

## CHAPTER 2

# THREE DEAD IN DALLAS: THE “OFFICIAL STORY”

### 1. MURDER IN DEALEY PLAZA

November 22, 1963. 12:30 p.m. It was a bright, sunny and windy late-autumn day. The streets of Dallas were crowded. Half the city, it seemed, had come out to welcome the charismatic young president and to catch a glimpse of his fashionable wife Jacqueline. President **John Fitzgerald Kennedy** (JFK) had come to Texas, fresh from a quick tour of Florida, with the unabashed intention to charm local voters and moneyed elites to help him secure the upcoming election. The previous contest—which had pit Kennedy against the prickly but more experienced outgoing Vice President Richard Nixon—would be remembered as one of the tightest presidential elections in American history. No one was more aware than JFK that he was still far from having secured a second mandate, and Texas was one of those states that could decide the outcome. The next election was nearly a year away but it sure couldn’t hurt to get a head start.

The young Catholic president, with his Bostonian accent, his wealthy family connections and his Harvard education, was not the typical politician Texans voted to office. Indeed, he had barely managed to win that state just a few years before and he had done so by making a major concession: by choosing as his running mate the veteran Texas congressman **Lyndon Baines Johnson** (LBJ), his defeated rival for the Democratic Party nomination. Relations between the two men and their supporters had never been smooth, and some would later suggest that Johnson’s days in the Kennedy White House were numbered.<sup>1</sup> But whether or not Johnson would be on the ticket in 1964, and whether or not this could serve as a cause for revenge, it was clear to both men that it would take a good deal of charm to keep the people of Texas (and their twenty-five Electoral College votes) from electing a Republican. Indeed, the growing civil rights movement had polarized attitudes throughout the South, and both Kennedy and Johnson

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<sup>1</sup> These included local Dallas papers, Kennedy’s secretary Evelyn Lincoln and also Mrs. Kennedy. Many JFK aides, namely John Schlesinger and Robert Kennedy, would deny it. Thurston Clarke: “‘It Will Not Be Lyndon’: Why JFK Wanted to Drop LBJ for Reelection,” *The Daily Beast*, November 18, 2013 (accessed 2018). See also Vincent Bugliosi: *Reclaiming History* (2007), 14-16.

had come out in favor of increased legal rights for black Americans. Both men therefore stood to lose a good deal of votes in this state if they didn't play their cards right.

But Kennedy had an advantage: he was an ace at public relations. He spoke well, he was attractive, he was educated and witty. He loved to shake hands and greet crowds, riding in open-top motorcades, and he was unusually young—the first American president born in the Twentieth century and the first in many years to raise little children inside the White House. Most importantly, he was backed by a dedicated and well-oiled campaign machine—some called it his “Irish Mafia”—a brain trust of east coast intellectuals, corporate professionals, and Irish Catholics that also included his younger brother **Robert Francis Kennedy** (also known as Bobby or RFK). The First Lady, with her ersatz European allure and enigmatic modesty, was a media darling who gave the White House the airs of a fairy-tale castle during their three years there, hosting classical concerts and theatrical performances, exhibiting artworks, entertaining foreign dignitaries, running a daycare, and overseeing several important restoration projects, some of which were the subject of TV specials. Parading through Texas with “Jackie” beside him could only make Kennedy's star shine brighter. It was the principal reason for having her there. Showing his allegiance to popular local statesmen like Lyndon Johnson, Governor John Connally and Senator Ralph Yarborough—all of whom took part in the President's motorcades despite the deep animosities that festered between them<sup>2</sup>—couldn't hurt either.

It was a lightning four-day tour of Texas' major cities: San Antonio, Houston, Fort Worth and now Dallas. Austin would be next, if all went smoothly, followed by a weekend at the Johnson family ranch. Kennedy had given speeches, taken part in dinners and luncheons, mingled with public figures and anonymous fans, and driven past more than a few adulating crowds. Mrs. Nellie Connally, the wife of the Texas Governor **John Connally**, was seated beside her husband in front of the Kennedys as they rode down Main Street, when she turned and exclaimed, “You can't say that Dallas doesn't love you today, Mr. President!”<sup>3</sup> Indeed, everything seemed to indicate that Kennedy's popularity was on the rise in Texas, and that he was headed for re-election. But history had other plans.

A number of gunshots rang out as the President's limousine rolled slowly through **Dealey Plaza**, a grassy open square on the western edge of downtown Dallas surrounded with fountains and concrete pergolas. It also happened to be where the motorcade was scheduled to come to an end and then make its way to a luncheon at the nearby Dallas Trade Mart. But Kennedy was never to see the Trade Mart nor deliver that speech.

Between two and six shots were fired at Kennedy's limousine during a period of five to twelve seconds, depending on which witnesses you choose to believe and what evidence and

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<sup>2</sup> Bugliosi, 13-16.

<sup>3</sup> Testimony of Mrs. John Bowden Connally, Jr. (Nellie Connally), *Warren Commission Hearings* (Henceforth WC), 1964, Volume IV. See also James Swanson: *End of Days: The Assassination of John F. Kennedy* (2013), 112.

interpretation you find most convincing. “My God! They’re going to kill us all!”<sup>4</sup> exclaimed Governor Connally, who was hit by a bullet (some say several) that struck him in the back, punctured his lung, fractured a rib, shattered his right wrist and broke the skin on his left thigh. Surprisingly, he would survive the ordeal. President Kennedy, who was seated almost directly behind Connally, would not be so lucky. He was hit by two separate bullets (again, some say more), the first of which punctured his upper back between his neck and right shoulder, and his throat beneath his Adam’s apple. The second plowed through his skull, shattering his cranium and mangling his brain. Did all these shots come from behind? Were any of them fired from the front? These questions lie at the heart of every theory that purports to explain what happened that day. Kennedy crumpled sideways onto his wife. Connally did the same. The two women, uninjured, cradled their bleeding husbands. Secret Service driver agent **William Greer**, turning briefly to witness the President lurch from the shots, drove off at great speed.<sup>5</sup> He was not yet aware of how serious the President’s wounds were nor that **Clint Hill**, the Secret Service agent assigned to protect Mrs. Kennedy, had jumped onto the back of the car during the murderous sequence trying to protect the first couple, albeit in vain. The two wounded statesmen were rushed to nearby **Parkland Memorial Hospital**. Governor Connally would spend several hours in surgery and recover. Little could be done to save President Kennedy, who clearly had suffered a fatal head wound. He was declared dead a half hour later, at 1 p.m. Central Standard Time, after every attempt to revive him had failed.

Back in Dealey Plaza there was immediate confusion as local, federal and state law enforcement, along with several curious civilians, began scouring the area for evidence of the shooter(s). Many headed towards the **Texas School Book Depository (TSBD)**, a red brick commercial building that stood on the corner of Houston and Elm. Its seven stories loomed high over the section of Elm Street the President’s car had rolled past when the gunshots were heard (many thought they had heard firecrackers, adding to the confusion). Others rushed up a grassy embankment located further down Elm Street, which would soon be immortalized by the media as “**the grassy knoll**”. It was a small but steep slope that took up most of the north side of Elm Street west of the TSBD, where the street sloped underneath a concrete railway overpass.<sup>6</sup> Behind the knoll, obscured by a wooden fence and some trees, stood a gravel parking lot and railyard. Did the shots come from there? Several witnesses thought so. Or maybe the crowd had just followed the first wave of curious onlookers who had run up the hill

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<sup>4</sup> Testimony of Gov. John Bowden Connally, Jr.; Testimony of Mrs. John Bowden Connally, Jr., WC IV. There is much controversy over what was said and done in Dealey Plaza during the moments of the assassination, including the recollections of Mrs. Connally, whose memory of these events is widely quoted. However, most conspiracists and skeptics agree that Governor Connally said this after having been shot through the chest, wrist and thigh.

<sup>5</sup> Testimony of William Robert Greer, Special Agent, Secret Service, WC II.

<sup>6</sup> This landmark is generally nicknamed the “**triple underpass**” as the three streets that cross Dealey plaza (Elm, Main and Commerce) converge in an hourglass figure under the railway above. (See Figure 2.1)

to catch a last glimpse of the President's car, hidden from view in the Plaza, now speeding off northwards on the Stemmons Freeway.

A little over an hour later, the Dallas Police arrested a local man named **Lee Harvey Oswald**, a confessed Marxist and pro-Cuban activist who had defected to (and recently returned from) the communist Soviet Union. He had a police record. He had an FBI file. He was a former U.S. Marine trained to shoot rifles at long-range targets. Oswald had just been spotted a few miles south of Dealey Plaza in the Oak Cliff district of Dallas by **Johnny Calvin Brewer**, a shoe store manager. Brewer had noticed a suspicious-looking man loitering outside his store, trying to elude a police cruiser. "He looked like he had been running," Brewer would testify, "he just stood there and stared."<sup>7</sup> Brewer then followed the man, who snuck into the nearby Texas Theater without purchasing a ticket. Having heard the police sirens and news of the shooting over the radio, Brewer phoned the authorities. A crowd of policemen arrived in minutes.

