

# Did Oswald Shoot Tippit?

## A Review of Dale Myers' Book

### *With Malice: Lee Harvey Oswald and the Murder of Officer J.D. Tippit*

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It is a given among those who accept the Warren Commission's lone-gunman theory that Lee Harvey Oswald killed Officer J. D. Tippit after Tippit allegedly stopped him about a mile from Oswald's residence approximately 45 minutes after the assassination. For Warren Commission supporters the Tippit killing is a "Rosetta Stone" that proves Oswald must have been guilty of murdering President Kennedy. This is the view that author Dale Myers presents in his book *With Malice: Lee Harvey Oswald and the Murder of Officer J. D. Tippit* (Milford, Michigan: Oak Cliff Press, 1998).

But just how strong is the case against Oswald in the Tippit slaying? And even if Oswald did in fact shoot Tippit, would this prove he killed President Kennedy? In point of fact, the case against Oswald in the Tippit slaying is laced with holes and contradictions, and there is evidence that suggests Tippit was hunting for Oswald before anyone could have known Oswald was a suspect.

#### General Comments

- \* Myers repeatedly omits important information that contradicts his conclusions.
- \* On several occasions, Myers buries important contrary information in his endnotes, which he surely knows most readers will not bother to study.
- \* Myers often reaches conclusions that are contradicted by his own raw data.
- \* Some of Myers' speculations and theories are later stated as though they are established facts.
- \* Myers is noticeably harder on witnesses whose accounts contradict his views than he is on witnesses whose accounts he likes.
- \* Myers frequently relies on FBI interview summaries, but he never mentions that numerous witnesses complained that those summaries were inaccurate and incomplete.
- \* Myers fails to mention that many witnesses changed their stories in ways that favored the lone-gunman scenario by the time they testified before the Warren Commission months after giving their initial statements.

\* Myers fails to mention that some witnesses, including a former Marine sergeant and two former Kennedy aides, reported that FBI agents pressured them to change their stories because what they had to say contradicted the lone-gunman scenario. Given Myers' frequent reliance on FBI witness statements, the reader would be well served to know this fact.

\* Myers fails to inform the reader that everything we know about what Oswald allegedly said during his interrogations comes through the filter of Dallas police officials, postal inspector Holmes, or FBI and Secret Service agents. Incredibly, not one of Oswald's interrogation sessions was recorded or even stenographed.

\* Myers either ignores or only superficially deals with several well-known, widely discussed problems with the case against Oswald in the Tippit slaying.

\* At times Myers contradicts himself.

Let us now examine some specific problems with Myers' claims.

### Why Tippit Would Have Stopped Oswald and the Alleged Change in Direction

According to the lone-gunman theory, Tippit stopped Oswald because Oswald matched the description of the assassin that had been broadcast on the police radio. This is fiction. The description broadcast by the police said the assassin was "about 30, 5'10", 165 pounds." Oswald was 24, 5'9", and weighed 131 pounds. Thus, Oswald was six years younger, an inch shorter, and 34 pounds lighter than the suspect described in the police broadcast.

According to Myers, as the assailant approached the corner of 10th and Patton, he saw Tippit's car coming up the street in his direction and therefore suddenly spun around and started walking in the opposite direction, which made Tippit suspicious of him (pp. 64-65). Myers cites William Scoggins' Warren Commission (WC) testimony, which does in fact imply a change in direction. However, Scoggins initially said nothing about any change in direction. When he was interviewed by the Secret Service on 12/2/63, he said,

I noticed a man walking west on 10th Street. . . . The man walking west on 10th Street stopped at a point just about directly in line with the front bumper of the police cruiser.

And just a second or two after the man stopped near the car's front bumper, he began talking with Tippit. Not a word or hint about any change in direction.

In a message in the JFK Research Forum, Myers protested that Scoggins said the man never passed his cab. But this is *not* what Scoggins said in his first sworn statement. As noted above, Scoggins said the man was walking west and that as he was walking west he stopped near the front bumper of the patrol car. *All* the initial police and federal reports on the shooting paint the same picture.

Myers cites Mrs. Helen Markham to support his change-in-direction theory. But, Mrs. Markham, like Scoggins, initially said nothing that would support the idea that the killer suddenly changed direction. The first time Mrs. Markham said anything that could be viewed as possibly supporting a change in direction was months later--in her Warren Commission testimony. The police interviewed Mrs. Markham extensively on the day of the shooting, yet all the initial law enforcement reports on the slaying state the killer was walking west when Tippit stopped him. Furthermore, not one of Mrs. Markham's early sworn statements on the slaying says or suggests the killer suddenly changed direction.



**Officer J. D. Tippit**

Myers' last change-in-direction witness is Jack Tatum. But Tatum did not give his story until 14 years after the fact. Also, Tatum's story includes an incident that no other witness reported seeing. Tatum said the gunman walked over to Tippit as he lay on the ground and shot him in the head. No other witness reported seeing anything like this happen. Tatum also said the killer was walking east. This claim is powerfully contradicted by the available evidence.

The initial police and Secret Service reports on the shooting said the killer was walking west, toward the patrol car. Scoggins said the same thing in his first sworn statement. It would appear that Mrs. Markham said the same thing when she spoke with police right after the shooting. Two other witnesses likewise said the killer was walking west, not east, and thus toward the patrol car, not away from it. If the police or the Secret Service found a single witness who said the killer was walking away from the patrol car, they failed to say a word about it in any of their reports. Additionally, not one of the initial sworn statements from any of the eyewitnesses says the killer was walking east or that he suddenly changed direction as the patrol car approached.

But Myers needs this change in direction in order to try to explain why Tippit would have stopped the assailant, especially if the assailant was in fact Oswald. By all accounts, the man was walking along normally. And Myers admits it's unlikely Tippit would have stopped the man on the basis of the vague description that went out over the police radio.

So if the man did not suddenly change direction when he saw the police car coming his way, why, then, would Tippit have stopped him, since he was just walking along in a normal manner? Myers does not want to answer this question, so he assumes the assailant suddenly turned around when he saw the approaching police car and that this was what caused Tippit to stop him. The weight of the evidence, however, indicates the assailant was walking west, toward the car, when Tippit stopped him.

Did Tippit really "stop" the man? The witness accounts can be quite reasonably interpreted to mean both men recognized the other and began to have what Mrs. Markham described as a "friendly" chat. But Myers can have none of this because he must assume Tippit stopped the man because he suddenly turned around and started walking the other way.

Myers' change-in-direction theory contradicts what he says elsewhere about Oswald. Later in the book Myers describes Oswald as "a master at self-control" (p. 308) and "normally calculating" (p. 359). Myers also observes that Dallas police officials took notice of how calm, cool, and collected Oswald was during his interrogation sessions (see, for example, pp. 198-199). And we are supposed to believe this is the same guy who allegedly got so rattled at the sight of an approaching police car that he made the dumb mistake of literally "spinning" around and heading in the opposite direction, which of course would have aroused a policeman's suspicion?

More can be said about Oswald's demeanor under pressure. When Officer Marrion Baker stopped Oswald in the Book Depository's second-floor lunchroom about 90 seconds after the assassination, pointed a gun at him, and demanded to know who he was, Oswald was calm and relaxed. Are we really supposed to believe this is the same man who allegedly spun around and changed direction simply because he saw a police car coming up the street in his direction?

Again, *all* the initial police and federal reports on the Tippit slaying say the killer was walking west when Tippit encountered him.

#### The Tip to Officer McDonald in the Theater

Myers attempts to explain the early account from Officer M. N. McDonald, which he gave to a journalist just two days after the slaying, that he was tipped off to Oswald's location in the Texas Theater by a man who was sitting in one of the theater's front rows.

In the story, which was published in the *Dallas Morning News* just two days after the shooting, McDonald was quoted as saying, "A man sitting near the front . . . tipped me the man I wanted was sitting on the third row from the rear on the ground floor and not in the balcony."

Myers knows this account suggests Oswald might have been set up. So, he opines that McDonald was actually referring to Jimmy Brewer, and that McDonald simply did not know Brewer's name at the time he spoke with the journalist (pp. 623-624 n 495). This

is what McDonald told the WC months later. But Myers should know this explanation does not fit what McDonald told the journalist. Brewer was not sitting in any of the seats: He was standing near the rear door looking through the curtains that were draped around the screen. (By the way, Sylvia Meagher noted that McDonald signed the story that appeared in the newspaper.)



The Dallas police taking Oswald out of the Texas Theater

There are other problems with the argument that McDonald's mystery tipper was Brewer. Apparently Brewer never spoke with McDonald alone, but to a group of police officers that included McDonald. When Brewer gave his description of the man whom he had followed into the theater to Captain Westbrook and the others, the lights had *not* been turned on yet. The lights only came on as McDonald and Officer Walker stepped out from behind the exit curtains. Brewer had not *pointed out* Oswald to anyone--he merely gave his general location and a general description.

It was *after* this point, i.e., *after* McDonald stepped out from behind the curtain, that McDonald, according to the news story that he signed, said a man sitting in one of the front rows tipped him to the *exact* row where Oswald was sitting. Brewer had only told the police officers that the man he had followed was sitting toward the rear of the theater and that he was wearing a brown shirt. Again, when Brewer spoke with Westbrook, McDonald, and the others, the lights hadn't been turned on yet.

