find anything relating to his role in this affair—in fact, I could not find any mention of the episode in the entire book.

## VI.6

*"The Commission further concluded that its investigation of Ruby did not 'produce any grounds for believing Ruby's killing of Oswald was part of a conspiracy.'"*

— Vincent Bugliosi, *Reclaiming History*

The above statement indicates how zealously Bugliosi has enlisted in the ranks of Commission defenders, for one of the worst parts of the *Warren Report* was its inquiry into Ruby's activities at Dallas Police Headquarters on 22 and 23 November 1963. Even worse was its examination of how he entered the basement with such exquisite timing on 24 November, and how the DPD made it rather simple for him to kill Oswald.

When Oswald was murdered on television, it was perhaps the most shocking live event in American history. After the shock died down, the obvious question became: Why did Ruby do it? Ruby's initial rationale—to spare Jackie Kennedy the ordeal of testifying at Oswald's trial—was so strained as to be humorous; yet Bugliosi repeats it without comment (pp. 284, 1125). This is a story that Ruby's trial lawyer, Melvin Belli, said that he was sure was false (Henry Hurt, *Reasonable Doubt*, p. 188). But Bugliosi also adds the "Sheba defense": Ruby would never leave his dog in the car if he had planned to do such a thing (p. 1078). If that isn't good enough for you, he quotes someone using the old standby for prosecutors: "He liked to be in the middle of things no matter what

it was.” (p. 1119) But the author is really covering the waterfront on this one. He later quotes someone else: “He was a great patriot and he thought he was doing a great favor for the people of the United States.” (p. 1133) He then pulls out the capper, using Dr. Renatus Hartogs, the psychiatrist who examined Oswald: “Ruby appears to have felt he had the right to avenge the murder.” (p. 1122) This motley collection seems, to me, to fulfill the old cliché of throwing enough mud on the wall in the hope that something will stick. It is because these excuses are so unconvincing that many came to the conclusion that Ruby was sent to silence Oswald.

Bugliosi tries to cut that off by using his own particular timing to prevent Ruby from coming into the basement at the moment that Oswald walked down the corridor. Here Bugliosi makes two questionable assumptions: the first is that we know when Ruby got into the basement; the second is that we know how he got there (pp. 1072–3). The fact is that neither is known for certain. For instance, there is some testimony that he was there for three minutes, which all but eliminates him getting there from the Main Street ramp (Commission Exhibit 2002, p. 51). Bugliosi also tries to shorten the time-frame that Ruby had from the Western Union office to walk over to the nearby City Hall: he says it took two minutes or so (p. 1072). But it's actually four minutes from the time-stamp on the money order he sent—11:17—to when Oswald was shot, 11:21.

Bugliosi wants us to believe the old Warren Commission reconstruction: that Ruby walked over to the Main Street ramp, and then strolled down into the basement about two minutes before the shooting. And Ruby, that well-known friend of many Dallas cops, did this in plain sight of a number of witnesses who did not see him, including reporter Terrance McGarry, and taxi driver Harry Tasker (Sylvia Meagher, *Accessories After the Fact*, pp. 404–5). There was also a police witness, Don Flusche, who was in position, opposite the ramp, to see Ruby walk down it at the time claimed. He said that he did not see him. (Flusche is an interesting witness who we will return to later.) Furthermore, he was also missed by three police officers who drove out of the ramp while Ruby was allegedly walking down (Meagher, *ibid.*). Two of the policemen in the car, Sgt. Putnam and Lt. Pierce, were absolutely certain that Ruby did not come down the ramp at the time they were leaving—and Pierce knew Ruby (*ibid.*, p. 405).

Why is this important? Because the basis of the Commission's case is that this car blocked the view of the man who was guarding the ramp for unauthorized entries, Officer Roy Vaughn. The Commission said that the Pierce car was driving out at the time that Ruby walked down the ramp and into the basement. In all the intervening years, I know of no credible witness who said that he saw Ruby come down the ramp at the time that the Commission said he did. There are problems with witnesses like Napoleon Daniels (*Warren Report*, p. 221). One of the Commission's problems with Daniels was that he said that he saw the man that he thought was Ruby walking down the ramp when no car was coming up, which would imply that Vaughn was either irresponsible, or let Ruby in on purpose. (Three other witnesses could be mentioned in this regard: Jim Turner, William J. Newman, and K. H. Kroy; but Turner only saw Ruby two-thirds of the way down the ramp—and, as we shall see, there was another way that Ruby could have obtained that position; Newman could not identify the

man he saw as Ruby; and K. H. Kroy's identification was equivocal. See Warren Commission, Vol. XIII, pp. 135–7; Vol. XII, pp. 323–9, 332–4, 192–3.)