But Oswald had become a suspect even before Brewer's involvement because he was an employee of the Texas School Book Depository where the police was now searching for evidence. According to TSBD employees, Oswald had spent all morning in the building's warehouse, located on its upper floors, filling out book purchase orders, or so they assumed. Numerous witnesses in the plaza were later to claim they heard shots coming from this part of the building. (The warehouse was mostly empty during the motorcade's passage, since it was the lunch hour.) Some early witnesses even described a man similar to Oswald standing in the sixth floor window and sporting a rifle—or, some said, a piece of pipe—shortly before the shots were fired.<sup>8</sup> Some TSBD employees, watching the motorcade from the windows on the fifth floor, said they heard gunshots and shells hit the floor above them.<sup>9</sup> Less than two minutes after the shooting, Oswald was spotted in the Book Depository's second floor lunchroom by Dallas patrolman **Marrion Baker** and his impromptu guide, TSBD manager **Roy Truly**. Baker assumed that the shooter would not be a regular employee, so he left Oswald and rushed upstairs with Truly to inspect the roof. When the police subsequently sealed off the building, Truly took a head count and noticed that Oswald, whom he had seen only minutes before, had gone missing. According to Truly, Oswald had probably been coming downstairs when he heard him and Baker come up, which made him duck into the second floor lunchroom.<sup>10</sup>

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<sup>7</sup> Testimony of Johnny Calvin Brewer, WC VII.

<sup>8</sup> Testimonies of Arnold Rowland, Amos Lee Euins, Bob Jackson, Malcolm Couch, James Worrell, and Howard Brenner, WC II, III, and VI. See also Swanson, chap. 6.

<sup>9</sup> Testimonies of Bonnie Ray Williams, Harold Norman and James Jarman, Jr., WC III.

<sup>10</sup> Testimonies of Marrion L. Baker and Roy Sansom Truly, WC III. See also Alfred Robbins: "Who Killed President Kennedy?" *New York Journal-American*, May 24, 1964. Conspiracists often highlight the fact that another TSBD employee, a clerical supervisor named **Mrs. Robert A. Reid**, subsequently saw Oswald walk past her inside the second floor office—an unusual path for a stock boy—holding a full bottle of Coke. An assassin on the lam, they suspect, would not bother to stop and buy himself a Coke. However, if Oswald was trying to avoid looking suspicious whilst trying to exit the building, and given the fact that his wife and Wesley Frazier reported that Lee ate no breakfast and carried no lunch to work that morning, the act of buying a Coke is not inherently suspicious

To make the police even more suspicious, Oswald fit the description of a suspect who, about 40 minutes after the assassination, was seen firing a handgun at Dallas policeman **J.D. Tippit**, who was found dead by several civilian witnesses, one of whom used Tippit's patrol car radio to call for help.<sup>11</sup> Tippit's murder, the police would later discover, had taken place just a few blocks from the boarding house where Oswald resided.<sup>12</sup> Several witnesses would confirm they saw Oswald shoot Tippit, reload his revolver and/or flee the scene.<sup>13</sup>

On the sixth floor of the Book Depository, beside a window overlooking the motorcade route, police detectives found **three rifle bullet casings**. They also identified Oswald's handprints on boxes that made up the walls of a makeshift "**sniper's nest**". The boxes had been arranged in such a way that someone loitering in the sixth floor warehouse would not have seen the shooter take aim. A **6.5mm Mannlicher-Carcano rifle** was also found stashed between stacks of boxes that cluttered the sixth floor warehouse. Having obtained from Mr. Truly the address of the missing employee (which was, in fact, Oswald's wife's address: the two were now living separately), Dallas police rushed over to discover a good deal more evidence.

Oswald's wife **Marina** and their two young children lived with **Ruth Paine**, a family friend who could speak Russian. Marina, who had migrated with Lee from the USSR the previous year, spoke and understood little English. Paine lived in the suburb of Irving. Inside her garage, the police found a rolled-up blanket whose fibers matched those they found on the rifle and inside a handmade paper bag recovered on the sixth floor of the TSBD which appeared to have been used to carry a disassembled rifle.<sup>14</sup> The Carcano, an Italian military rifle rarely seen in Texas,

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(except perhaps that Lee usually drank Dr. Pepper, which was available from a different machine located on the first floor). The entire question of whether or not Oswald had reason to buy a Coke at that time doesn't really help either side of the debate. It is a piece of **errant data** that can be interpreted various ways. See Testimony of Mrs. Robert A. Reid, WC III, and Bugliosi, 49-50.

<sup>11</sup> Testimony of Domingo Benavides, WC VI, Bugliosi, 74-82, and Dale Myers: *With Malice: Lee Harvey Oswald and the Murder of Officer J. D. Tippit* (1998). Witnesses of this scene include William Scoggins, Helen Markham, Domingo Benavides, Jack Ray Tatum, Barbara and Virginia Davis, and T.F. Bowley.

<sup>12</sup> The Warren Commission established the time of Tippit's murder as 1:15 p.m. For a pro-Warren Commission timeline, see Manchester: *The Death of a President* (1967) and Bugliosi: *Reclaiming History* (2007). This timeline is contested by many conspiracists who argue that Oswald could not possibly have travelled by foot and public transit from Dealey Plaza to his boarding house in Oak Cliff, and from there to the Texas Theater on Jefferson boulevard within an hour, suggesting that Tippit was killed by someone other than Oswald, presumably to frame him. Police transmissions of the civilian who called for help on Tippit's car radio (assumed by the Warren Commission to be Benavides, but which the HSCA concluded was probably T. F. Bowley) show Tippit was shot prior to 1:16 p.m. See W.M. Drenas: "Car #10 Where are you?" (1998) and John McAdams: "The JFK Assassination Dallas Police Tapes: History in Real Time Part Two," *The Kennedy Assassination* website (accessed 2018).

<sup>13</sup> Testimonies of Helen Markham, WC VI; William Scoggins, WC III; William Arthur Smith, WC VII; Barbara Davis, WC III; Virginia Davis, WC VII; Ted Callaway, WC III; Sam Guinyard, WC VII; Warren Allan Reynolds, WC XI; and Affidavits of Harold Russell, WC VII; Mary Brock, WC VII; and B.M. Patterson, WC XV. See also Bugliosi, 960-1 and endnotes, 531-536.

<sup>14</sup> **Buell Wesley Frazier**, one of Ruth Paine's neighbours who worked at the TSBD, frequently gave Oswald lifts to and from the Paine household to visit Marina and his children on weekends. Oswald usually came by on Fridays and left on Mondays. This time he came on a Thursday. The morning of the assassination (Friday), Oswald had

was traced using its serial number to someone called **Alek James Hidell**. It had been purchased by mail the previous spring from a Chicago sports store and delivered to a Dallas post office box belonging to Oswald. Dallas Police would soon discover that A. J. Hidell was an alias used by Lee Oswald.<sup>15</sup> The evidence in Ruth Paine's garage also included a set of "**backyard photographs**" of Lee dressed in black, holding a rifle much like the one found in the TSBD. The pictures also showed him holding two Marxist newspapers and holstering a pistol similar to the one he brandished during his arrest at the Texas Theater: a **.38 Special caliber Smith & Wesson revolver**. The same weapon was linked to the ammunition used to kill Tippit.<sup>16</sup>

The Dallas police was quick to charge Oswald for Tippit's murder. He would be charged with the President's murder a few hours later. Dallas District Attorney Henry Wade made these charges public at a late night press conference. The pieces all seemed to fit. The evidence against Oswald was strong. Few loose ends remained to suggest he might be part of a larger team. As far as the District Attorney, the Dallas Police and the FBI were concerned, this was an open-and-shut case.<sup>17</sup> Case closed? Far from it.

## 2. CURIUSER AND CURIUSER: THE ASSASSIN'S ASSASSINATION

That afternoon, as the Dallas Police closed in on their only suspect, the Secret Service decided to evacuate acting president Lyndon Johnson back to Washington.<sup>18</sup> Concerned for the former First Lady, Johnson insisted that Mrs. Kennedy not be left behind. She, in turn, insisted her husband's body not be left in Dallas. Hasty arrangements were thus made to return everyone, including JFK's body, onboard Air Force One (the presidential jet) against the protests of **Dr. Earl Rose**, the Dallas County medical examiner. Homicide was a state crime, Rose told the Secret Servicemen, and President Kennedy's body had to, by law, undergo an autopsy in the county where he was killed.<sup>19</sup> A violent scuffle nearly broke out between Dr. Rose and Special

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carried a long paper bag to work instead of his usual smaller lunch bag. He told Frazier it contained curtain rods for his apartment. Testimonies of Buell Wesley Frazier and Linnie Mae Randall (Frazier's sister), WC II.

<sup>15</sup> Manchester, 94; Swanson, chap. 7. A fake U.S. Marines Certificate of Service Card and a Selective Service I.D. (bearing the name Hidell, a signature, and Lee Oswald's own photograph) were found in his wallet when Oswald was arrested. He never explained what they were doing there, but also never denied they were his. A picture is available at "Alek Hidell I.D. Cards," *The Portal to Texas History* (accessed 2018).

<sup>16</sup> Five unused bullets were found in Oswald's pockets when he was arrested, facilitating the identification of the cartridges and slugs found near Tippit's body. According to Vincent Bugliosi, these discarded spent cartridges matched Oswald's revolver "to the exclusion of all others". The bullets extracted from Tippit were a "probable match". Bugliosi, 964.

<sup>17</sup> Bugliosi, 189-194.

<sup>18</sup> Clint Hill, the Secret Serviceman assigned to protect Mrs. Kennedy, explains that given the uncertainty as to whether or not this assassination was part of a larger coordinated attack on the country, it was decided to err on the side of caution and immediately fly the new acting president back to Washington. Clint Hill, Interview by Duncan McCue, *CBC: The Current*, November 22, 2013.

<sup>19</sup> The assassination of a president was not a federal crime in 1963—or rather, it was not *clearly* laid out in the law until 1965. Bugliosi, 93 (footnote).