The above information is based on Myers' own treatment of the events that came just before McDonald started going up the aisle inside the theater (see *With Malice*, p. 173). Apparently Brewer simply gave Oswald's general location and described the shirt he was wearing, but did not actually "point him out" to the policemen, possibly because it was still dark.

As mentioned, according to the 11/24/63 news story, it was *after* this point, after McDonald began heading up the aisle, that McDonald encountered the tipper who was sitting in one of the front rows. This man, said McDonald, told him the exact row on which Oswald was seated. But Myers cannot accept this because it suggests Oswald was set up.

## Attacking Deputy Sheriff Roger Craig

Myers says Deputy Sheriff Roger Craig's account of seeing Oswald get into a station wagon that left Dealey Plaza lacks credibility (p. 215). After a great deal of what strikes me as waffling and nit-picking, Myers acknowledges that Craig's account of the station wagon leaving Dealey Plaza is credible, but he suggests Craig was lying or mistaken in saying Oswald entered the vehicle. Yet, Craig, who was a decorated deputy sheriff with an outstanding record, said he was certain the man he saw get into the station wagon was Oswald. Craig added that if the man was not Oswald, he was someone who bore a striking resemblance to Oswald.



In his attack on Craig's linkage of the station wagon to Oswald, Myers fails to tell the reader that another witness also said the man who got into the station wagon was the spitting image of Oswald. As he so often does with data he does not like, Myers buries this information in an endnote (pp. 634-635 n 604). The other witness was Mrs. James Forrest. Mrs. Forrest said the man she saw get into the station wagon so closely resembled Oswald that, "If it wasn't Oswald, it was his identical twin."

Why does Myers not mention this even once in his discussion of Craig's account? I suspect he does not mention it because it would tend to discredit his rejection of Craig's linkage of the station wagon to Oswald, and because it might tip the reader to the possibility that someone was impersonating Oswald.

Myers never once mentions the possibility that Oswald was being impersonated in Dallas by a look-alike before and after the assassination. Not only is there evidence Oswald was being impersonated in Dallas, there is also evidence he was being impersonated in Mexico City. Ed Lopez, the staff investigator for the House Select Committee on Assassinations who investigated the Mexico City angle of the assassination, concluded an Oswald imposter visited the Soviet Embassy and the Cuban Consulate in Mexico City as part of an effort to frame Oswald. When the fake Oswald called the Soviet Embassy, he used terrible, atrocious Russian, but the real Oswald spoke Russian fluently. Oswald spoke Russian so well, in fact, that when his future wife first met him in Russia, she was surprised to learn he was an American. Members of the Dallas Russian community who knew Oswald said he was fluent in Russian.

Myers does not dare acknowledge that Craig saw Oswald get into the station wagon, because throughout his book Myers accepts the WC's version of Oswald's movements after he left the Book Depository. Therefore, Myers accepts the story that Oswald returned to his house by riding in William Whaley's cab. If Craig's story is true, it can only mean one of two things: either the cab-ride story is false or an Oswald double was seen leaving the Book Depository and getting into a waiting station wagon 15 minutes after the assassination. There is good evidence that supports Craig's account, as Dr. Michael Kurtz explains:

The Warren Report mentions that Dallas Deputy Sheriff Roger Craig claimed that about fifteen minutes after the assassination, he saw Oswald run from the rear of the Depository building, scamper down an incline to Elm Street, and enter a Rambler station wagon driven by a dark complected man. According to the commission, "Craig may have seen a person enter a white Rambler station wagon 15 or 20 minutes after the shooting . . . but the Commission has concluded that this man was not Lee Harvey Oswald, because of the overwhelming evidence that Oswald was far away from the building by that time."

What was that "overwhelming evidence"? It should be mentioned that even if the commission's version is accepted, Oswald was *not* "far away from the building by that time." According to the commission, at 12:44 Oswald was getting off McWatters' bus only five blocks east of the Depository building. He then walked for four minutes to the Greyhound bus station only four blocks away. The "overwhelming evidence" is the testimony of William Whaley [the cab driver]. Remember that Whaley failed to select Oswald out of police lineup as his taxicab passenger. He also testified that Oswald was wearing *two* jackets, while the commission claimed that he wore none. In his taxi logbook, Whaley recorded the time of his pickup at the bus station as 12:30, yet the commission said that the real time was 12:48.

Let us now examine Roger Craig's testimony in order to determine if it is consistent and accurate and supported by other evidence. Deputy Craig watched the motorcade in front of the Criminal Courts building on Houston Street. After hearing the shots, he raced to the grassy knoll area. Photographs of the scene show Craig in the large crowd of people converging on the knoll after the shooting. Craig then returned to the south side of Elm Street. As he was standing there with a group of law enforcement officials, he noticed a man run down the grassy embankment to the right front of the Texas School Book Depository building. A light green Rambler station wagon, driven by a heavy-set, dark-complected man, was traveling west on Elm Street. As the running man reached the curb, the station wagon stopped and the man entered. . . .

There is, in fact, substantial evidence that provides far more corroboration for Craig's testimony than for the totally unsubstantiated statements of Whaley. Carolyn Walther was watching the motorcade from Houston Street. She saw a man standing on the fourth or fifth floor in the southeast corner window of the Depository building. He was holding a gun. Next to him was a man dressed in a

brown sport coat. Shortly after the assassination, James Worrell saw a man run out of the back of the Depository. The man was five feet eight inches to five feet ten inches tall, average weight, had dark hair, and was wearing a dark sports jacket. The man was moving south on Houston Street.

Richard Randolph Carr watched the motorcade from Houston and Commerce streets. Shortly before the shooting, he saw a man wearing a brown sport coat in an upper floor of the Book Depository building. A couple of minutes after the shooting, Carr saw the same man walking very fast heading south on Houston Street. After going around the block, the man entered a grey or green Rambler station wagon. Marvin Robinson was driving his car west on Elm Street about fifteen minutes after the shooting. He saw a man come down the grassy incline and enter a Rambler station wagon, which then drove away.

Mrs. James Forrest was standing in a group of people who had gathered on the incline near the grassy knoll. As she was standing, she saw a man suddenly run from the rear of the Depository building, down the incline, and then enter a Rambler station wagon. The man she saw running down and entering the station wagon strongly resembled Lee Harvey Oswald. "If it wasn't Oswald," Mrs. Forrest has declared, "it was his identical twin." The testimony of Walther, Worrell, Carr, Robinson, and Forrest all provide strong substantiation for Roger Craig's story.

Craig's story is also supported by photographic evidence. One photograph shows Deputy Craig running toward the grassy knoll. Another shows him standing near the grassy knoll. Another shows him standing on the south side of Elm Street looking toward the Book Depository building. In the same photograph, a light-colored Rambler station wagon can be seen heading west on Elm Street. In another photograph, Craig is seen looking toward Elm Street in the general direction of the station wagon. . . .

Despite the impressive corroboration for Craig's testimony, the Warren Commission chose to reject it. Instead, it accepted the unsubstantiated and contradictory testimony of taxi driver William Whaley. There is no corroboration for Whaley's story. Whaley did tell the commission that when Oswald entered his cab, an elderly lady tried to enter it from the opposite side. Oswald volunteered to let her have the cab, but the lady refused because another taxi was waiting just behind Whaley's. There is no indication that the commission attempted to locate the other cab. Both the driver and the lady could have supported Whaley's observations. By studying the logbook of the other cab, it would be possible to attempt to trace the lady. Neither the police nor the commission did so.

Whaley testified that Oswald "had on two jackets." The commission decided there was none. At the police lineup, Whaley picked out eighteen-year-old David Knapp instead of twenty-four-year-old Lee Harvey Oswald (Knapp did not even resemble Oswald). Whaley registered 12:30 p.m. in his logbook as the time when his passenger entered the cab. This, of course, eliminated Oswald, since Oswald was in the Depository building at that time. The commission attempted to explain

this by noting that Whaley recorded all trips in fifteen-minute intervals, regardless of how long the actual trip took. Since the commission decided Oswald entered the cab at 12:47 or 12:48, it did not explain why Whaley entered 12:30 instead of 12:45 in his book. Nor did it explain why other trips were entered at 6:20, 7:50, 8:10, 9:40, 10:50, and 3:10, rather than regular quarter-hour intervals. In his original log, Whaley entered 500 North Beckley as the spot where he let Oswald out. The commission decided that Whaley was wrong here, also.

It should be obvious to the disinterested observer that the Warren Commission was trying to fabricate a case against Oswald as a lone assassin and murderer. There is not one iota of evidence to substantiate Whaley's testimony about the cab ride. Deputy Sheriff Craig's story is supported by the testimony of five other witnesses as well as five photographs. (*Crime of the Century*, Knoxville: University of Tennessee Press, 1982, pp. 130-133, original emphasis).