In addition to shaving the time off of Ruby's walk, Bugliosi also says that, if Ruby had planned in advance to kill Oswald, it is inconceivable that he would not have been in the basement well in advance of the transfer. Why? Because “[h]e knew it would most likely be the last chance he would ever have to silence him. There are no ifs, ands, or buts about this.” (p. 1073) There aren't, Mr. Prosecutor? I guess that Bugliosi missed the WFAA-TV broadcast that morning, which stated that, after he arrived at the county jail, Oswald would be allowed to be questioned by members of the press (see the film, *Evidence of Revision*, Part 1, Sect. 7, at You Tube); and, if you recall, Ruby disguised himself as a press representative on Friday night when he corrected a statement about Oswald. So the distinct possibility exists that if Ruby's timing was off at City Hall, he could have just followed the caravan over to the county jail. Bugliosi also asks: well, why didn't Ruby try to polish off Oswald on Friday or Saturday? As we shall see, I don't think that Ruby had as great an opportunity as he did on Sunday. But furthermore, Oswald did not make his attempted call to military intelligence officer John Hurt until Saturday night. To me, that call was a pretty good indication that he was at least thinking of revealing who he really was. Since the Dallas Police have always maintained that there was no stenographic record or taping of his interrogations, then, as far as we know, that was the first sign that Oswald might talk. The morning after, he was dead.

Now, let's give the unexpurgated version of how Ruby's actions put him in the right place at the right time. Police dispatcher Billy Grammar got a phone call the evening before Oswald's murder. The caller said words to the effect, “You have to change the plan. If not, we are going to kill him.” Grammar knew Ruby, and he said that Ruby called him by name. The next day, when Grammar heard that Ruby had killed Oswald, he retroactively put the voice together with the man; and he concluded that the murder was planned. (Grammar's interview is on You Tube. His name is not in Bugliosi's index.) Both Jim Marrs and Anthony Summers write that there is uncertainty about Jack Ruby's movements on the morning of 24 November (Summers, *Conspiracy*, p. 460). In fact, even the *Warren Report* admits this (*Warren Report*, p. 352). Ruby and his room-mate George Senator said that Ruby stayed in his apartment until about 11:00 a.m.—yet when the cleaning lady called about two hours earlier in the morning, the voice on the other end sounded terribly strange to her; she wasn't sure that it was Ruby's (Summers, *ibid.*). She continued by saying that, even though she had been his employee for a long time, Ruby did not seem to comprehend who she was, or why she was calling. Furthermore, three TV technicians—Warren Richey, Ira Walker, and John Smith—said that they saw Ruby near their broadcast van outside the police station, before 10:00 a.m. Ruby asked them, “Has Oswald been brought down yet?” (Jim Marrs, *Crossfire*, p. 418). A church minister said that he was in an elevator with Ruby at 9:30 a.m., and Ruby's destination was the floor where Oswald was being held (Summers, *ibid.*). Yet Ruby was at his apartment about an hour later; he received a call from one of his employees, Karen Carlin, to wire her some funds; and he got off the line and went to Western Union, which was about a minute's walk from City Hall. That morning, George Senator was at the Eatwell Café, near the police station, when

he heard that Oswald was shot. He called one of Ruby's lawyers to represent his room-mate, *before* he knew that Ruby was the killer (Marrs, p. 419).

A day or two after the murder, Senator had a meeting in his apartment with Ruby attorney Tom Howard, and two members of the press, Jim Koethe and Bill Hunter. What was discussed is unknown. But the three men who met with Senator were all dead by March 1965 (Michael Benson, *Who's Who in the JFK Assassination*, p. 413). For days after the shooting, Senator acted like a man "overwhelmed with fear"; he refused to sleep at the apartment, and soon left Dallas altogether (Summers, *ibid.*). Summers postulates that it may have been Senator who took the early call from the cleaning lady—which would then have left Ruby out and about.