Agent Roy Kellerman.<sup>20</sup> The Washington crowd gained the upper hand over the stubborn Dallas coroner and the president's whole entourage quickly returned to the airport. Was this a criminal getaway, or were these the reasonable acts of security agents doing their jobs in the face of a possibly larger attack? Such questions receive wildly divergent responses.

What followed these events has left many students of the assassination even more perplexed. Less than an hour after the hasty departure of LBJ and the Kennedys, Parkland emergency doctors **Kemp Clark** and **Malcolm Perry** responded to journalists' questions during a press conference held at the hospital. Clark and Perry were, at this time, among the best positioned professionals to describe the late president's wounds and an informed opinion on how he was slain.<sup>21</sup> However, some of the details they shared—a massive wound at the *back* of Kennedy's head and an *entrance* wound in his throat—gave many the impression that JFK had been shot from the front, an account that was to be contradicted by the subsequent autopsy.

It was decided by Mrs. Kennedy under the advice of her late husband's doctor, **Vice Admiral George Burkley**, during the flight back to Washington, that the autopsy should take place at a military facility, not a private hospital.<sup>22</sup> JFK's body was therefore transported directly, upon its arrival at Andrews Air Force Base, to **Bethesda Naval Hospital** where it underwent an autopsy and embalming procedures before being returned to the White House during the night.

This process would raise the suspicions of numerous Kennedy buffs over the following years—suspicions that, more than fifty years later, still fuel many debates concerning the autopsy. The first problem was that Bethesda Naval Hospital was not equipped or staffed to perform *forensic* autopsies—the sort required for criminal trials.<sup>23</sup> It was a teaching hospital that catered primarily to servicemen. JFK had served in the Navy during World War II, so on that count, at least, it was not an unseemly choice. Second, the staff performing the autopsy—Doctors **Humes**, **Boswell**, **Finck** and **Ebersole**, along with their assistants—were only given a few hours to perform their duties after which all autopsy materials, including all tissue samples, X-rays, photographs and their negatives, were returned to the Kennedy family (that is, to Jackie and Bobby, the country's Attorney General).<sup>24</sup> The autopsy staff was thus not compelled to perform a full autopsy. For instance, the president's head was never shaved, no report was made on the state of his adrenal glands, and his brain, which was removed to be studied the

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<sup>20</sup> Bugliosi, 92-93.

<sup>21</sup> Press Conference at Parkland Memorial Hospital, Dallas, Texas, November 22, 1963, 2:16 P.M. CST. Available at John McAdams' *The Kennedy Assassination* website (accessed 2018).

<sup>22</sup> Manchester, 349-350. See also historian Robert Dallek's interview on "Ideas: The Enright Files – John F. Kennedy," *CBC radio 1*, November 4, 2013.

<sup>23</sup> One of the three pathologists, Lieutenant Colonel **Pierre Finck**, who was invited to take part in the autopsy by Commander **James Humes**, was indeed experienced in the study of wound ballistics. Finck was chief of the Wound Ballistics Pathology Branch of the Armed Forces Institute of Pathology (AFIP) at nearby Walter Reed Army Medical Center. Bugliosi, 152 and endnotes, 175; Philip Shenon: *A Cruel and Shocking Act* (2015), chap. 1

<sup>24</sup> Testimonies of Comdr. James J. Humes, Comdr. J. Thornton Boswell, and Lt-Col. Pierre A. Finck, WC II. See also the depositions to the Assassination Records Review Board (ARRB) of Dr. James Joseph Humes, February 13, 1996, and of Dr. J. Thornton Boswell, February 26, 1996.

following day, would be dissected without the rest of the evidence, namely the skull, being available for comparative study. The inaccessibility of this evidence forced Dr. Humes to complete his report with the sole aid of his blood-stained handwritten notes, making it impossible to review or identify any inaccuracies in the original measurements. A phone conversation that took place the next day between Humes and the doctors at Parkland did solve a few quandaries. For instance, the entrance wound in the president's back could finally be linked to the wound in his throat (as an exit wound) which could not be done during the autopsy since the throat wound had been destroyed when the doctors at Parkland, trying to keep the president alive, had performed a **tracheotomy**. It would nevertheless be discovered a few years later, during an investigation by Attorney General Ramsay Clark, that several inconsistencies had crept into the autopsy report,<sup>25</sup> including in its descriptions of the president's wounds, and that the jar containing the president's brain had gone missing. Yet more fodder for speculation.

By Sunday morning, November 24, the Dallas police had not yet managed to elicit a confession out of Lee Harvey Oswald, whose official position concerning his guilt was to claim on live television that he was a "**patsy**" (a scapegoat) for having previously lived in the Soviet Union. In other words, Oswald was claiming to be not a hunter but a victim of anti-communists. Nevertheless, the Dallas D.A. reached the conclusion that Oswald did murder Kennedy, that he probably did so alone, and that the courts would prove this beyond a reasonable doubt. The physical evidence they had compiled was now bolstered by a trove of FBI evidence providing a motive. The suspect, it turned out, had expressed hatred for the United States on several occasions, both publicly and in his private correspondences. He had defected to the Soviet Union and lived there from 1959 to early 1962, during which time he attempted to relinquish his U.S. citizenship (but never finalized the procedure). He had also been arrested just a few months earlier in New Orleans after taking part in a public scuffle with **Carlos Bringuier**, an anti-Castro Cuban exile whose operations Oswald had tried to infiltrate under false pretences. The altercation occurred when Oswald was later spotted by Bringuier distributing pro-Castro leaflets on a busy street corner. Oswald's support for the Cuban revolution and his admiration for Castro were well-known by many who knew him. He had even been offered air-time on a New Orleans radio station to defend his Marxist beliefs, following the altercation with Bringuier. On the other hand, he did not appear to have any strong connections to any communist government or organisations save the New Orleans chapter of a pro-Castro group—the **Fair Play for Cuba Committee**—which he seemed to have founded himself and which included no other members save Oswald and his alter ego Alek Hidell. At least, none were discovered by the Dallas Police or FBI, nor subsequently by the

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<sup>25</sup> "1968 Panel Review of Photographs , X-Ray Films , Documents and Other Evidence Pertaining To the Fatal Wounding of President John F. Kennedy on November 22, 1963 In Dallas, Texas," (Clark Panel Report), February 26, 1968. See also Bugliosi, 369 and endnotes, 131.



Warren Commission, which would depict him as a disgruntled and unstable loner.<sup>26</sup> All of this, along with more evidence that had not yet emerged, might have sufficed to convince the public that all of this mess was the work of one man. But all bets were off when Oswald himself was shot during what should have been a routine prisoner transfer.

A boisterous and flighty nightclub owner named **Jack Ruby** (born Jacob Rubenstein) took an immediate, and some might say obsessive, interest in the president's alleged murderer.<sup>27</sup> He closed his clubs down for a few days out of respect for the Kennedys, condemning other bar owners for not doing so; he loitered around the Dallas police department all weekend, volunteering his services as guide and middleman to out-of-town journalists; and he devoured newspapers, trying to learn all he could about Oswald and the ongoing investigation. He stood near the young man more than once, even correcting District Attorney Wade for getting some facts wrong during a press conference, and took special note of what he took to be Oswald's arrogant tone and smug smile. Not only was Ruby well-known to the Dallas Police as a purveyor of adult entertainment and an acquaintance of local crooks, he was also a peculiar groupie who visited cops and journalists frequently in their workplace, who offered them free food and drinks in exchange for their patronage, and who liked to mingle with local celebrities. Wherever there was a spotlight or news story unfolding, Ruby was usually near. But this time he had more than just handshakes and pleasantries on his mind.

On Sunday morning, November 24 at 11:20 a.m., Jack Ruby snuck down a ramp that led into the underground parking garage of Dallas City Hall building in which the local police headquarters were located, unnoticed by a police sentry guarding the way.<sup>28</sup> Oswald appeared from a hallway almost immediately, escorted by several policemen, to be transported to the nearby Dallas County Jail. Oswald's departure time having been pushed back several times, the parking garage was abuzz with journalists, photographers and cameramen who had been compelled to wait there for hours. But Ruby got there with only seconds to spare. It was either a feat of clockwork precision worthy of Jules Verne's Phileas Fogg or one of the greatest coincidences in modern history. Oswald rounded the corner handcuffed to detective Jim Leavelle, a sitting duck to anyone with a gun and the will to use it. Ruby, who habitually travelled with a revolver because he frequently carried large sums of cash, only managed to fire a single shot before he was wrestled down by policemen. Oswald was rushed to Parkland hospital where he died less than two hours later. Ruby was subsequently charged and, to no one's surprise, found guilty of murdering Lee Harvey Oswald. But that single gunshot fired in

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<sup>26</sup> Oswald's possible connections to a Soviet or Cuban conspiracy continue to raise speculations by those who oppose both the Warren Commission's conclusions and the majority of JFK conspiracy theorists who favor a home-grown right-wing conspiracy. See for example Gus Russo and Stephen Molton's *Brothers in Arms* (2008).

<sup>27</sup> Jack Ruby's background, peculiar personality, his behaviour that weekend and his subsequent trial are described in the *Warren Report*, chap. 5 and 6 and Appendix 16, as well as Posner, chap. 15 and 16, Bugliosi, 1071-1144, 1465-1484 and endnotes, 947-948, and Swanson, chap. 9.

<sup>28</sup> Testimony of (Dallas policeman) Roy Eugene Vaughn, WC XII. See also Bugliosi, 270-276, and endnotes 105-110.

haste—a bullet that tore through multiple organs and caused its victim to haemorrhage to death<sup>29</sup>—guaranteed that the president’s alleged assassin would never stand trial and that his motive—if we assume he was guilty—would remain murky forever.