Another reason lone-gunman theorists reject Craig's account is that, if true, it could mean Oswald never boarded Cecil McWatters' bus. Myers accepts the WC's claim that Oswald rode on McWatters' bus and that he boarded it at 12:40 P.M., 10 minutes after the assassination. Myers mentions the report that McWatters' bus transfer and five bullets for the pistol were found in Oswald's pockets (p. 349). Yes, they were supposedly "found" in Oswald's pockets—*two hours* after Oswald was arrested. So we are supposed to believe that Oswald, whom Myers describes elsewhere as cool, cunning, and calculating (pp. 199, 208, 359, 363), was so stupid that he failed to dispose of the bus transfer and the bullets after he allegedly shot Tippit, even though he had ample time to do so.

Though one would never know it from reading Myers' discussion on Oswald's movements, the bus-ride story, like the cab-ride account, is open to doubt. The bus transfer is of questionable evidentiary value. As mentioned, it was not supposedly "found" on Oswald until some *two hours* after he arrived at the police station, and we have only the Dallas Police Department's word on its discovery, which is hardly reassuring.

For one thing, it seems a little hard to believe the police waited two hours before searching Oswald. Did they not search him when they arrested him? And, again, why did not the calm, cunning, calculating Oswald have the brains to dispose of the transfer and the bullets after he supposedly shot Tippit? On the one hand, lone-gunman theorists claim that Oswald disposed of his jacket after the Tippit shooting, but they also claim that he incomprehensibly failed to dispose of the bus transfer, his revolver, and the bullets.

Moreover, McWatters' WC testimony suggests he gave the bus transfer to a young passenger named Roy Milton Jones, not to Oswald. The day after he viewed the police lineup, McWatters recognized one of his regular passengers, the teenager Jones, as the man who had boarded his bus at 12:40. McWatters only gave out two transfers on that trip, one of them to a woman. The WC asked McWatters if he could identify Oswald as the man who had boarded his bus and to whom he had given a transfer. McWatters

answered that he could not make that identification (2 H 370; "2 H" refers to volume 2 of the WC hearings). McWatters even denied telling the Dallas police that the number two man in the lineup, i.e., Oswald, was the same man who boarded his bus. Since McWatters said the man who boarded his bus at 12:40 and who asked for a transfer was Jones, not Oswald, and since McWatters only gave out two transfers during that trip, the logical conclusion is that one of the transfers was given to Jones and the other to the woman.

Did anyone see Oswald on McWatters' bus? Myers cites three witnesses as seeing Oswald on the bus, a woman named Mary Bledsoe, the abovementioned Roy Milton Jones, and, misleadingly enough, McWatters (p. 281). Even the WC declined to cite McWatters as a witness to place Oswald on the bus, saying McWatters' "recollection alone was too vague to be a basis for placing Oswald on the bus," and the commission admitted McWatters "said he had been in error [in identifying Oswald] and that a teenager named Milton Jones was the passenger he had in mind" (*Warren Commission Report*, p. 159). The Dallas police falsely listed McWatters as having positively identified Oswald in the police lineup as the man who had boarded his bus at 12:40. As mentioned, McWatters later said Jones was actually the person who had boarded the bus. Myers does not mention any of this.

Myers matter-of-factly says Jones told the FBI he believed he had seen Oswald on the bus. Says Myers,

Roy Milton Jones, a passenger on McWatters' bus, told the FBI that the man he believed was Oswald was wearing a "light blue jacket." (p. 281)

Myers is giving a misleading picture by omitting relevant information. Even a casual reading of Jones' statement reveals that Jones was not at all sure the man was Oswald, that he did not get a good look at the man, and that it did not even occur to him the man "might" have been Oswald until McWatters--yes, McWatters--suggested this to him. I quote from the FBI report on the interview with Jones:

Jones stated he did not observe this man closely since he [the man] sat behind him [Jones] in the bus, but, on the following Monday when he caught the same bus going home from school with the same driver [McWatters], the driver told him he thought this man might have been Lee Harvey Oswald.

Jones said that after the driver mentioned this, and from his recollection of Oswald's picture as it appeared on television and in the newspapers, he thought it was possible it could have been Oswald. He emphasized, however, that he did not have a good view of this man at any time and could not positively identify him as being identical with Lee Harvey Oswald. He said he was inclined to think it might have been Oswald only because the bus driver told him so. (CE 2641, p. 2)

And, as mentioned, the bus driver, McWatters, later insisted it was Jones, not Oswald, who boarded his bus at the time in question.

Jones said the man in question was wearing a light blue jacket. But, according to Myers, Oswald left his blue jacket at work when he left the Depository after the assassination. Furthermore, Oswald's blue jacket was not light blue.

The one and only witness who firmly put Oswald on McWatters' bus was Mary Bledsoe. Her testimony lacks credibility. Mrs. Bledsoe had been Oswald's landlady for a brief time before the assassination. She made it clear in her testimony that she disliked Oswald. Numerous authors have discussed the questionable nature of Mrs. Bledsoe's story, and I would refer the reader to their critiques (see, for example, Kurtz, *Crime of the Century*, p. 127; Sylvia Meagher, *Accessories After the Fact*, New York: Vintage Books, 1976 edition, pp. 76-82; and Harold Weisberg, *Selections from Whitewash*, New York: Carroll & Graf Publishers, 1994, pp. 110-112). I will quote one brief section from Harold Weisberg's analysis of Mrs. Bledsoe's testimony:

Most of Mrs. Bledsoe's answers were: "I don't know." "I didn't pay any attention." "I didn't care." "I didn't look." "I didn't even look." "I couldn't tell you," and other such "valuable" contributions. At one point, following one of her nonresponsive answers, [WC attorney] Ball interrupted her to say: "But, before you go into that, I notice you have been reading from some notes before you." Her reply was: "Well, because I forget what I have to say." (*Selections from Whitewash*, p. 110)

I should mention that both McWatters and Jones said the man who boarded the bus at the time in question was wearing a jacket. As mentioned, Jones said the jacket was light blue in color. Interestingly, the cab driver initially said the man who rode in his cab during the time in question was wearing a faded blue jacket. The WC said the man in both instances was Oswald, but the commission also insisted Oswald was not wearing a jacket after he left the Book Depository. The commission had to deny the accounts of the light blue jacket because it claimed Oswald left his blue jacket at work that day, where it was allegedly "found" weeks later, and because that jacket was *not* light blue.

Deputy Sheriff Craig's account of seeing Oswald get into a waiting station wagon is at least as credible as the bus-ride and cab-ride stories that Myers and other lone-gunman theorists accept. I should add that Craig had won an award for outstanding performance as a law enforcement officer and had an excellent record.

Several people reported seeing a man who looked like Oswald at times and places when the real Oswald was known to be elsewhere. It is possible that the real Oswald rode in Whaley's cab and on McWatters' bus, and that Deputy Sheriff Craig saw an Oswald imposter. It is also possible that Oswald did not ride in the cab nor on the bus, and that Craig either saw the real Oswald or an imposter—and if Craig saw an imposter, then Oswald simply got home by other means.

### Myers' Treatment of Oswald

Myers' portrait of Oswald (pp. 47-49, 345-364) is grossly biased and incomplete. Compare Myers' comments on Oswald's character with those found in my section on Oswald in my online book [Hasty Judgment](#).

Myers matter-of-factly assumes Oswald attempted to kill General Edwin Walker (p. 49), without mentioning any of the serious problems with the case against Oswald in the Walker shooting.

Myers paraphrases Howard Brennan as saying the sixth-floor gunman slowly withdrew the rifle from the window and then paused a second or two as if to assure himself that he had hit his target (p. 41). Myers should know that no other witness who saw a gunman or rifle in the window saw the gunman pause in the window. Myers should also know that Brennan said the gunman was wearing a light-colored shirt, whereas Oswald wore a reddish-brown shirt to work that day. (The four other witnesses who saw the sixth-floor gunman likewise said he was wearing a light-colored shirt.) And Myers certainly should know there are serious problems with other aspects of Brennan's story.

### The Descriptions of Tippit's Assailant and the Possibility of Two Assailants and/or An Accomplice

Myers stares straight at evidence that two people might have been involved in Tippit's death, and/or that the killer did not resemble Oswald and was not Oswald, and/or that there was an accomplice, but he apparently fails, or refuses, to recognize this evidence as such. He dismisses all of it as being the result of mistakes and faulty memories.

What is this evidence? For example, several witnesses said the assailant was wearing a jacket that was darker than the light-gray jacket that the WC claimed the killer was wearing. Yet, other witnesses said the man was wearing a light-colored jacket. (For that matter, the jacket was initially described as "white.") At least two witnesses, and quite possibly three, said two men were involved in the Tippit slaying. One witness saw the gunman jump into a car that proceeded to speed away from the scene. The police were searching for a car that was reportedly connected to the Tippit shooting. There is a credible report that a second man was arrested and removed from the Texas Theater.

An experienced policeman and a former combat Marine both said an automatic pistol was used (not Oswald's revolver). Moreover, the policeman, Sgt. Gerald Hill, based his automatic-pistol identification on the shell casings. As any firearms expert can attest, it is very easy to distinguish between automatic shells and revolver shells. Additionally, in a 1986 interview, Hill said he knew the shells were .38-caliber shells because he picked one of them up and examined it. This is significant because .38 automatic shells are marked ".38 AUTO" on the bottom. Hill specifically said he looked on the bottom of the shell that he examined. It is no wonder, then, that Hill got on the radio and said "the shells at the scene indicate that the suspect is armed with an automatic .38."