Like fanatical Warren Commission assistant counsel David Belin, Bugliosi repeatedly states that it would have been all but impossible for Ruby to have timed his visit to the Western Union office—the reason being that Oswald's transfer time was indefinite; all that had been decided was that it would be after 10:00 a.m. (Bugliosi, p. 1073; *Warren Report*, p. 209). He can insist on the miraculous timing, because he leaves out most of the above: if Ruby did not answer the cleaning lady's call, then he could have been at City Hall checking on the status of the transfer—which is precisely what he testimony of the TV technicians and the minister suggests. He then received the Carlin call at approximately 10:20 a.m. It only takes about 15–20 minutes to drive from Ruby's to City Hall (*Warren Report*, p. 354). Some of this time was allegedly taken up by Ruby taking a bath (*ibid.*, p. 353)—but why would you take a bath to wire money? What makes this alternative scenario so interesting is the following: Many years ago, a *Probe* subscriber named Ray Gallagher sent me a photo, depicting a picture of Western Union taken from one of the open doors behind City Hall. It was an eye opener: the proximity was such that you could signal someone. In other words, Ruby's timing did not have to be exquisite: he could have simply been waiting in his car at Western Union for the proper moment. It's difficult to believe that, in 21 years of research, no-one ever pointed this out to Bugliosi—but if they did not, then it tells us a lot about those with whom he was consorting for two decades.

This brings us to the reason for Ruby being at Western Union. As alluded to earlier, he received a call on Sunday morning from an employee named Karen Carlin. Originally, on Saturday night, she wanted a very small advance of \$5.00 on her salary, which Ruby gave her, through an acquaintance (Commission Exhibit 2287). Now, let me say this: as New Zealand researcher Greg Parker first indicated to me, it would literally take pages to analyze the four interviews in the Commission volumes by Bruce and Karen Carlin: as Greg realized, they are that odd. But let us be brief. Firstly, it seems that there was official pressure being exerted on the Carlins to go along with the "rent and groceries" excuse for the wire transfer on Sunday morning. Yet when the FBI interviewed the Carlin landlord, a funny thing happened: there was no question to Weldon Thomas about late or delayed rent payments (Commission Exhibit 2313). Realizing that this posed a problem, the Secret Service went back to interview him on 31 March 1964. It turns out that: (1) the payment schedule was rather informal; (2) there was never any argument if it was late by a few days; and

(3) Thomas never presented a demand for payment. So what was the urgency about the Sunday wire? Interestingly, the landlord told the Secret Service that he never even talked to Karen about the payments at all: Bruce handled them. Yet, in the Commission hearings, Karen is supposed to be the one who broached the subject with Ruby—even though Bruce Carlin talked to Ruby on Saturday night. About the crucial point of whose idea it was to send the money by Western Union, Karen first says that it was Ruby's (Warren Commission, Vol. XV, p. 663). When counsel Leon Hubert tries to talk her out of this, Carlin suggests that she has had this done to her before, by saying, "I won't say for sure about anything. I'm not for sure about nothing anymore." So when Hubert later says, on cue, "It was his idea, wasn't it?" she neutralizes her previous testimony by saying, "I don't remember." Karen understood—from experience.

What makes this even more interesting is Bruce Carlin's earlier Commission testimony. There seems to be difficulty in Bruce keeping his "rent and food" story in line. He got so confused on this matter that he almost gave the game away. Listen to what he says: "As far as the money going for rent and groceries, because *I didn't know that I would have to remember*, and in fact I talked to Mr. Tom Thomas about it, because somebody from the ... FBI or Secret Service had called to clear up a number of these things on the phone. In fact, they called almost *in the middle of the night ...*" (Warren Commission, Vol. XIII, p. 204; italics added) The clincher in that tantalizing mouthful is this: Tom Thomas was not an FBI agent; he was Carlin's colleague from work. And near the end of his second interview, Bruce complained about the harassment by the FBI and the Secret Service, and how he even lost a job over his testimony (Warren Commission, Vol. XV, p. 655)! Clearly, the pressure was being applied to cooperate with the story that he didn't realize he had to remember. And before Hubert deposed Bruce Carlin, he admitted that he pre-interviewed him in the hallway. Further, the Carlins did something fairly rare for Warren Commission witnesses: they brought a lawyer—and the lawyer actually asked questions (Warren Commission, Vol. XIII, p. 205). How sure was the Commission about what the Carlins were going to say? According to an undated DPD record, which was probably transmitted in April 1964, Karen revealed that she had been interviewed by the FBI and Secret Service seven times.