Ruby’s shooting of Oswald compounded the public’s confusion. The entire situation had moved from tragic to surreal in less than three days. Anyone who was not yet suspicious of how quickly the Dallas police had closed in on Oswald and how quickly he became their only suspect now had good reason to be. Before Ruby’s crime, one could reasonably accept the idea that a single, angry lone nut had just gotten lucky. It was certainly infuriating but it fit the facts that had been reported. They could also hold to the belief, as many officials in Texas and Washington did, that Oswald was a communist agent sent by the Russians or Castro to retaliate against America’s recent attempts to liberate Cuba—one more episode in the zero-sum game between Soviet communism and Western democracy. Only a small group might have concluded that Oswald had been the pawn of some massive right-wing conspiracy.<sup>30</sup> Ruby’s crime changed all that. Indeed, the nightclub owner had nothing to make him appear like a Soviet agent. As a possible henchman for organized crime, however, many saw Ruby as the tip of a sinister criminal plot. What if he had been used by the mafia to silence Lee Oswald? Did this suggest that the Mob had also sent Oswald to rub out the president? And if so, what did that say about the vulnerability of American institutions against these criminal rackets?

Or maybe the rabbit hole went down much deeper. What if a group of racists inside the Dallas Police, the FBI, the Ku Klux Klan, or all of these working together, had plotted to murder John Kennedy so that he might be replaced by a Southerner, a corruptible Texan they could count on or manipulate. Or perhaps it was something even much deeper, some powerful cabal entrenched in the American power structure: the intelligence community, the oil industry, the military, the federal bureaucracy, some network of secret societies or Lyndon Johnson himself!

On Monday November 25<sup>th</sup>, President Kennedy was given an impressive and solemn state funeral in Washington that included a massive procession from the Capitol building to St. Matthew’s Cathedral. His body was then laid to rest at Arlington National Cemetery with all the decorum reserved for a national hero. The event, along with the period of public viewing that preceded it, was attended by hundreds of thousands of Americans and hundreds of foreign dignitaries, heads of state, diplomats and royalty who marched through the streets of Washington behind the grieving Kennedy family—a “bodyguard’s nightmare”<sup>31</sup> in light of the last days’ events. Millions more watched the procession on live TV, including from inside the

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<sup>29</sup> This time, Dr. Rose did perform the necessary autopsy. See “Lee Harvey Oswald Autopsy Report, November 24, 1963,” available at *The Portal to Texas History* (accessed 2018).

<sup>30</sup> Many at the FBI initially assumed that right-wing extremists from the Ku Klux Klan or John Birch Society had been involved. Even so, politicians and government agencies were not the object of their suspicions. Many local policemen, more conservative than the largely out-of-state local FBI staff, initially suspected the involvement of other Marxists. See Bugliosi, 77-78 (and footnote), 85-86 and 89-90. Once Oswald’s profile became clearer, both theories were difficult to sustain.

<sup>31</sup> Bugliosi, 308.

Soviet Union. Coincidentally, seven hundred uniformed officers and fifteen hundred civilians made their way to Beckley Hills Baptist Church in Dallas to pay their regards to Officer Tippit. His widow would receive over \$650,000 in donations from the public, members of the media and policemen, the Kennedy family and Abraham Zapruder who donated a large portion of the profits he made selling his home video of the assassination to *Life* magazine.

That same afternoon, Lee Oswald was buried in a nondescript grave in a quiet suburban cemetery in Fort Worth, Texas. His funeral was attended by little more than a handful of policemen, a gaggle of journalists, and a few despondent family members: his estranged mother Marguerite, his older brother Robert, his wife Marina and his two infant children.<sup>32</sup>

### 3. “TOO MANY COOKS MESSING WITH THE BROTH”

One of Lyndon Johnson’s first decisions as head of state was to appoint a presidential commission to investigate and explain what happened to President Kennedy and Lee Harvey Oswald that weekend in Dallas. Johnson’s reasons for doing this have elicited much controversy. Many have argued that he was forced to do so by powerful people responsible for these murders. Some claim he did so to hide evidence of his own corruption and involvement in the affair.<sup>33</sup> Others have argued that Johnson had little choice; that letting multiple branches of government conduct separate investigations under the constant scrutiny of the news media would likely expose several embarrassing secrets concerning Kennedy and his administration—secrets that could sully the country’s international reputation, humiliate the Kennedy family, and tarnish JFK’s legacy.<sup>34</sup> We will examine these allegations in subsequent chapters.

According to historian William Manchester, the Kennedy family’s approved biographer of these events, Johnson was persuaded by Deputy Attorney General **Nicholas Katzenbach**—then filling in for the grieving Robert Kennedy—that only a federal commission could responsibly deal with the issue. “The public must be satisfied that Oswald was the assassin,” he told Johnson’s personal assistant, “that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.”<sup>35</sup> This was desirable for two basic reasons, wrote Katzenbach. First, the new president had to maintain the public’s trust in the country’s political and legal institutions. There was a need, he insisted, to dispel growing rumours popularized in the “Iron Curtain press” (i.e., foreign Marxist newspapers) that the assassinations of John Kennedy and Lee Oswald had been the fruit of a right-wing conspiracy. Second, he argued, the Dallas authorities and the FBI had so far demonstrated a lack of objectivity and consistency in investigating these crimes, leading many journalists to claim that

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<sup>32</sup> On the three funerals, see Bugliosi, 307-319.

<sup>33</sup> Shenon, 42-44; Robin Ramsay: *Who Shot JFK?* (2013), 100-112.

<sup>34</sup> See for example Kathryn Olmsted: *Real Enemies* (2009), 112-127.

<sup>35</sup> Nicholas Katzenbach: “Memorandum for Mr. Moyers,” November 25, 1963, FBI 62-109060 JFK HQ File, Section 18, available at *Mary Ferrell Foundation* website (accessed 2018).

these two law enforcement agencies were manipulating evidence to fit the foregone conclusion that Oswald was a Soviet agent. Neither the Dallas Police nor the FBI should therefore be trusted to do this alone, Katzenbach argued. They were too invested—as was the Secret Service—in their need to defend their own reputations and cover up any errors they made, errors that might in fact have cost Kennedy his life.<sup>36</sup> Whether Katzenbach's memo is evidence of his brilliant insight into the workings of paranoid minds, of the man's distrust of Southern conservatives, or of a massive government plot to cover up a *coup d'état*, is another contentious issue in the wide body of Kennedy assassination literature.

Whatever Katzenbach's motives might be, President Johnson agreed with his suggestion and began assembling a team of elder statesmen to oversee this endeavour, against the initial resistance of **J. Edgar Hoover**, the long-standing FBI director and a personal friend of LBJ.<sup>37</sup> The President's Commission on the Assassination of President Kennedy, henceforth known as the **Warren Commission**, would be staffed by fifteen high-profile lawyers and twelve junior counsels who performed the main work of deposing witnesses, gathering sworn affidavits and vetting the evidence collected by several agencies. It would be chaired by **Earl Warren**, the popular Chief Justice of the U.S. Supreme Court, a Kennedy ally and ardent defender of civil rights. Warren would be assisted in his oversight by a bi-partisan panel of six men who either had or still held important positions in various branches of government. These were: Democratic Senator **Richard Russell, Jr.**; Republican Senator **John Sherman Cooper**; **Hale Boggs**, the Democratic House Majority Whip; **Gerald Ford**, Chair of the House Republican Conference (the third highest ranking Republican in Congress); **Allen Dulles**, former Director of Central Intelligence; and **John J. McCloy**, former President of the World Bank and former US High Commissioner for Germany, who had recently served as one of Kennedy's international negotiators for limiting nuclear weapons testing.

The Commission's team of investigators was led by chief counsel **J. Lee Rankin**. It took them nearly nine months to produce their Report, pushing the summer deadline set by President

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<sup>36</sup> Manchester, 629-631.

<sup>37</sup> "If you get too many cooks messing with the broth it messes it up," Johnson told Hoover in a November 25, 1963 recorded telephone conversation. At that time, Johnson was suggesting that the federal government let the Attorney General of Texas (Waggoner Carr) lead the investigation. The two spoke again on November 29, after the *Washington Post* publicly called for a federal investigation and leaders in both houses of Congress discussed opening their own inquiries. Hoover and Johnson discussed various public relations problems that could emerge if the FBI, Dallas Police, Texas Attorney General and both houses of Congress conducted separate investigations:

Hoover: "I think it would be very bad to have a rash of investigations... on this thing."

Johnson: "Well, the only way we can stop them is probably to appoint a high-level one [...] that I can select out of the government... and tell the House and Senate not to go ahead with their investigations... because they'll get a lot of television going and I think it would be bad."

Hoover: "That's right. It would be a three-ring circus."

Telephone Call: The President to J. Edgar Hoover, November 25, 1963, 10:30 a.m. and Telephone conversation between the President and J. Edgar Hoover, November 29, 1963, 1:40 p.m. (LBJ Library). "LBJ Phone Calls—November 1963," *History Matters* website (accessed 2018).

Johnson into the early fall, after questioning nearly four hundred witnesses and compiling twenty-six volumes of depositions and affidavits, police photographs, FBI memoranda, forensics reports and thousands of exhibits relating to Kennedy, Oswald and Ruby. It was an ambitious task, performed with an eye on the clock, which forced them to cut a few corners. For instance, the twenty-six volumes were published without an index. This is largely because President Johnson had insisted that these proceedings should end before the upcoming election campaign became heated, dispelling all rumors of communist agents and conspiracies, rumors that were feeding his rivals' campaigns.