In reading Myers' book, one finds good documentation of the fact that two witnesses said the killer's hair was "bushy" (pp. 117, 118, 487, 636). The problem is that Oswald's hair certainly was not bushy, as any number of photos of him readily prove.

Buried in one of Myers' endnotes is the fact that a key witness to the Tippit shooting, William Smith, initially said the killer was *not* Oswald (p. 615 n 390). An anonymous person informed the FBI that Smith had been at the Tippit scene, that he'd seen the

killer, and that Smith had said the man was "not Oswald." Like some other witnesses, when Smith was questioned by the FBI, he changed his tune and gave a story more in keeping with the lone-gunman scenario.

Smith told the FBI he initially did not think the gunman was Oswald because when he first saw Oswald on TV after the assassination it looked like Oswald had light-colored hair. This strikes me as a dubious explanation for Smith's change of story. I've watched much of the post-assassination TV footage of Oswald, and I would invite anyone to find a clip from that footage in which Oswald seems to have light-colored hair.

Of course, Smith might not have said this--we have only the word of the FBI agent who interviewed him that he in fact gave this explanation. Numerous witnesses complained that the FBI agents who interviewed them misrepresented what they said or only mentioned selected parts of their accounts. This is not to say that all FBI agents did this, but we know that some did.

Furthermore, what about the killer's facial features, and his height, weight, and so forth? Given the fact that Smith got a good look at the killer, one would think he should have been able to base his initial opinion on more than just the appearance of hair on a black-and-white TV screen.

### The Police Lineups

Incredibly, Myers opines that the infamous police lineups at which Oswald was "identified" as Tippit's killer were fair (pp. 229-230). This is ludicrous. Those lineups were grossly unfair. At one of the lineups, while the other men were neatly dressed, Oswald had on a worn, stretched-out, and torn T-shirt. He also had a bruised and swollen face. Oswald himself complained bitterly about the contrast between how he was dressed and how the other men in the lineup were dressed, as Myers himself admits in a comment buried in an endnote (pp. 637-638 n 645). Myers should have mentioned Oswald's protest about the clothing disparity in his discussion on the lineups, instead of burying this information in an endnote.



**Oswald in Dallas police custody**

The unfairness of the police lineups has already been documented by many authors (see, for example, Meagher, *Accessories After the Fact*, p. 257; Henry Hurt, *Reasonable Doubt*, pp. 146-147). For example, lineup participant Detective William Perry was wearing a dress shirt and a sports coat (7 H 233), and presumably did not have a bruised and swollen face as did Oswald. Similarly, lineup member Detective Richard Clark was wearing a white dress shirt and a sports coat (7 H 236). Presumably, Clark did not have a bruised and swollen face, either. How can Myers label such lineups as "fair"?

Myers suggests Oswald was not asked his name and place of employment during any of the lineups (p. 228). But Detective Richard Sims told the WC that Oswald was asked his name at the second lineup:

Mr. BALL. How did you conduct it?

Mr. SIMS. Well, they are all under a number and I would have them---one, two, three, and four, and No. 1 stand on that center black square there and give their names and age and address and if they own a car, where they went to school, where they were born, where they were raised. (7 H 170)

What about the first lineup? Detective Sims' statement about the second lineup, along with the testimony from the other lineup members, suggests Oswald was in fact asked his name and place of employment at the first lineup as well (see, for example, 7 H 234, 237-239, 241-242). How could such lineups have been fair when by that time practically the whole world knew Oswald was the prime suspect in the assassination?

Myers cites cabdriver William Scoggins' "identification" of Oswald from one of those police lineups (p. 226). Myers neglects to mention that Scoggins selected the *wrong* photo when asked to identify Oswald from photos after the lineup (3 H 335). Law enforcement agents asked Scoggins to pick Oswald from among various photos following the lineup. After Scoggins made his selection, the agent showing him the pictures told him "the other one was Oswald" (3 H 335). Myers mentions none of this.

#### The Rapid Departure from the Gloco Gas Station and a Suspicious Phone Call

Myers labels as "a mystery" the fact that Tippit sped off from the Gloco gas station at right around the same time the housekeeper at Oswald's rooming house said Oswald left the house (pp. 55-56). Myers just cannot seem to connect the dots. Is it just a coincidence that Tippit sped off from the gas station at right around the same moment Oswald reportedly left his residence?

Why was Tippit waiting at the Gloco gas station to begin with? Perhaps to spot Oswald coming home. One of the witnesses who saw Tippit at the gas station said he was sitting in his car watching traffic coming from downtown Dallas over the Houston Street viaduct. The Gloco gas station was located at the south end of the viaduct. A glance at a map of Dallas reveals this is the street Oswald would have most likely taken to return home from the downtown area. What a coincidence.

Tippit did not answer the dispatcher's call during this time period. Then, just a few minutes after he arrived at the gas station, Tippit suddenly sped off and headed south. Again, this was right around the same time Oswald reportedly left his rooming house.

A short time later, according to two witnesses, Tippit hurried into the Top Ten Record Shop on Jefferson Street, asked customers to step aside as he made his way to the phone, dialed a number, let it ring about seven or eight times, hung up, and then hastily left without saying a word (p. 56). The two witnesses who reported this event were J. W. Stark, the shop owner, and his clerk, Louis Cortinas. Cortinas thought Tippit's actions were strange because Tippit had never tried to use the phone in the shop before. The Top Ten Record Shop was only a mile from the location where Tippit would be shot a few minutes after he left the store.

Myers waffles on whether or not the phone-call incident event occurred. He says a document that surfaced in 1996 "raises questions" about the phone-call story, and he quotes two Tippit associates as saying they did not think Tippit would have gone into a place of business to make a call (p. 56). But Myers allows that the event may have occurred, saying "if Tippit did stop to place a phone call, the reason is unknown" (p. 57). Myers himself cites strong evidence that Stark and Cortinas's story is credible. Myers notes the following:

- \* Cortinas *knew* Tippit.

- \* Cortinas and Stark gave similar accounts of the incident, even though they hadn't seen each other in ten years.

- \* The timing of the incident is consistent with Tippit's known movements.

- \* A document released in 1996 reports that 12 days after the assassination a man named John Whitten told the FBI that he had heard Tippit had been in the record shop on the morning of the shooting.

Why would Stark and Cortinas have invented a story about Tippit making a phone call in their shop? How would they have been "mistaken" about this? There can be no credible doubt that Stark and Cortinas's story is factual.

Clearly, something very strange was going on here. Myers himself notes Tippit could have used the special police phones that were installed at every fire station in Dallas. Reportedly Tippit was not in the habit of using phones in businesses while on duty. Whom was Tippit trying to call? Why was he in such a rush? Is it just a coincidence that only a few minutes later he just happened to end up driving around in an area that was less than a mile from Oswald's rooming house? Let us review the events and facts under discussion and try to put them in the context of other puzzling facts:

- \* At 12:45 Tippit was supposedly ordered to leave his assigned area by the police dispatcher, even though all police officers had been ordered to go to downtown Dallas.

Of all the areas to which he could have been sent, Tippit was allegedly told to go to central Oak Cliff, the same area where Oswald's rooming house was located.

\* Of all the places he could have parked or visited, Tippit chose the Gloco gas station at the south end of the Houston Street viaduct, where he sat and watched traffic coming from the downtown area. He was watching the very street Oswald would have been expected to use to return home.

\* During this same period of time, and just after Oswald walked into his rooming house, a police car drove up to the house, tapped its horn a couple times, waited briefly, and then drove off, according to the housekeeper. The housekeeper indicated Oswald was inside the house for only a few minutes before he departed.

\* A few minutes after arriving at the gas station, and at right around the same time Oswald reportedly left his rooming house, Tippit suddenly and inexplicably sped off from the gas station.

\* A few minutes later Tippit hurried into the Top Ten Record Shop, dialed the phone, let it ring several times, hung up, and then hastily departed without saying a word. Why did he not use the police phone at the local fire station? Why did he need to use the phone at all? Supposedly Tippit was in central Oak Cliff to be on hand for a potential "emergency." So what was he doing leaving his patrol car without checking in with the dispatcher, in order to use a phone in a record shop? Police officers were supposed to contact the dispatcher any time they left their vehicles.

\* A mere matter of minutes after he rushed out of the record shop, Tippit was shot dead on 10th and Patton.

What is especially intriguing about the record shop incident is that the owner, Stark, also said that *Oswald* was waiting at the shop when Stark arrived that morning. Stark said Oswald bought a ticket to a concert and then left. Interestingly, the abovementioned 1996 document also reports that John Whitten told the FBI he had heard that Oswald was in the Top Ten Record Shop *twice* on the morning of the assassination. Myers deals with this by noting that Whitten said Tippit was in the shop during Oswald's second visit, that Stark said Tippit was not in the shop when Oswald was there, and that although Whitten's story places Tippit in the record shop, "details about a frantic phone call are curiously absent" (p. 57).