During his testimony, Ruby made an interesting statement about the pretext for the Western Union wire: plain and simple, he said that he received a call from one of his girls on Sunday morning for money. By putting it out there like that, Ruby makes it sound like (1) she instigated the Sunday call; and (2) that it was unexpected. Yet the Carlins' story is that this call had been pre-arranged *by Ruby*. He then says that he told her, "Can't you wait until payday?" and she replied, "Jack, you are going to be closed." (Warren Commission, Vol. V, p. 199) Yet the issue of waiting for payday had already been discussed the night before, so there was no reason to bring it up on Sunday morning. Finally, Ruby announced that he was going to be closed through Sunday, which was the day of this call (*ibid.*, p. 186); in other words, according to Ruby, she could have come in for the money the next day. (In regard to Ruby's penchant for confabulating, one of the most interesting aspects of the HSCA inquiry was their finding that the FBI's polygraph of Ruby was probably faked. This will be discussed in Part VII of this review.)

There is another part of Ruby's testimony that makes the Sunday morning wire transfer even more suspicious. Just four sentences before Ruby mentioned the call from Carlin, he went out of his way to describe his Sunday drive to Western Union. He specifically noted that he drove by the County Building, the place where Oswald was to be transferred within the hour. He says that he saw a crowd outside, and therefore thought that Oswald had already been moved. What a convenient sight, and at the perfect time: right before he is about to murder Oswald! Ruby was indulging himself in large dose in all these statements (*ibid.*)—which none of the Commission members present challenged him on; and neither does Bugliosi.

## VI.7

*"The Dallas Police Department had failed to protect the accused ... a fact that will reverberate to the benefit of those who question the official position of the Warren Commission, down through the centuries."*

— Vincent Bugliosi, *Reclaiming History*

Even for someone like me—who had read *Reclaiming History*, taken profuse notes on it, and actually studied the CD that came with it—the above was a surprising statement to read. Not one comment about Oswald's sorry plight at the hands of his captors; nothing about the incredible negligence—or worse—of the Dallas Police. What worries Bugliosi is that Oswald's mind-boggling murder, live on TV, helped aid the critics of the Warren Commission.

Unlike Bugliosi, the HSCA wasn't preoccupied with protecting the reputation of the Warren Commission, so they seriously questioned the latter's version of Ruby strolling down the Main Street ramp. And, I should note, Ruby didn't subscribe to that story either: in his testimony to the Commission he said that no one was near him when he walked down the ramp (*ibid.*, p. 199)—yet the Commission says that there were at least four people near him: Vaughn, and the three policemen in the car. If what Ruby had said was true, then either Vaughn was in on the conspiracy, or he was unbelievably negligent. Two reasons why the HSCA disagreed with the Commission on Ruby coming down the ramp are that Ruby was inconsistent on it, and the delay within the police department of getting the information to Chief Curry (HSCA, Vol. IX, pp. 138–9; Summers, p. 463). Another reason was the testimony of the aforementioned Sgt. Flusche: he told HSCA investigator Jack Moriarty that he was in perfect position to watch the ramp at the time, since "he was standing diagonally across from Main Street ramp on the opposite side of the street during the period in question." (HSCA, Vol. IX, p. 134) He saw the Pierce car exit the ramp, and he saw the commotion inside the basement when Oswald was shot. He told Moriarty that he knew Ruby, and "[t]here was no doubt in his mind that Ruby did not walk down the ramp and, further, did not walk down Main Street anywhere near the ramp." (*ibid.*; Summers, p. 462) There are indications that the DPD deliberately hid Flusche's testimony from both their internal inquiry and the Commission. And, in fact, when a member of the police inquiry heard of Flusche's testimony, years later, he said, "It tends to dispute the findings of the investigative team I was assigned to." (HSCA, *ibid.*) So the HSCA decided that Ruby came in an un-

secured door through an alley (HSCA, Vol. IX, p. 143). This would have placed him around the end of the ramp, and in position to see the Pierce car go by Vaughn. In fact, according to the HSCA, Leon Hubert brought out this point with witness Jim Turner, but it was cut out of the *Warren Report* (HSCA, Vol. IX, p. 136). Now, in his Warren Commission testimony, Ruby here told another whopper: he said that he did not hide behind anyone once he was in the basement, “unless the television cameras can make it seem that way.” Well, I guess the video feed was altered, because it sure looks like Ruby is hiding behind someone as he eagerly awaits Oswald. (See [youtube.com/watch?v=W2\\_qy8\\_Sm-E&feature=related](https://www.youtube.com/watch?v=W2_qy8_Sm-E&feature=related).)