The Report was well received by major media, which has continued to defend it in part or in whole ever since. It also raised the public's belief that Oswald acted alone to a temporary all-time high of 36% against 50% who believed in some sort of conspiracy.<sup>38</sup> This increased sense of closure would contribute to Johnson easily defeating his Republican rival, the firebrand Arizona conservative Barry Goldwater, who had proffered several anti-communist conspiracy claims on the campaign trail.<sup>39</sup> But the years that followed would not be so kind to Johnson, nor would public opinion ever be as favorably disposed towards him and the Warren Commission as it had been in the autumn of 1964.

#### 4. THE WARREN REPORT, PART 1: OSWALD AND RUBY

Nearly half of the *Warren Report* (chapters 4 to 7) is devoted to explaining the life, actions and personality of Lee Harvey Oswald. It is perhaps its strongest component, based on depositions from Oswald's immediate family, several acquaintances and various professionals who had dealings with him over the years. It also includes a thorough analysis of his personal items, such as his diaries and photographs, that suggested he was a troubled and frustrated loner who suffered illusions of grandeur, who had a tough childhood, few friends, an unhappy marriage and difficulties keeping a job. Yet in spite of his laziness and antisocial personality, he was a bright autodidact with an interest in political philosophy.

Whether or not Oswald was mentally ill cannot be proven, though the Warren Commission suggested (as did several Oswald biographers such as Priscilla Johnson, Norman Mailer and Gerald Posner) that some form of **sociopathy** may have influenced his overall thoughts and behaviour from a young age.<sup>40</sup> His Marxist convictions, on the other hand, clearly dated back to

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<sup>38</sup> Art Swift: "Majority in U.S. Still Believe JFK Killed in a Conspiracy," *Gallup Politics*, November 15, 2013.

<sup>39</sup> Rick Perlstein: *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (2002), chapters 8 and 11.

<sup>40</sup> A 1953 psychiatrist's report (when Lee was 13 years old) made the following remarks: "He is [a] tense, withdrawn and evasive boy who dislikes intensely talking about himself and his feelings. He likes the [sic] give the impression that he doesn't care about others and rather likes to keep to himself so that he is not bothered and does not have to make the effort of communicating. It was difficult to penetrate the emotional wall behind which this boy hides and he provided us with sufficient clues, permitting us to see intense anxiety, shyness, feelings of awkwardness and insecurity as the main reasons for his withdrawal tendencies and solitary habits. Lee told us: 'I

his teenage years and seemed genuine. So were his beliefs that American capitalism was decadent and predatory, and his later beliefs, after returning from Russia, that Soviet-style communism was corrupt and repressive. In all, the *Warren Report's* profile of Oswald suggested that Kennedy's killer had no significant ties to any network of spies, American or communist.<sup>41</sup> His connections to other political organizations were also few and superficial. These included some American socialist newspapers like *The Militant* and *The Worker* for which he had subscriptions and to which he sometimes wrote letters,<sup>42</sup> and a visit to the Soviet and Cuban embassies in Mexico City a few weeks before the assassination.<sup>43</sup>

Confirming the conclusions of the FBI and Dallas Police, the Warren Commission established that Lee Oswald did own a 6.5mm Mannlicher-Carcano rifle, purchased by mail and delivered to a Dallas post-office box registered to Oswald, using the alias Alek Hidell.<sup>44</sup> In addition, the rifle's ammunition—an uncommon type of round-tipped, full-metal jacketed military bullet—closely resembled pieces of lead recovered from Connally's body and bullet fragments found inside the limousine.<sup>45</sup> Another bullet, labelled **CE399**, was recovered from a stretcher in Parkland hospital. It seemed to have fallen out of Governor Connally's clothes when he was rushed into

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don't want a friend and I don't like to talk to people.'" Youth House Psychiatrist's Report, 5/7/53, Bronx, Case No. 26996, by Psychiatrist Renatus Hartogs, M.D., Ph.D. Posted on John McAdams' *The Kennedy Assassination* website (accessed 2018).

<sup>41</sup> Several Soviet sources released after the fall of communism describe Oswald in a similar light. See Posner, chapter 3 (which also discusses ex-KGB agent and Soviet defector **Yuri Nosenko's** revelations concerning Oswald's stay in the USSR) and Christopher Andrew and Vasili Mitrokhin: *The Sword and the Shield: The Mitrokhin Archive and the Secret History of the KGB* (1999).

<sup>42</sup> *Warren Report*, 404-415.

<sup>43</sup> Oswald's visits to these embassies in late September 1963 are discussed in the *Warren Report*, 299-311; Bugliosi, 1044-1048; and in Posner, chap. 9. While many conspiracists suggest Oswald was being set up as a fake communist agent (using an impersonator in Mexico City, whose photograph was taken by the CIA and sent to the FBI following the assassination), these sources establish through numerous eye-witnesses as well as Oswald's communications with the Soviet embassy, that he was definitely present in Mexico City and trying to obtain a visa to go to Cuba. But the Cuban embassy, after consulting the Soviet authorities, would only issue him a tourist visa, and only on the condition that he first obtain a Soviet visa to travel back to the USSR with his wife and children. Being either unable or unwilling to do this, Oswald returned to Dallas where Ruth Paine helped him obtain a job at the Book Depository. As for the erroneous photograph of Oswald in Mexico, the CIA would later explain that its Mexico City station had simply photographed the wrong man and mistakenly sent that picture to headquarters in Langley—a proof of their disorganization, not of a conspiracy.

<sup>44</sup> *Warren Report*, 181-182. Handwriting experts confirmed that "Hidell" was Oswald. Alek (or "Alik") was a nickname given to him by Soviet friends who thought "Lee" sounded too feminine, while the name Hidell was that of a former acquaintance in the U.S. Marines. Many suspected he chose it because it rhymed with "Fidel". Oswald also used the alias "**O. H. Lee**" to register at his Dallas boarding house, possibly so that the FBI could not locate him. While this appears sinister to some, alternate explanations exist. Being a committed Marxist and former defector who wrote to Marxist newspapers, publicly defended Castro, purchased weapons through the mail and visited communist embassies, Oswald had enough reasons to fear the FBI without being a member of a conspiracy.

<sup>45</sup> "Small Fragment of Metal from the Wrist of Governor John Connally," (item 305166), and "Fragment of the Base of a Bullet Found in the Front of the Presidential Limousine Following the Assassination of President John F. Kennedy," (item 305151), *Records of the President's Commission on the Assassination of President Kennedy, 1954 – 1965*, National Records and Archives Administration (NARA), (accessed 2018).

surgery. Surprisingly, it seemed to have suffered almost no damage.<sup>46</sup> The three spent bullet casings found inside the “sniper’s nest” also bore the firing pin markings produced by the same Mannlicher-Carcano rifle, and at least one witness could confirm that a man fitting Oswald’s description had been sitting or standing at the sixth floor window before and during the shooting, holding a similar rifle. The Commission also confirmed the authenticity of Oswald’s palm and finger prints recovered from the rifle, paper bag, and boxes that made up the “sniper’s nest”, and of the fibers of the blanket in which the weapon had been stored in Ruth Paine’s garage since September, when the Oswalds had returned to Dallas from New Orleans.

The Commission also discovered that the ammunition fired at Kennedy (an unspent cartridge was found in the rifle) shared a resemblance with the slug found at the site of an unsolved cold case dating back to the previous spring: a failed attempt to assassinate retired **Major General Edwin Walker**, a staunchly right-wing political activist who lived in Dallas and whose outspoken contempt for civil rights and communist Cuba had caused Oswald to state on several occasions that the man was a dangerous fascist, an American Hitler-in-waiting.<sup>47</sup> On the evening of April 10, 1963, Walker was shot at (and lightly wounded) by a single bullet that broke through a window at the back of his house while he was sitting inside doing his taxes. The window frame had deflected the bullet, which merely grazed Walker. The shooter remained unidentified until photographs of Walker’s house were found several months later in Ruth Paine’s garage among Oswald’s possessions. Lee’s erratic behaviour during the days prior and following this incident were divulged by Marina during her Warren Commission testimony.<sup>48</sup> These findings helped explain why Oswald produced those incriminating backyard photographs of himself posing with his rifle, revolver and Marxist newspapers. They were to become, had the hit on Walker succeeded, a living testimony of his exploits as a “hunter of fascists”.<sup>49</sup>

The Commission also confirmed Oswald’s ownership of the **.38 Special Smith & Wesson revolver** whose bullets matched the casings found near Officer **J.D. Tippit**’s body. They tracked Oswald’s movements from the TSBD until his arrest at the Texas Theater.<sup>50</sup> They took note of his presence in the Depository’s lunchroom minutes after the shooting (when he was spotted by Dallas policeman Marrion Baker); of his boarding a bus a few blocks from the TSBD; of his exiting the bus because it was caught in traffic and entering a taxi a few blocks away; of his

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<sup>46</sup> Though not crushed, CE399 carried several signs of having been fired: its sides carried rifling marks, it was slightly bent, its rear end was significantly compressed and fragments from its lead core were extracted out of Connally’s wounds. *Warren Report*, chap. 3, 79-81. (See also Figure 13.9).

<sup>47</sup> *Warren Report*, 183-187, 280-299. See also Bugliosi, 680-697. Walker campaigned to become governor of Texas in 1962. He was defeated by John Connally in the Democratic primaries.

<sup>48</sup> Testimony of Mrs. Lee Harvey Oswald, WC I.