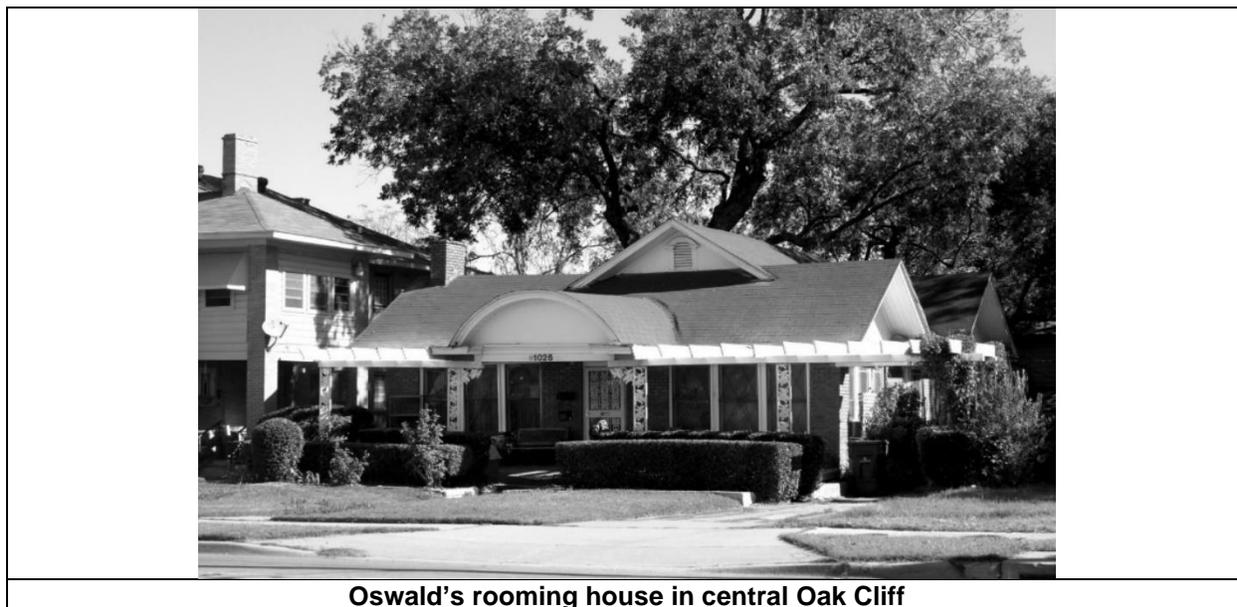
Myers notes the FBI dismissed the account of Oswald's visit to the record shop "because Oswald is known to have been at work all morning" (p. 57). Ok, then why is not this same reasoning applied to the money order that Oswald supposedly purchased in order to supposedly buy the alleged murder weapon? Oswald's timesheet shows he was at work when the money order was purchased. Furthermore, since Myers dismisses the reports that suggest Oswald was being impersonated prior to the assassination, he does not consider the possibility that the person seen at the record store was an Oswald impersonator.

## Mrs. Roberts and the Police Car that Stopped in Front of Oswald's Rooming House

According to Mrs. Earlene Roberts, the housekeeper at the rooming house where Oswald rented a room, a few minutes before Tippit sped off from the gas station, and just after Oswald entered the house at around 1:00, a Dallas police car pulled up to the house, tapped its horn a couple times, waited a moment, and then casually drove off.

Myers dismisses Mrs. Roberts' account because supposedly she waited five whole days before giving it, because her memory was not perfect (for example, she was not certain about the police's car number), because the Dallas police said all their cars were accounted for, and because the rooming house landlady and a pro-WC journalist claimed Roberts liked to "spin tales" (pp. 52-55).

Myers cites Assistant District Attorney Bill Alexander's negative assessment of Mrs. Roberts' credibility (p. 54). Myers neglects to mention that Alexander was hardly an impartial witness and that he certainly had his own credibility problems. Alexander later admitted to doing some tale spinning of his own: He claimed he made up a story about Oswald working for the FBI because he "never much liked the federals" and because he wanted to see if the FBI was tapping Dallas police phones. Alexander also denied that Oswald's killer, Jack Ruby, was in the Mafia, a claim that was specious even when Alexander made it.



And what about the rooming house landlady, Gladys Johnson, whom Myers cites to impugn Mrs. Roberts' veracity? Five months after the fact, Mrs. Johnson claimed to the WC that Mrs. Roberts liked to tell tales. Why had not Mrs. Johnson said anything about this earlier? Myers takes note that Mrs. Roberts supposedly waited a whole five days before mentioning the police car incident, but apparently he is not bothered that Mrs. Johnson waited five months before saying anything to anyone about Mrs. Roberts' alleged story telling.

It is entirely possible that Mrs. Roberts simply did not see any importance in the visit of the police car. She probably thought it was an unimportant, minor detail. She certainly cannot be accused of being a "conspiracy witness" who was trying to help Oswald, because she accepted the case against Oswald without question.

It is also possible that Mrs. Roberts mentioned the police car visit along with the rest of her story when she was interviewed by the Dallas police, but that the police ignored it. After all, one of the Dallas law enforcement officials who interviewed her was the abovementioned Assistant DA Bill Alexander. The Dallas police would not have wanted it known that one of their cars had stopped in front of Oswald's house so soon after the shooting. Also, we should be kept in mind that several witnesses complained that the Dallas police ignored certain parts of their stories. For example, Frank Wright, who saw Tippit's killer jump into a car and speed off, said he tried to tell two or three policemen about this, "but they didn't pay any attention" (Anthony Summers, *Not in Your Lifetime*, New York: Marlowe & Company, 1998, p. 71).

Myers notes that pro-WC journalist Hugh Aynesworth claimed Mrs. Roberts said nothing about the police car visit when he interviewed her on the afternoon of the assassination. This is hardly a compelling point. Aynesworth was a staunch WC supporter who proved time and again he was not above bending the facts. When New Orleans District Attorney Jim Garrison investigated the assassination a few years later and charged New Orleans businessman Clay Shaw with involvement in the assassination plot, Aynesworth made maliciously false charges against Garrison and ignored all evidence against Shaw (Jim Garrison, *On the Trail of the Assassins*, New York: Warner Books, 1988, pp. 187-188; James DiEugenio, *Destiny Betrayed: JFK, Cuba, and the Garrison Investigation*, New York: Sheridan Square Press, 1992, pp. 159-165; and William Davy, *Let Justice Be Done: New Light on the Jim Garrison Investigation*, Reston: Jordan Publishing, 1999, pp. 131-135).

A 1969 article on the Garrison investigation in the *Columbia Journalism Review* identified Aynesworth as one of three journalists who had gone "beyond the normal bounds of journalistic interest in the story." The authors of the article even suggested Aynesworth, because of his obvious bias, should have considered taking himself off the case as a journalist and simply joined the Shaw defense team (see Davy, *Let Justice Be Done*, pp. 134-135, citing *Columbia Journalism Review*, Spring 1969, pp. 38-41). In later years it came to light that Aynesworth acted as an informant on the JFK case for the FBI and was also a CIA asset. (For more information on Aynesworth, see Mal J. Hyman, *Burying the Lead: The Media and the JFK Assassination*, Trine Day: 2019, pp. 111-116, 180-198).

Myers accepts Mrs. Roberts' statements about Oswald entering the house, about his hurried manner, about his wearing a jacket, and about his zipping up the jacket as he exited the house, but he rejects her report about the police car stopping in front of the house. I think anyone who listens to the interview that Mrs. Roberts gave on radio station KLIF a few hours after the assassination will conclude she sounded like a sincere, down-to-earth person who was simply telling what she had seen and heard.

I should point out that the FBI believed Mrs. Roberts' account of the police car visit. The FBI even opined the car was there because the police had learned of Oswald's address and were waiting to see if he came home.

### The Fake Oswald Wallet and the Fake Hidell ID Card

Myers refuses to admit that someone clearly planted a fake "Oswald" wallet, complete with a fake Hidell ID card, at the Tippit murder scene, even though former FBI Special Agent Robert Barrett adamantly insists an Oswald wallet with both Oswald ID and fake Hidell ID was found at the scene, and even though Barrett clearly recalls that he was asked if he knew who Oswald or Hidell was by the policeman who was examining the wallet. In addition, former FBI Special Agent James Hosty confirmed that Barrett told him about the finding of an Oswald wallet at the Tippit scene, and there is news film footage of policemen examining a wallet right next to Tippit's patrol car (pp. 287-303).