Let me say one other thing about the actual shooting. About eighteen months ago, Ray Marcus called me up and asked me an odd question: “Jim, which version of Oswald’s killing have you seen?” I said, “What do you mean, what version?” He said: “The one with one horn, two horns, or no horns?” I said the one with one horn. He then explained to me that the original version has two horns. But through the years, this version has been edited, and I had seen one of the edited versions. I asked him why it had been edited. He said, “I’ll send it to you. You’ll understand immediately.” He did, and I did. The first horn goes off at almost the exact second that Oswald emerges from the office and into the corridor. The second horn goes off about a nanosecond before Ruby plunges forward to shoot Oswald. Once you’re aware of it, it is almost eerie to watch. Bugliosi describes the horns, but he doesn’t describe the timing (pp. 272–3).

Ruby made it even stranger, in 1965: he wrote a note in which he alluded to the horns. In a letter secured by Bill Diehl of the *St. Louis Post Dispatch*, he talks about being gravely ill and going to a hospital. He closes with, “If you hear a lot of horn-blowing, it will be for me, they will want my blood.” Now, I guess that someone like Bugliosi could say that he was referring to St. Gabriel—but Ruby was Jewish.

But besides that, there is something else that Bugliosi doesn’t describe about this haunting, harrowing episode. As Oswald walks down the corridor, Bugliosi’s vaunted Capt. Fritz walks so quickly out in front of him that he separates himself from the suspect by several feet. This breaks protection for Oswald, leaving him exposed from the front, allowing Ruby to shoot him. But what’s worse, as you watch the video, look at Fritz: after the first shot goes off, everyone is looking in the direction of Oswald—everybody except one person: Fritz; he doesn’t turn around until Ruby is trying to get off his second shot. To say the least, it is all very bizarre—and Bugliosi makes nothing of it. This may be a major reason why Fritz refused to give interviews about the assassination (George O’Toole, *The Assassination Tapes*, p. 176).

Later on, there was a cover-up inside the criminally-corrupt DPD. Roy Vaughn was set up to take the rap for the actual guilty parties. According to Ruby biographer Seth Kantor, one of the men Ruby shielded himself behind before he shot Oswald was policeman Blackie Harrison (*The Ruby Cover-Up*, 1992, p. 144). When this concealment was pointed out to him, Ruby exploded in rage (*ibid.*, p. 146). The day that Harrison was supposed to be polygraphed about Oswald’s killing, he was on tranquilizers, in order to disguise his reactions;

therefore, his test was inconclusive (*ibid.*, p. 127). Lt. Jack Reville, who was in on the inquest, said that he was never satisfied with Harrison's statement on the issue (Summers, p. 465). Patrick Dean, the man in charge of security that day, failed his polygraph—even though he wrote his own questions! And when the HSCA went looking for the record of the test in 1979, he couldn't find it (HSCA, Vol. IX, p. 139). The HSCA concluded that Patrick Dean was a key figure in Oswald's shooting (*ibid.*). In fact, while subduing Ruby, Dean reportedly blurted out, "Man, you got me in one hell of a shape." Ruby actually apologized to Dean at the time (*ibid.*, p. 140). Yet Dean would not arrange for a deposition with the HSCA, and he refused to reply to written questions in the form of an affidavit (*ibid.*).

But here's the clincher for me: unlike Bugliosi, *even the Warren Commission* understood that something was wrong with the police in this whole episode of Ruby's entry and Oswald's murder. Assistant counsel Burt Griffin told Summers, "I always thought all along about the Dallas police that anything that would get them into trouble or embarrass them, they would lie to us. No question about that." (Summers, p. 463) And, in fact, Griffin found Dean to be lying about whether or not Ruby could have gotten through a door in an alley that runs along City Hall: Dean said that Ruby would have needed a key to enter the door into the basement; three members of the building's maintenance staff said that this was false (HSCA, Vol. IX, p. 143). Because of this type of deception, assistant counsel Burt Griffin blew up at Dean and composed a memo in which he wrote:

1. Dean was derelict in securing all the doors to the basement;
2. Griffin had reason to believe that Ruby did not come down the ramp; and
3. he suspected that Dean was now part of a cover-up, and was advising Ruby to say that he came down the Main Street ramp even though he knew he didn't (*ibid.*, p. 20).

Warren Commission Chief Counsel J. Lee Rankin, under pressure from Texas authorities like Henry Wade, backed away from Griffin's memo, in which Griffin suggested that Dean be made a target of further inquiry. What does Bugliosi say about this riveting incident? He buries it at the bottom of a page, next to an asterisk in his footnote section. He inexplicably says that Griffin was reprimanded for "using too much discretion". (Huh?) He then says that Dean complained to the Commission only—thereby leaving out the whole Texas pressure aspect; and he does not mention the detailed accusations of the six-page memo (End Notes, p. 126).