<sup>49</sup> This phrase (written in Russian, possibly by Marina Oswald) appeared at the back of one of the photographs that was in the possession of **George deMohrenschildt**, a Russian expatriate and family friend. The House Select Committee on Assassinations would later try, unsuccessfully, to link the handwriting to Marina Oswald. Lee Oswald’s signature also appeared on the picture. See Bugliosi, 794-5 and endnotes, 403-404.

<sup>50</sup> *Warren Report*, chap. 4, 166-171.

hasty return to his boarding house in Oak Cliff where he put on a light-colored jacket<sup>51</sup> and picked up a revolver; of his hasty departure, ignoring his housekeeper's greeting; of the nine witnesses who confirmed seeing Oswald either shooting at Tippit or fleeing on foot; and of the wary shoe store manager who tracked him down to the Texas Theater. The timeline was feasible. The witnesses were credible. The evidence fit their scenario. The Commission found no reason to doubt that Lee Harvey Oswald shot President Kennedy and then shot a policeman during his failed getaway. The evidence was so overwhelmingly stacked against Oswald, stated attorney and anti-conspiracy author Vincent Bugliosi,<sup>52</sup> that it would have qualified on any other occasion as an open-and-shut case—had it not been for the historical importance of the victim and for the public's desire for a more meaningful story.<sup>53</sup> G. Robert Blakey, another celebrated attorney who, a decade-and-a-half later would oversee the second government investigation into these events (but who unlike Bugliosi, has remained a staunch believer in a conspiracy) came to the same conclusion: Oswald was guilty beyond a reasonable doubt.<sup>54</sup>

As for Jack Ruby, the Warren Commission examined his early life, his psychological profile, his personal and professional relations, and his behaviour during the days that lead up to his killing of Oswald.<sup>55</sup> What they discovered was the story of a peculiar individual: a former Chicago street urchin who skipped school to hang out in boxing clubs; a bumbling self-made businessman who worked his way up the food chain; a mildly observant Jew without a wife, steady girlfriend or children; an exuberant chatterbox who used lots of big words out of context; a thug with a disconcerting obsession for his pet dachshunds (one of which he called his "wife"); and an impulsive boss who could be extremely generous one minute and the next minute explode into violent anger. Although he was arrested eight times by the Dallas police between 1949 and 1963, all of these had been for minor charges such as carrying a concealed weapon, disturbing the peace, violating a peace bond, permitting dancers to perform after hours, violating state liquor laws, ignoring traffic summonses, and one case of assault. Most of these charges ended up being dropped. All of them could be attributed to the man's flighty temper and occupation as a peddler of erotic entertainment, which often led him to rough-up some unruly clients (not unwillingly). Moreover, Ruby had only informal friendships with Dallas policemen and low-level members of organized crime, and no connections whatever with the FBI, the CIA, communist and right-wing organizations (both of which he despised), or any other group that could be suspected of murdering Kennedy. In the end, the Commission concluded

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<sup>51</sup> Marina told the police that Lee only owned two jackets: a blue one, which he had left in the TSBD, and a grey one, which he put on at this time and threw away after the Tippit murder, a few minutes later. It was found under a nearby car. *Warren Report*, chap. 4, 175-176.

<sup>52</sup> In addition to publishing *Reclaiming History* (2007)—the most ambitious and lengthiest investigation of JFK conspiracy theories to date—Bugliosi served as the prosecuting attorney in a television mock trial of Lee Harvey Oswald during the mid-1980s. See: *On Trial: Lee Harvey Oswald*, London Weekend Television Productions, 1986.

<sup>53</sup> "CBC Ideas: The Enright Files: John F. Kennedy," *CBC Radio 1*, November 4, 2013.

<sup>54</sup> G. Robert Blakey interview for "Who Was Lee Harvey Oswald?" (1993) *PBS: Frontline*, November 19, 2013.

<sup>55</sup> See *Warren Report*, chapters 5 and 6 and appendix 16.



that despite the suspicious nature of Ruby's shooting of Oswald, it had been the act of a passionate and emotionally-unstable man, one who was feeling the pinch of excessive debt and who had long cultivated a hatred of Marxists and anti-Semites. Oswald and Ruby, they concluded, both of whom had acted on no other orders than the dictates of their own conscience, were two men who resembled each other in almost no way except in their irrational willingness to channel their anger through violence:

The Commission concluded that there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy. Examination of the facts of the assassination itself revealed no indication that Oswald was aided in the planning or execution of his scheme. Review of Oswald's life and activities since 1959, although productive in illuminating the character of Lee Harvey Oswald [...], did not produce any meaningful evidence of a conspiracy. The Commission discovered no evidence that the Soviet Union or Cuba were involved in the assassination of President Kennedy. Nor did the Commission's investigation of Jack Ruby produce any grounds for believing that Ruby's killing of Oswald was part of a conspiracy.<sup>56</sup>

But these conclusions, as the following chapters will show, were not to be shared by a growing number of amateur researchers who grew convinced that the Warren Commission had never intended to seek out the truth, but only to frame a patsy and whitewash a much larger crime.

## **5. THE WARREN REPORT, PART 2: BULLET WOUNDS AND BALLISTICS**

While the evidence of Oswald's involvement seemed strong, the Warren Commission had a good deal more difficulty trying to prove that only three shots, all fired from the TSBD's sixth floor window, inflicted nine separate wounds to President Kennedy and Governor Connally.<sup>57</sup> There were three major reasons for this. First, the members of the Commission did not gain full access to the autopsy materials. They therefore had to derive many of their conclusions solely from the reports and testimonies of the pathologists. For similar reasons, a set of inaccurate drawings were published within the *Warren Report*. While these were not meant to serve as a precise representation of Kennedy's injuries, it would later cause much confusion concerning the exact nature of the President's wounds and lead some to suggest that the Warren Commission had purposefully distorted the evidence. Second, the Commission misinterpreted the timing and sequence of the shots. This led to a rather unlikely timeframe that made the involvement of a second shooter more likely. Finally, because it tried as long as it could to support the opinion of Governor Connally, who remained staunchly convinced that he and Kennedy were struck by separate bullets, the Commission found itself stuck trying to defend a scenario that clashed with the ballistic and video evidence.

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<sup>56</sup> *Warren Report*, 274.

<sup>57</sup> See Chapter 13 of this book for a fuller description of each of these wounds.

*a. The autopsy pictures*

For reasons that were not fully disclosed to the members of the Warren Commission (we will discuss these in later chapters), access to the President's autopsy pictures and X-rays proved surprisingly hard to obtain. For instance, Earl Warren was reticent to compel the Kennedy family to release these sensitive materials out of fear that they might be leaked to the press.<sup>58</sup> This problem was compounded by the fact that the autopsy had been rushed, that it was performed by a team of pathologists with insufficient experience with criminal investigations, and that its report contained missing and inconsistent data. In the end, the Kennedy family's decision to favor discretion over professional rigor might have helped them deflect some unwanted attention from the media, but it also caused decades of controversy.<sup>59</sup>

Eventually, the Commission did gain limited access to these restricted materials, but to put Bobby and Jackie Kennedy at ease Chief Justice Warren—who observed the pictures in the company of lead counsel Rankin, both of whom found them disturbing—arranged for the other Commission members to see only schematic drawings based on the notes and memories of the pathologists. Due to some inaccuracies caused by the artist not having seen the autopsy pictures firsthand, these drawings were mistaken in their location of the two entry wounds on Kennedy, which elicited further suspicions by conspiracists.<sup>60</sup>

*b. The sequence of the shots*

To set up a “clock” of the assassination, the Commission relied on the now-world-famous home movie taken by **Abraham Zapruder**, a Dallas business owner who stood on an elevated wall overlooking Elm street at the time Kennedy and Connally were hit. The Commission estimated the total sequence of the shooting to have taken approximately **five-and-a-half seconds** (deduced from the known speed of Zapruder's camera), and the bolt-action Carcano to require a minimum of two seconds to reload each cartridge. This meant that Oswald could

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<sup>58</sup> Posner, 407.

<sup>59</sup> According to the **Assassinations Records Review Board (ARRB)**, “Although the professionals who participated in the creation and the handling of the medical evidence may well have had the best of intentions in not publicly disclosing information—protecting the privacy and the sensibilities of the President's family—the legacy of such secrecy ultimately has caused distrust and suspicion. There have been serious and legitimate reasons for questioning not only the completeness of the autopsy records of President Kennedy, but the lack of a prompt and complete analysis of the records by the Warren Commission.” ARRB *Final Report* (1998), Chapter 6, Part II, Section B1, 121, *National Archives: JFK Assassination Records* (accessed 2018).

<sup>60</sup> Posner, 408. Although any discrepancy between the drawings, the autopsy report and the autopsy face sheets (shorthand notes) could be ironed out by the Commission's staff, devout conspiracists often preferred to interpret this as proof of foul play. See McAdams: *JFK Assassination Logic* (2011), 219-221.

have fired no more than three bullets in all.<sup>61</sup> These calculations dramatically cut down the number of possible ways a single assassin could inflict nine wounds.