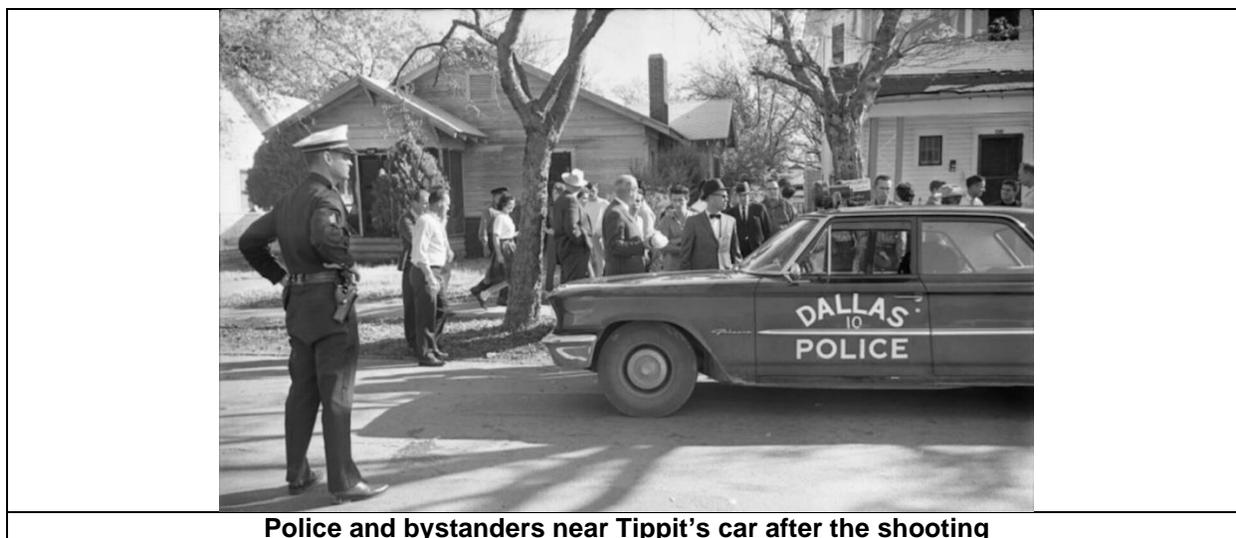
Myers says that although the wallet in the news film resembles Oswald's arrest wallet in a number of features, "photographs show that the Oswald arrest wallet is *not* the same billfold" that's seen in the news footage (p. 298, original emphasis). Myers argues that the metal band on the arrest wallet's leather flap is not quite the same as the band on the news film wallet's flap, and that the arrest wallet's leather flap is shaped slightly differently than the leather flap of the wallet in the news film. I dispute both arguments.

The photos in question by no means clearly establish either of these claims. It is hard to make out the exact length and shape of the metal band on the flap of the news film wallet. Allowing for a modest amount of sun reflection and the somewhat grainy nature of the news film, the news footage wallet's metal band might very well be identical to the arrest wallet's metal band. As for the argument about the length of the bands, Myers fails to consider the fact that in the photo of the arrest wallet the flap is lying down flat and is apparently snapped shut, whereas in the news film the wallet's flap is unsnapped and partially up. Also, the top left edge of the news film wallet's flap is somewhat obscured by a plastic photo sleeve beneath it, and it is hard to determine the exact shape of the other edge of the flap because of the grainy nature of the news film, because of the camera angle, and because the flap is up and not lying flat. The two flaps look to me like they could very well be identical. For that matter, the wallets look identical in size and in all of their essential features.

However, even if the wallet in the news film footage is not Oswald's arrest wallet, the fact remains that former Special Agent Barrett insists an Oswald wallet with both Oswald ID and fake Hidell ID was found at the scene, and that Barrett clearly recalls that he was asked if he knew who Oswald or Hidell was by the policeman who was examining the wallet. Nor does it change the fact that former Special Agent Hosty confirmed that Barrett told him about the finding of an Oswald wallet at the Tippit scene. Nor does it change the fact that there is news film footage of policemen examining a wallet right next to Tippit's patrol car. The Dallas police said they found Oswald's "real" wallet on his person while they were driving him to the police station. So the Oswald wallet that was found at the Tippit scene was fake and was planted there in an effort to frame Oswald.

## Why Tippit Was in Central Oak Cliff and Not in His Assigned Area When He Allegedly "Stopped" Oswald

Myers' explanation for Tippit's presence in central Oak Cliff is severely problematic. Tippit's assigned area was miles from central Oak Cliff. Myers quotes dispatcher Murray Jackson's story that he assigned Tippit to central Oak Cliff because "we were draining the Oak Cliff area" and because he supposedly realized there would not be any policeman there if anything happened there (pp. 43-44). But, this will not work: there was already a patrol car assigned to central Oak Cliff.



**Police and bystanders near Tippit's car after the shooting**

Tippit was gunned down in District 91. Officer Mentzel was already assigned there. John Wassell says the police tape for Channel 1 contains a transmission at about 12:33 in which Mentzel asks for permission to take a break. Wassell says Mentzel was on a lunch break from about 12:33 to 1:07. The dispatcher made no effort to contact Mentzel during this period. Wassell further says the dispatcher acknowledged without comment a check-in transmission from Mentzel at 1:07.

One could argue that technically District 91 was "uncovered" during this time. But in the aftermath of the assassination Districts 88, 89, and 98 also appear to have been "uncovered." Also, many patrol cars appear to have been covering two districts. So why would central Oak Cliff have been singled out for such special attention? Moreover, we should keep in mind that just moments before the belatedly discovered 12:45 instruction for Officers Tippit and Nelson to move to central Oak Cliff, the dispatcher had radioed "all squads" to proceed to Dealey Plaza:

Attention all squads, report to downtown area code 3 to Elm and Houston, with caution. (CE 705, p. 8, 17 H 397)

In light of these facts, it is very hard to understand why central Oak Cliff would have been singled out for special attention. Why would *two* out-of-area patrol cars have been sent to central Oak Cliff when all squads had just been ordered to go to Dealey Plaza

(i.e., Elm and Houston), and when there was already a patrol car assigned to that area? Is it sheer coincidence that Oswald "just happened" to live in central Oak Cliff?

If nothing else, dispatcher Jackson would have known that Mentzel would be back in his patrol car soon. There was no need to send an additional patrol car to central Oak Cliff, much less two patrol cars.



Police dispatcher Murray Jackson being interviewed on a CBS News segment

Myers fails to explain why central Oak Cliff would have been singled out for special attention. Why the need for *three* patrol cars in the one area where, by cosmic coincidence, Oswald "just happened" to live, especially given the fact that there had been no disturbance of the peace in that area whatsoever, and that during this same time officers from the outermost areas were being sent to the Book Depository?

Disturbingly, nowhere in his section on why Tippit was in central Oak Cliff does Myers mention that Officer Mentzel was already in District 91. Not one solitary word. Why not? Because that would cast doubt on his explanation for Tippit's presence in central Oak Cliff?

Myers discusses a number of things that policemen and others said were broadcast over the police radio but which are not found on the existing police tapes. Interesting. This raises the possibility that the tapes have been altered or even faked. Critics have long suspected that the 12:45 order sending Tippit and Nelson to central Oak Cliff was dubbed onto the tape after the fact. No such order appeared in the first Dallas police transcript of the police dispatch tapes, even though that transcript was prepared with the instruction to note all transmissions that related to the deaths of Tippit and Kennedy.

Gary Cornwell, the former deputy chief counsel of the House Select Committee on Assassinations (HSCA), points out that the police tapes in question might be copies (*Real Answers*, p. 113). So does Carl Oglesby (*The JFK Assassination: The Facts and the Theories*, p. 251). Says Oglesby,

. . . there are indications that other police dictabelts were tampered with (in connection with Patrolman J. D. Tippit) and the NAS panel did not look into

these. Third, the chain of custody of this particular piece of evidence, this particular dictabelt, leaves its authenticity open to challenge. One of the committee's scientific experts said outright, though not for attribution, that the discovery of the apparently simultaneous voice transmission from one minute after the transmission means that this dictabelt could not be the original. (*The JFK Assassination*, p. 251)

Dr. Paul Hoch wrote to Dr. James Barger, one of the HSCA's acoustical scientists, and suggested the dictabelt recording may have been altered. Hoch was skeptical of certain parts of the recording relating to Tippit's presence in Oak Cliff, such as the transmission telling Tippit to be on hand for any "emergency." Hoch discussed this in a 1986 review of Henry Hurt's book *Reasonable Doubt*.

I suggested that both the tone and wording of two key messages [that supposedly explain why Tippit was in Oak Cliff] were in the "formal mode" which one would expect only in important messages -- or in a later re-creation. "You are in the Oak Cliff area, are you not?" seemed significantly more formal than "What's your location?", "Are you en route to Parkland, 601?", and similar inquiries recorded that day; it resembles "You do not have the suspect. Is that correct?", where the "formal mode" is expected. Similarly, "You will be at large for any emergency that comes in" contrasts with "Remain in downtown area, available for call" and "Stand by there until we notify you."

This kind of analysis has been of evidentiary value in at least one other case, involving a tape (released by Larry Flynt) purportedly of a conversation between John De Lorean and FBI informant James Hoffman. Jack Anderson reported that psycholinguist Murray Miron was able to establish that the tape had been faked. (24 May 84, SFC, #1986.2) In addition to the anomalously unresponsive content of "Hoffman's" remarks, his "speech cadences...` are consistent with those to be expected from one who has rehearsed or is reading from a script." Anderson described Miron as a "longtime FBI consultant." The Justice Department should certainly sponsor that kind of analysis of the Tippit messages. . . . (*Echoes of Conspiracy*, Vol. 8, No. 1, February 28, 1986)

Dr. Hoch sent his analysis to Professor Miron, in light of Miron's work on the Flynt tape. Several months later, Dr. Hoch wrote the following:

One reason for questioning the authenticity of the DPD Dictabelt is the presence of certain messages relating to Officer Tippit. Basically, the following exchanges are suspect because of their content, the formal tone of transmissions 590 and 592, and the apparent absence of the expected reaction. The message numbers and the transcriptions are from the Kimbrough transcript.