Today, of course, everyone knows that Ruby later described the outlines of a large conspiracy that manipulated him into shooting Oswald, and then taking the fall. In the Diehl letter I described earlier, Ruby says that the shot taken at General Walker's home was to make-believe that Oswald was a crackpot, so that there would then be no discernible motive in his killing of Kennedy: he was simply nutty, and then the public would leave it at that. In a 1996 interview, former sheriff's deputy Al Maddox said that Ruby slipped him a note before he

died, saying that he was part of a conspiracy, and that his role was to silence Oswald. In an interview shortly before his death, with psychiatrist Werner Teuter, Ruby said that the assassination of Kennedy was “an act of overthrowing the government”. He added that he knew who had Kennedy killed, and that he was framed to kill Oswald (Marrs, *ibid.*, p. 431). In a famous interview he did in an almost empty courtroom, Ruby said that everything pertaining to his situation had not surfaced yet: “The world will never know the true facts of what occurred—my motive, in other words.” When asked if the truth would ever come out, Ruby replied, “No.” Because those who had placed him in such a position would never let the world know the true facts. When asked if these people concealing the truth were in high positions, he said, “Yes.” (Author’s transcription of the interview)

From Friday night onwards, Ruby had stalked Oswald through police headquarters for two days. On Sunday, with the help of the police, he was moved into position to kill him. And he did. Unforgettably, Det. Don Archer described Ruby in custody after Oswald’s shooting. He said that Ruby was very hyperactive: “He was sweating profusely. I could hear his heart beating. He asked for one of my cigarettes. I gave him a cigarette. Finally ... the head of the Secret Service came up ... and he told me that Oswald had died. This should have shocked Ruby because it would mean the death penalty ... Instead of being shocked, he became calm, he quit sweating, his heart slowed down. I asked him if he wanted a cigarette, and he advised me he didn’t smoke. I was just astonished ... I would say his life had depended on him getting Oswald.” (Marrs, pp. 423–4)

Ruby was relieved because Oswald now would never talk. By silencing Oswald, he could now get a lenient sentence, on, perhaps, a mental derangement plea—or maybe even voluntary manslaughter, which would mean a maximum of five years in jail (Bugliosi, p. 1466). With Oswald dead, there would be no need to answer those troubling queries that were bothering him so much. Oswald’s death closed out any questions about Ruby being involved with Cubans from New Orleans in gun-running operations; of Ruby being seen by two credible witnesses at Parkland Hospital on Friday afternoon; or about him being seen dropping off a young man carrying a package to a point near the end of the stockade fence in Dealey Plaza an hour before the assassination. Ruby gambled on a five-year sentence, rather than the possibility of facing all that, if Oswald had talked. That reason makes a great deal more sense in explaining Ruby’s act, than Bugliosi saying that Jack needed to be “in the middle of things no matter what it was”.

I could go on, of course. For instance, I could mention the work done by Ian Griggs on the line-up allegedly attended by Howard Brennan, the controversial witness putting Oswald on the sixth floor for the DPD and the Warren Commission. Griggs interviewed the people who were supposed to have viewed the line-up with Brennan. No one else recalled him being there (Griggs, p. 94).

By any objective measurement, the sorry tale told above represents an atrocious performance by the Dallas Police. In my view, what provoked it was the murder of J. D. Tippit. The combination of having to solve the biggest murder ever in Dallas, plus their suspect also being suspected as a cop-killer, proved too much

to handle for an ill-equipped, already compromised police force. I believe that whoever planned the two murders understood that: they knew that the combination killing of Kennedy and killing Tippit would overload a corrupt bureaucracy, and crack it.

Unlike Bugliosi, Jesse Curry, chief of Dallas Police, ended up criticizing his force's unsatisfactory result. Years later, he wrote that the Warren Commission had yielded to political pressure. After viewing the Zapruder film, he thought that President Kennedy and Governor Connally had been hit by separate bullets. He did not believe that Oswald had acted alone, or perhaps even at all: "We didn't have any proof that Oswald fired the rifle, and never did. Nobody's yet been able to put him in that building with a gun in his hand." (Benson, p. 96)

With all this sorry information in front of him, the reader can now decide whose estimation of the Dallas Police is more on the mark: Mr. Bugliosi's, or Mr. Watkins'.