However, this also led the Warren Commission to make some faulty assumptions. First, the Commission's staff reached the conclusion that the first shot would likely be the most accurate, given that the shooter could have already loaded the rifle and waited for an optimal angle and time to start shooting. Hence, it was assumed that the *first* shot struck Kennedy in the upper back to the right of his first thoracic vertebra<sup>62</sup> at Zapruder frame 210, and exited through his throat near his Adam's apple, accounting for two wounds. Second, since Governor Connally claimed to have heard the first shot, turned sideways to look, and *then* felt the pain of the bullet that struck him in the back without hearing a second shot, he remained convinced—and the Commission believed him for much of its investigation—that he was hit by a different bullet than the one that struck Kennedy in the back. This alleged *second* bullet traversed Connally's torso, collapsed his lung, fractured a rib and shattered his wrist before lodging itself in his thigh, accounting for five other wounds. Connally's opinion was reinforced by his wife's claim that she first turned to see Kennedy clutching his throat before her husband began slumping towards her. The third shot, they all concluded, hit Kennedy in the back of the head and burst out his right temple, blowing open his skull, accounting for two more wounds (a total of nine).<sup>63</sup>

### *c. The single-bullet theory*

Until July 1964, it seemed that three shots from behind were enough to account for all of the wounds suffered by Kennedy and Connally. Since the Warren Commission's ultimate purpose (at least as far as President Johnson and Chief Justice Warren were concerned) had been to demonstrate that Kennedy was *not* killed by a group of foreign assassins, it was ready to close the books on its investigation. However, an important new piece of evidence surfaced late during the hearings that forced the Commission to rethink its findings. A Dallas car dealer named **James Tague**, they discovered, who was standing under the triple underpass during the

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<sup>61</sup> "Examination of the Zapruder motion picture camera by the FBI established that 18.8 pictures or frames were taken each second, and therefore, the timing of certain events could be calculated by allowing 1/18.3 seconds for the action depicted from one frame to the next. The films and slides made from individual frames were viewed by Governor and Mrs. Connally, the Governor's doctors, the autopsy surgeons, and the Army wound ballistics scientists in order to apply the knowledge of each to determine the precise course of events. Tests of the assassin's rifle disclosed that at least 2 seconds were required between shots. In evaluating the films in the light of these timing guides, it was kept in mind that a victim of a bullet wound may not react immediately and, in some situations, according to experts, the victim may not even know where he has been hit, or when." *Warren Report*, 96-97.

<sup>62</sup> To be precise, the autopsy report, which located each wound using visible markers on the surface of the body, identified the wound of entry as being located "5 ½ inches (14 centimeters) from the tip of the right shoulder joint and approximately the same distance below the tip of the right mastoid process, the bony point immediately behind the ear". *Warren Report*, 87-92.

<sup>63</sup> *Warren Report*, 85-117. See also McAdams: *JFK Assassination Logic*, chap. 15, and Posner, chap. 17.

shooting, was slightly injured by what appeared to have been a bullet fragment or piece of flying curbstone.<sup>64</sup> A police report had been made of Tague's injury on November 22, 1963, but it had been ignored in the mayhem of that day until a half year later when Tague contacted the authorities about it. Tague testified before the Warren Commission a month after its official deadline had passed. This late revelation reinforced the beliefs of several Commission staffers that one of the three shots fired by Oswald had gone off course.<sup>65</sup> Having reviewed the Zapruder film, ballistic evidence and autopsy reports, the Commission found it easier to side with the physical evidence over the testimonies of John and Nellie Connally. The Commission therefore modified its conclusions to suggest that Oswald's second shot had missed its target. They did not speculate as to why the shot missed the car and injured Tague instead.

This new realization meant that the first shot fired by Oswald would have had to hit both Kennedy *and* Connally, causing all injuries sustained by both men, except for Kennedy's head wounds which were visibly caused by a subsequent shot. This came to be known as **the Single-Bullet Theory**, originally proposed by **Arlen Specter**, one of the Commission's junior counsels (and a future Assistant District Attorney and U.S. Senator) in an attempt to iron out the contradictions between eyewitness reports and the ballistic evidence. Needless to say, it was divisive from its inception even among Commission members. Yet it was based on a sound principle of inductive logic, followed by police and forensic investigators, which is to trust physical evidence over and above the conflicting recollections of eyewitnesses—a principle which many JFK conspiracists, as we will see, tend to apply in reverse.<sup>66</sup>

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<sup>64</sup> In his testimony to the Warren Commission, Tague said he had no conscious knowledge of having been hit until Deputy Sheriff E. R. "Buddy" Walthers approached him and remarked that he had "a couple of drops of blood" on his cheek and that he had seen "something fly off back on the street". Tague then remembered that something had stung him on the face some minutes earlier, after he heard what he thought was a loud firecracker or "cannon-type sound". Hearing more bangs, he realized that they were gunshots and took shelter beneath the underpass. Tague believed he heard three shots and that he was hit after the second was fired. Testimony of James Thomas Tague, WC VII.

<sup>65</sup> Tague's testimony rang true because many witnesses claimed they saw something ricochet off the pavement, and some Dallas policemen found what appeared to be a bullet mark on the Elm street curb. However, it remains possible that Tague's injury was a case of mistaken evidence produced by an unexplained cause. The missing bullet was never recovered, either whole or in fragments.

<sup>66</sup> Conspiracist author James Fetzer, for instance, writes: "The practice of the Warren Commission and apologists for its findings appears to be the exact opposite [of the principle that 'a photograph is viewed merely as a graphic portrayal of oral testimony'], whereby photographs and films—including X-rays—have been used to discount the testimony of eyewitnesses, *which is not only the better evidence* but is actually required to lay a foundation for the admissibility of evidence." Fetzer: *Murder in Dealey Plaza* (2000), 11. Emphasis added. Compare this with the *ARRB Final Report*, which reads: "A significant problem that is well known to trial lawyers, judges, and psychologists, is the unreliability of eyewitness testimony. Witnesses frequently, and inaccurately, believe that they have a vivid recollection of events. Psychologists and scholars have long-since demonstrated the serious unreliability of peoples' recollections of what they hear and see. [...] The deposition transcripts and other medical evidence that were released by the Review Board should be evaluated cautiously by the public. Often the witnesses contradict not only each other, but sometimes themselves. For events that transpired almost 35 years ago, all persons are likely to have failures of memory. It would be more prudent to weigh all of the evidence, with

1964 technology did not allow the Warren Commission to verify with sufficient exactitude whether or not the single bullet theory was ironclad, but it was logically and empirically defensible given the available evidence. Any further inconsistencies could be blamed on the unreliability of eye and ear-witnesses and by the delayed reactions of the victims. The wounds also seemed to align rather well from Connally's back through Kennedy's throat on up to the sixth floor window, and so the single-bullet scenario, though it could never be more than a hypothesis, became official, as well as very controversial. The *Warren Report's* major failure in this matter—and in retrospect it was a significant blunder—was not to disclose the fact that the Single Bullet Theory was not accepted unanimously by its staffers and that significant opposition to it had been expressed by some commissioners, namely **Senator Richard Russell, Jr.** who favoured Governor Connally's version of events.<sup>67</sup> This deliberate suppression of information would eventually surface and, along with numerous other omissions and miscalculations, further erode the authority of the *Report* among the conspiracy-minded.

A final problem faced by the Warren Commission was bureaucratic resistance. Far from being a mouthpiece for the FBI or CIA, the Commission staff had tense relations with the two agencies and often struggled to gain their collaboration. FBI director Hoover was from the beginning opposed to civilian investigations that might undermine the FBI's own conclusions, and thereby risk exposing its blunders—including the Bureau's repeated failure to identify Oswald as a genuine threat following his return from the Soviet Union.<sup>68</sup> The CIA, on the other hand, trying to keep a lid on its illegal collaboration with criminals to try to get rid of Fidel Castro (see Chapters 6 and 7) had more than enough reasons to balk on the Commission's requests.<sup>69</sup> While no clear evidence has surfaced to suggest that Commissioner Allen Dulles—the former Director of Central Intelligence fired by Kennedy after the failed Bay of Pigs invasion, but appointed to the Commission on the advice of Robert Kennedy—tried to derail the Commission's investigations, it is now well-established that part of his mandate was to make sure that nothing embarrassing to the CIA would surface in the Commission's proceedings.<sup>70</sup> If the reluctance of both agencies to collaborate with the Commission is to be taken as proof of a conspiracy to kill JFK (which many conspiracists have alleged) then it is hard to see how this also

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due concern for human error, rather than take single statements as 'proof' for one theory or another." ARRB Final Report, 123-124.

<sup>67</sup> Russell threatened not to sign the final report unless he could submit his own disclaimer, which he did. Earl Warren, wishing to maintain a united front, did not include it in the final *Report*. Commissioners Hale Boggs and John Sherman Cooper also expressed strong reservations about this theory. This being said, these three holdouts had the lowest attendance record at the Commission's hearings and were therefore the least familiar with the details of the forensic evidence. Posner, 409.

<sup>68</sup> Posner, 405-7.

<sup>69</sup> The CIA document dubbed "**Family Jewels**", which contains information pertaining to how the Agency and organised crime syndicates collaborated to undermine Communist Cuba, was declassified in 2007 and is available at the CIA's website (accessed 2018).

<sup>70</sup> See Olmsted, 122-127, and Shenon, 105.

incriminates Earl Warren and his Commission. At best, logic should make us conclude that the Warren Commission was well-meaning, if powerless to dig up clear proofs of a conspiracy.

The Warren Commission disbanded in September 1964 after submitting its report to President Johnson, leaving no process or person to respond to any new evidence or objections concerning its findings. This would make it easier to be picked apart in the following years.