389. [Disp.] 87, 78, move into central Oak Cliff Area.

390. [78 (Tippit)] 78, I'm about Kiest and Bonnie View.

391. [87 (Nelson)] 87's going north on Marsalis on R. L. Thornton.

392. [Disp.] 10-4....

588-589 [Disp.] 78. [78] 78.

590. [Disp.] You are in the Oak Cliff area, are you not?

591. [78] Lancaster and Eighth.

592. [Disp.] You will be at large for any emergency that comes in.

583. [78] 10-4.

I sent my analysis to Prof. Murray Miron, a psycholinguist whose work on another case was described in *Echoes of Conspiracy*, Vol. 8, No. 1, February 28, 1986. The following is from a letter I sent to the Justice Department on September 16, 1986, describing his independent analysis, which provided some support for my own work:

"Prof. Miron . . . has not yet prepared a formal report, but he has provided me with the following conclusions: 'Our preliminary findings... suggest that the communications directed to Officer Tippit are anomalously at variance with the other transmissions of the tape record.... The transmissions to Tippit are quite stilted. They have the appearance of transmissions made more for an audience's benefit than those for which the intent is to convey instructions. The query regarding Tippit's current position is rhetorical rather than questioning.'"

"Prof. Miron emphasized to me that his analysis does not preclude a quite innocent explanation for the anomaly. The messages could have been added to the recording after the fact, or they might have been made in 'real time' but sound anomalous because the persons involved knew that something unusual was going on."

"For example, if Tippit was taking time to attend to personal business (as suggested by Mr. Hurt's book), a dispatcher might have covered for him by assigning him to the Oak Cliff area, with his voice betraying his knowledge that the assignment was not routine but somehow designed to keep Tippit out of trouble. (This is clearly speculation, of course.)"

"Even alteration of the recording after Tippit's death could have been motivated by nothing worse than a desire to protect his reputation." (*Echoes of Conspiracy*, Vol. 8, No. 3, October 31, 1986)

If these transmissions are not genuine, they could represent an attempt by the Dallas police to conceal the fact that Tippit went to Oswald's neighborhood without

authorization and/or without giving the required notice, which in turn would suggest that he was hunting for Oswald (or for someone he believed was Oswald).

### When Was Tippit Killed?

Myers claims that Tippit was shot at 1:14:30, but the weight of the evidence clearly indicates that the shooting occurred between 1:08 and 1:10, too soon for Oswald to have reached the scene. Moreover, two witnesses said that Oswald entered the Texas Theater just a few minutes after 1:00 P.M., and that he remained in the theater until he was arrested there about an hour later.

The foundation of Myers' argument regarding when the Tippit shooting occurred is his "stop-watch analysis" of the police tapes. Although the DPD and FBI transcripts have Bowley calling the dispatcher at about 1:16, and even though Bowley said it was 1:10 when he first arrived to the scene, Myers says his stop-watch review of the tapes shows Bowley did not make the call until 1:17:41 (p. 92). If Bowley did not call the police dispatcher till 1:17:41, why did the Sheriff's Department dispatcher apparently begin to respond to the shooting at 1:16, as the Sheriff's Office tape transcript seems to show (17 H 372)?

Almost immediately after the 1:16 time notation, the Sheriff's dispatcher tells all units to stay off the radio unless they have important traffic. Then, the dispatcher tries to contact any squads in the area of "Jefferson and East 10th, 510 East Jefferson and 10th." This is significant because this address is a combination of the address that Bowley and dispatcher Hulse gave over the police radio. A deputy sheriff responds, and the dispatcher tells him to remain in the area and to be on the watch for emergency vehicles.



**Police and bystanders at the Tippit crime scene after the shooting**

As mentioned, questions have been raised about the authenticity of the police tapes. Myers never explains why it took the Dallas police *four months* to discover the 12:45 instruction to Tippit and Nelson to go to central Oak Cliff. Former Rockefeller Foundation scholar Henry Hurt explains why there is some doubt about the 12:45 instruction:

. . . the first transcript was prepared by the Dallas police and was supposed to highlight communications pertaining to the murders of Officer Tippit and President Kennedy, excluding other police matters. The Warren Commission staff studied the transcript futilely in an attempt to find some radio dispatch that could explain why Tippit had moved from his assigned district into the area where he was killed. Nothing could be found. The puzzle persisted.

The Warren Commission continued to struggle with the question throughout the sprint. It heard testimony from three supervisors from the Dallas Police Department who tried to explain why Tippit was in the wrong place. The reasons were purely speculative, vaguely suggesting the demonstrably absurd possibility that Tippit was heading for Dealey Plaza four miles away to be of assistance there. During this testimony, there was never any reference to the possibility that Tippit might have been ordered to go to central Oak Cliff by the police radio dispatcher. And, of course, the three supervisors were quite aware of the intense effort being made to find an answer to this riddle. (*Reasonable Doubt*, p. 160)

Anyway, *four months* after the assassination, the Dallas police claimed to have finally discovered the 12:45 instruction. Hurt continues,

Not only was such an inexplicable instruction believed to be unique in the Dallas Police Department, it also had not been in the first transcript. Moreover, none of the police supervisors who testified earlier indicated that they knew anything about it. . . .

From the beginning, there were peculiarities that surrounded not only the fortuitous emergence of the evidence but also the specific radio dispatch. As critic Meagher points out, the dispatch was made at the very height of the bedlam that engulfed the Dallas Police Department during the minutes following the assassination. No event in the city's history had created such frenzy. Not only was the police switchboard jammed, but police officers had difficulty getting through with crucially important radio messages concerning the state of emergency in the wake of the assassination of President Kennedy.

Yet, there was time, at the height of this turbulence, for the dispatcher to order Tippit and one other officer--who, if he heard the order, did not obey it--to move into central Oak Cliff, where at that time there was not a single significant crime that needed police attention. (*Reasonable Doubt*, pp. 160-161)

The bulk of the evidence indicates that Tippit was shot several minutes earlier than Myers can allow, and several minutes before Oswald could have arrived at the scene.

Myers sidesteps most of this evidence. For example, Myers fails to mention that Mrs. Markham felt certain Tippit was shot at around 1:06 or 1:07. Bowley's watch-checked time of 1:10 for his arrival matches perfectly with Markham's time of 1:06-1:07 for the shooting and with Benavides' account that he waited a few minutes before he approached the patrol car. It also corresponds with other eyewitness estimates of when the shooting occurred.

Perhaps Myers did not think he could afford to mention Mrs. Markham's comments about when the shooting occurred because he had already noted that Markham was en route to her regular 1:12-1:15 bus when she witnessed the Tippit slaying. Several other facts support Mrs. Markham's statements about the time of the shooting.

Mrs. Markham said that she left her apartment building at 1:04, that it would have taken her about 2 minutes to walk from her apartment building to the Tippit scene, that she walked to her bus stop *every day*, and that she had a routine of leaving at 1:00 to catch her bus. Myers would have us believe that Markham erred substantially, by 7 minutes, in her recollection of when she left her apartment building, even though she noted that as she was leaving she glanced at the clock in the laundry room of her apartment building and that the clock read 1:04. Nonetheless, Myers lamely argues that Mrs. Markham was mistaken.



**Helen Markham**

Mrs. Markham's time of 1:06 or 1:07 for the shooting is consistent with her testimony that she left the apartment building at 1:04; it is consistent with how long it would have taken her to walk from her apartment to where she was when Tippit was shot (right around 2 minutes); and it is consistent with her testimony that the laundry room clock read 1:04 when she departed for her bus stop. But Myers simply cannot afford to accept Mrs. Markham's time because it destroys his version of the shooting.

Bowley's radio call to the dispatcher deserves further consideration. As mentioned, Bowley reported his watch read 1:10 when he drove up to the crime scene, which means Tippit must have been shot before or right at 1:10. Bowley then walked up to the car, took the radio mike from Domingo Benavides, and contacted the police dispatcher at 1:16 or 1:17. Note that this was *after* Benavides heard gunfire, ducked into his truck

and waited there "*for a few minutes*" (out of fear the killer would return), got out of his truck, attempted to help Tippit, climbed into the squad car, and then fumbled with the radio as he tried to figure out how it worked. It was at this point that Bowley appeared inside the car, took the radio from Benavides, and contacted the dispatcher.

The standard lone-gunman explanation is that Benavides waited in his truck only for a matter of seconds and not for a few minutes. But this flies in the face of common sense, not to mention that it ignores what Benavides himself initially said, which was that he waited in his truck for "a few minutes." If you were only 25-50 feet away from a shooting and feared you could be the next target, how long would you wait until coming out into the open again? Understandably, and by all accounts, Benavides was scared to death by the shooting. He told the WC he waited in his truck "a few minutes" after he heard the shots. According to fellow witness Ted Calloway, Benavides told him the day after the shooting that,

When I heard that shooting, I fell down into the floorboard of my truck *and I stayed there*. It scared me to death. (p. 220, emphasis added)

Years later Benavides changed his story and told CBS he only waited a few seconds, not a few minutes. Predictably, Myers chooses to accept Benavides' belated change of story and rejects his original statements (pp. 86-87).