## 6. POP GOES THE WEASEL

The conclusions of the Warren Commission were soon nicknamed “**the official story**” by a rising number of critics convinced that someone other than Oswald was guilty of JFK’s murder, critics who saw the *Warren Report* as little more than a government whitewash. The word “official” literally means “authoritative”.<sup>71</sup> The expression “official story” should therefore logically mean that this is the best explanation currently available. It could also mean that this story is endorsed by officials, that is, by **epistemic authorities**—people who have specialized training (such as medical and ballistics experts, historians and attorneys) or who have been endowed with a special investigative function (such as news reporters or a committee of elected officials). In other words, the phrase “official story” should, used correctly, mean something like “the most likely hypothesis” or “the consensus of experts”. However, that is not how the phrase is typically used by most critics of the Warren Commission. In much of the conspiracist literature, the expression “official story” has come to mean something more like “the lies that the government wants you to believe”. Hence, if there exists an “official” story, it is inferred that there must also exist an “unofficial” story, one that may contain the seeds of a scandal. But the widespread misuse of this phrase is more than just derisive, it is logically manipulative because it carries within it the assumption, intentional or not, that the explanations offered by the Warren Commission were *necessarily* self-serving and arbitrary.

Expressions like this one are often called **weasel words**: vague or empty clichés that contain a hidden assumption or value judgment that manipulates the reader or listener’s perception of the issue.<sup>72</sup> Words like “modern” and “ancient”, “open-minded” and “closed-minded”, “science” and “religion”, are often used this way in an attempt to score points without providing a proper justification. It would probably be less misleading to refer to the *Warren Report* as the “standard historical model”<sup>73</sup> of what happened to JFK. As we shall see, the Warren Commission’s findings have been scrutinized, verified and largely accepted by a wide

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<sup>71</sup> *Merriam-Webster Dictionary*.

<sup>72</sup> The *Macmillan Dictionary* defines “weasel word” as: “A word that someone uses to avoid saying what they really mean.” The *Merriam-Webster Dictionary* defines it as: “a word used in order to evade or retreat from a direct or forthright statement or position.” Traditionally, the expression refers to the popular belief that weasels can suck an egg empty without damaging its shell.

<sup>73</sup> Brian Dunning: “The JFK Assassination: How should we regard the conspiracy theories about the assassination of John F. Kennedy?” *Skeptoid: Critical Analysis of Pop Phenomena*, podcast episode #389, November 19, 2013.

range of historians, forensics and ballistics experts and respected journalists—many of whom had no reason to collaborate with any branch of the government or secret cabals, nor any reason to publicly defend a set of conclusions they knew to be false. As critical thinking filmmaker and podcaster Brian Dunning remarked, no one ever alludes to the “official story” of the 1944 invasion of Normandy, nor to the “official properties” of the element Boron.<sup>74</sup> One should therefore be wary of anyone who uses terms like “the official story” as a self-evident proof of conspiracy. This does not mean that we shouldn’t examine the declarations of various authorities with a healthy dose of skepticism. Politicians do lie, intelligence and law-enforcement officials sometimes abuse their powers, and criminal conspiracies occur quite often. We should not, however, be too hasty to bring the whole edifice down. It is not the duty of the majority of experts, those who have looked at the data and forged a consensus, to prove their opponents wrong. In the fields of physical science and history, much as it does in the courts, the **burden of proof** lies with those who impeach the consensus to raise in its place a novel interpretation. Caution should always precede revolution.

When, having considered all of the evidence and ruled out all contradictions, a given interpretation is shown to be the simplest and the most probable, it merely becomes a historical fact, not an “official story”.<sup>75</sup> There will always remain the possibility that the facts were incorrectly assessed and that the theory requires revisions. But the discovery of error does not mean that the theory as a whole is a sham. Far from it, because a theory based on empirical data, such as the lone gunman scenario, seeks to achieve **inductive strength**. In other words, it seeks the greatest level of *probable* truth, not logical necessity.<sup>76</sup> When assessing the physical evidence and eye witness reports of any criminal cold case—including the JFK assassination—we need to remember that we are dealing with *incomplete* data and that the data we do have has been processed and interpreted by numerous physical instruments, emotionally-strained witnesses and various types of experts, all of which are by nature imperfect. Thus, a responsible critical thinker should **tolerate uncertainty** and avoid reaching hasty conclusions, especially when the evidence is open to interpretation.<sup>77</sup> Human and mechanical error should be our first assumption when dealing with incongruous data, not manipulation by a hidden deceiver, as errors and accidents are the simplest and most typical causes of faulty evidence and **errant data**, information that does not seem to fit any likely scenario.<sup>78</sup>

But before we can begin looking more closely at the historical facts that may either support or disprove the claims of the *Warren Report*, we must take a look at the evolution of explanations, conspiracist and otherwise, for what happened in Dallas to John Kennedy.

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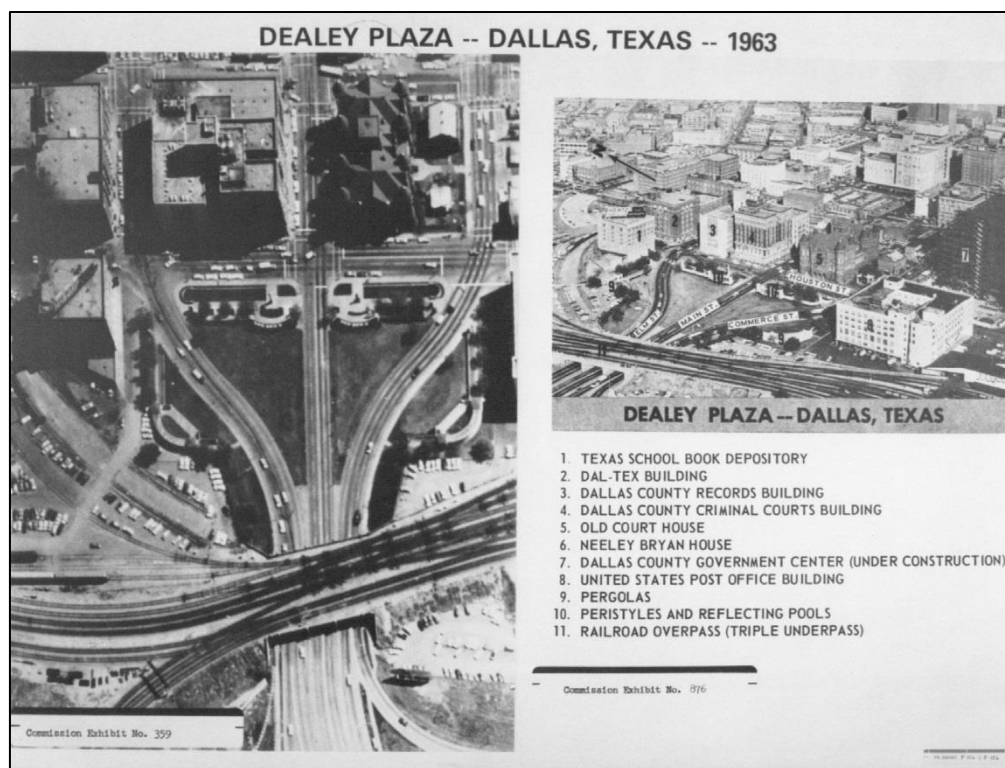
<sup>74</sup> Dunning, op. cit.

<sup>75</sup> Dunning, op. cit.

<sup>76</sup> See Appendix 1 and 2 for a brief discussion on inductive and deductive logic as well as reasoning fallacies.

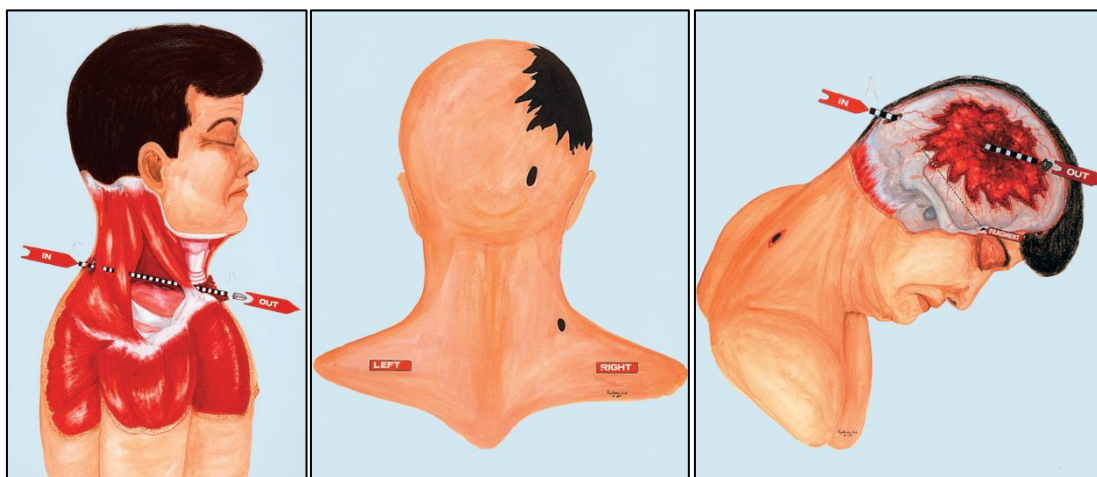
<sup>77</sup> Wade and Tavris: *Psychology* (1990), 31-36.

<sup>78</sup> Uscinski and Parent: *American Conspiracy Theories* (2014), 50. See also Chapter 10 of this book.



**FIGURE 2.1: AERIAL VIEWS OF DEALEY PLAZA**

Warren Commission Exhibits 359 and 876 (HSCA JFK Exhibits F-10a,10b, NARA)



**FIGURES 2.2, 2.3, and 2.4: DRAWINGS OF JFK WOUNDS**

Warren Commission Exhibits 385, 386 and 388 (NARA)





**FIGURE 2.5: ARLEN SPECTER DESCRIBES THE PATH OF BULLET CE399**  
Warren Commission Exhibit 903 (Sixth Floor Museum at Dealey Plaza)