If, as seems likely, Benavides did in fact wait in his truck a few minutes after the shots rang out, then the case against Oswald collapses, unless one is willing to assume some unknown person gave Oswald a ride to the Tippit crime scene. Myers is willing to speculate that this might have happened, suggesting that a person who gave Oswald a ride would not have come forward to tell about it because he would have been too embarrassed (p. 352).

The problem of getting Oswald to the Tippit crime scene in time to commit the crime has always vexed the lone-gunman theory. Oswald's rooming house was nearly a mile from the spot on 10th and Patton where Tippit was shot, right around nine-tenths of a mile. Even walking at a very brisk pace, Oswald would have taken a minimum of 10 minutes to reach the Tippit scene, and bear in mind this does not allow time for him to supposedly walk a block and a half past 10th and Patton and then supposedly spin around after seeing the police car approach.

Importantly, Mrs. Roberts said that when she looked out the window a short time after Oswald left the boarding house, she saw him *standing* near the street. This was a few minutes after 1:00, around 1:03 or 1:04.

As mentioned, Myers says the shooting occurred at 1:14:30. A very brisk pace would have put Oswald at the Tippit scene at 1:14, if we assume he began his speed walk at 1:04, but that would not have left enough time for him to walk past 10th and Patton, spin around, start walking the other way, get stopped by Tippit, have a "friendly chat" with Tippit, wait while Tippit got out of the car, and then shoot Tippit. And note that this whole scenario assumes Oswald suddenly started sprint-walking toward the Tippit scene right

after Mrs. Roberts saw him *standing* near the road in front of the rooming house. It also assumes that Benavides waited only a few seconds before coming out from hiding and approaching the car. It just does not work.

### Getting Oswald to His Rooming House by 1:00

Lone-gunman scenarios of Oswald's movements strain mightily just to get Oswald to the rooming house by 1:00. They assume he rode on McWatters' bus and rode in Whaley's cab. They assume Whaley made the trip in under 6 minutes, even though Whaley said it took 9 minutes in the repeated reenactments that he did with the Dallas police--and the time of 9 minutes was when he "hit the lights right" (2 H 259).

The WC could not accept the time of 9 minutes in the first set of reenactments; 9 minutes was far too long. So Whaley was made to do yet another reenactment, this time with the Secret Service, and this time using a *shorter* route than the one Whaley described in his initial testimony in March 1964. It was this "simulation" that served as the basis for the commission's claim that the cab ride took no more than 6 minutes. An All-American Television team conducted a reenactment of Whaley's trip for the 1992 documentary *The JFK Conspiracy*. Hitting few if any red lights and with virtually no traffic, it took the team over 8 minutes to make the trip. Myers does not even address the problem of the widely varying times for Whaley's cab journey, not to mention the fact that it is not certain that Oswald was Whaley's passenger.

### The "Wrong" Fingerprints: More Evidence that Oswald Did Not Shoot Tippit

Myers admits the fingerprints on the front passenger door and on the right front fender of Tippit's patrol car were from one person, and that those prints are *not* Oswald's. One would think this would be evidence of Oswald's innocence. But Myers theorizes that the fingerprints were made by a bystander and that the assailant did not touch the car (pp. 274-278). The evidence suggests otherwise. The evidence indicates the assailant did in fact touch the passenger door. Mrs. Markham apparently said this to the police at the scene, and even demonstrated this to them, as we see in the WFAA footage. And, another witness reported the gunman put his hands on the front passenger door.

Furthermore, why would a bystander have touched the front passenger door *and* the right front fender? No witness reported touching the front passenger door or the right front fender, nor did any bystander report seeing another bystander do so.

Additionally, the location of the passenger-door prints is significant: They were located just beneath the door's small vent window, and it was through this same window that the killer apparently spoke with Tippit, as Myers himself points out (p. 67). The vent window, moreover, was found open when police arrived to the scene. So the most logical conclusion is that the killer made the fingerprints that were found beneath the vent window as he spoke with Tippit through that window. But Myers cannot accept this because the fingerprints are not Oswald's.

Eyewitness Jimmy Burt said the killer put his hands on the front passenger door. In the WFAA footage taken at the Tippit crime scene following the slaying, we see the following, according to Myers' own description of this footage:

Eyewitness Helen Markham and DPD Captain W. R. Westbrook are standing near the passenger door of Tippit's car. Mrs. Markham appears to be showing Westbrook how the killer approached the car. Her arms move out in front of her in a gesture suggesting how the killer leaned on the car. Captain Westbrook leans down and looks at the area of the car near beneath the passenger side window. Westbrook jerks his head up and spots crime lab investigator Pete Barnes across the car and speaks to him. Barnes nods his head and starts off to apparently retrieve a fingerprint kit. Barnes was later photographed dusting the area Westbrook had indicated for prints!

Moreover, in this same footage we see Detective Paul Bentley, Sergeant Bud Owens, and Captain George Doughty investigating what apparently are fingerprints on the right front quarter panel of Tippit's car. This area was also dusted for fingerprints!

Incidentally, Myers does not say a word about either episode in his discussion on the fingerprints. He discusses these episodes in another part of the book, on p. 292, one chapter and 14 pages after he theorizes the prints were made by a bystander. It would have been nice if Myers had brought these filmed episodes to the reader's attention in his section on the fingerprints. But, of course, this would have discredited his theory that the prints were made by a bystander.

### Problems with the Ballistics Evidence

Myers admits the slugs from Tippit's body do not match the missile shells in evidence. To explain this, Myers posits a fifth shot (pp. 269-271). Yet, there is no physical evidence of such a shot, and only four shells were found on the day of the shooting.

Myers seeks to explain the fact that not one of the shells in evidence has Sergeant W. E. Barnes' or Patrolman J. M. Poe's initials on it, even though both men said they marked two of the shells (pp. 260-265). Myers quotes two former DPD officers as saying marking evidence was not viewed as vital at the time (which I seriously doubt). However, Sergeant Gerald Hill testified he told Poe to be "*sure*" to mark two of the shells. If the Dallas police did not think marking evidence was important at the time, why did Sgt. Hill tell Poe to be "*sure*" to mark the two shells he had received from an eyewitness?

Myers quotes a former DPD detective as saying, decades after the fact, that Poe told him he really did not mark the shells. However, Poe adamantly maintained in his Secret Service and FBI statements, and in his interview with Henry Hurt, that he marked the shells. He said he was certain he had marked the shells. Even in his WC testimony he indicated he believed he had marked them.

Of course, the absence of Poe's initials on the extant shells suggests those shells are not the same shells that were found at the crime scene on the day of the shooting. But

Myers can have none of this. So, he must argue that Poe somehow, for some reason, "failed" to mark any of the shells, even though Sgt. Hill had told him to be "sure" to mark two of the shells, and even though Poe initially said he was certain he had marked them.

Speaking of Sgt. Hill, it is worth repeating that Hill, an experienced policeman, initially said an automatic pistol was used in the shooting (as opposed to Oswald's revolver). Hill based his identification on the shell casings. As noted earlier, any firearms expert can attest that it's very easy to distinguish between automatic shells and revolver shells. In a 1986 interview, Hill said he knew the shells were .38-caliber shells because he picked one of them up and examined it. This is significant because .38 automatic shells are marked ".38 AUTO" on the bottom. Hill specifically said he looked on the bottom of the shell that he examined. It is no wonder, then, that Hill got on the radio and said "the shells at the scene indicate that the suspect is armed with an automatic .38."



Another problem with the firearms evidence against Oswald is the fact that the FBI found that Oswald's revolver was defective—it would not fire because the firing pin did not work properly. Dr. Gerald McKnight:

The first indication that Oswald's .38 Smith and Wesson revolver was defective surfaced in the Warren report's account of his arrest in the Texas Theatre. The report stated that while Oswald was scuffling with one of the arresting officers, "a click" was heard, which the report identified as the sound of Oswald's handgun misfiring. Later, when the FBI crime lab examined the four empty .38 hulls retrieved from the Tippit crime scene, none of the cartridges bore firing-pin indentations. Based on the physical evidence, BuLab [the FBI crime lab] surmised, "the firing pin would not strike one or more of the cartridges with sufficient force to fire them." The FBI was confronted with the strong likelihood that Oswald's pistol was so hopelessly defective that it could not have been used in the Tippit shooting. This could explain why the FBI was so conspicuously indifferent about collecting and testing the three slugs Dr. Rose had removed from the slain policeman's body. (McKnight, *Breach of Trust: How the Warren Commission Failed the Nation and Why*, University Press of Kansas, 2013, p. 146)

In conclusion, Myers' book is hardly the definitive, case-closing book it has been touted to be. It is loaded with omissions, errors, and doubtful arguments. The case against Lee Harvey Oswald in the Tippit shooting is very weak, highly suspect, and contradicted by considerable evidence.

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