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12-18-2013

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Repository Citation

Wilkes, Donald E. Jr., "Lee Harvey Oswald, the Patsy" (2013). *Popular Media*. 180.
https://digitalcommons.law.uga.edu/fac_pm/180

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Lee Harvey Oswald, the Patsy

An Objective Review of the Evidence Concludes That Oswald Was Framed

By [Donald E. Wilkes, Jr.](#)

[I]t is not unreasonable to doubt the Warren Commission's conclusion that Oswald, acting alone, fired three shots from the sixth-floor of the Texas School Book Depository building in Dealey Plaza in Dallas and assassinated President Kennedy. —Joseph Lazzaro

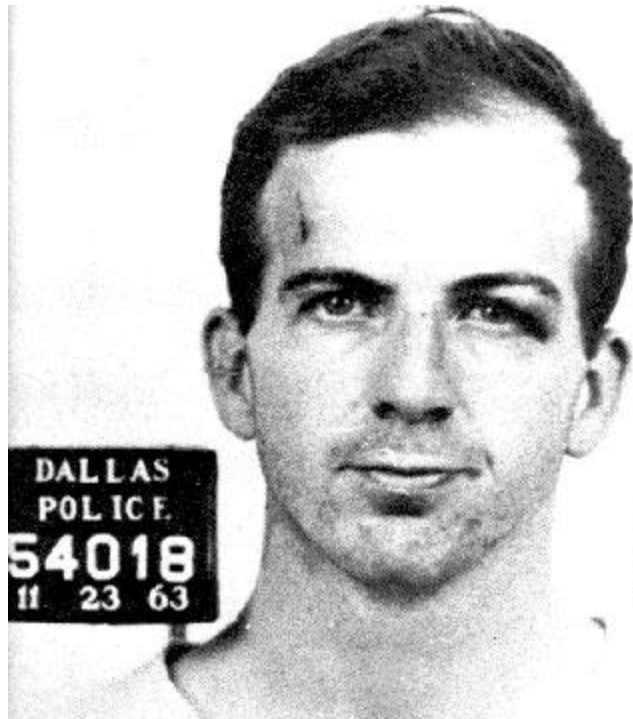
"I'm just a patsy!" —Lee Harvey Oswald

Oswald the Assassin?

Last month Secretary of State John Kerry, commenting in an interview on the 50th anniversary of the assassination of President John F. Kennedy, said: "To this day, I have serious doubts that Lee Harvey Oswald acted alone. I certainly have doubts that he was motivated by himself, I mean I'm not sure if anybody else was involved . . ."

John Kerry takes it for granted that Oswald shot and killed JFK, leaving open only the question of whether others were involved with Oswald.

Many articles in the print and electronic media marking the passage of a half century since the tragic murder of our 35th president also take the view that it was Oswald who shot President Kennedy. One article is entitled "Why'd Oswald Do It?," while the subtitle of another references "Lee Harvey Oswald's bizarre path after killing JFK." The authors of many of these articles contend that Oswald was the lone assassin and regard the case as closed (although some of them admit that Oswald's motive is unknown). Other authors believe, like John Kerry, that Oswald may have acted with the encouragement or assistance of unknown persons.



Not every recent article on the JFK assassination embraces the theory that Oswald, whether by himself or with the aid of others, murdered Kennedy. Some articles advance reasons for questioning Oswald's guilt and for believing that the assassination resulted from a conspiracy involving conspirators whose identities remain unknown to this day. In one of these articles assassination researcher David Talbot not only advances plausible reasons for thinking that there was a conspiracy, but also reminds us that

defenders of the Oswald-was-the-lone-assassin thesis frequently “seem more interested in ridiculing and marginalizing even the most credible conspiracy researchers than in getting at the truth.”

Those who say Oswald was the sole assassin think that the judgment of history is on their side. Richard Mosk asserts: “The history books now seem reconciled to the fact that Oswald, acting alone, assassinated the president.” Similarly, Jill Abramson writes: “The historical consensus seems to be settled on Lee Harvey Oswald as the lone assassin.” However, it is emphatically not true that there is an historical consensus that Oswald was the sole assassin. “[T]here is no such consensus,” David Talbot notes, “only a fractious ongoing debate.” The truth is that leading responsible assassination investigators—including academic historians with a Ph.D. such as history professors Michael L. Kurtz and Gerald D. McKnight—reject the theory that Oswald was the lone killer and conclude that the Kennedy assassination resulted from a conspiracy, with the identity of the conspirators being unknown. Public opinion polls demonstrate that at all times since 1964 a majority of the American people have believed that the assassination was the result of a conspiracy. Currently, 59 percent suspect multiple persons conspired to kill Kennedy, while only 24 percent think Oswald assassinated the president by himself.

Possible Scenarios

In assessing whether Lee Harvey Oswald shot President Kennedy, there are four possible scenarios. The first is that he was the lone assassin and that he acted entirely on his own. Under this view, Oswald, without prompting or assistance from anyone else, and using a 20-year old, bolt-action military-surplus 6.5 mm Italian Mannlicher Carcano carbine, fired from the sixth-floor window of the Texas School Book Depository all the shots directed at the presidential limousine, killing JFK, seriously wounding Texas Gov. John Connally, and grazing the cheek of bystander James Tague.

The second scenario is that Oswald performed all these acts but did them with the encouragement or assistance of others.

The third scenario is that Oswald was part of a conspiracy to murder JFK, which would mean that he probably did fire shots from the sixth-floor but that he was not the only shooter that day (regardless of which shooter actually killed the president).

The final possible scenario is that Lee Harvey Oswald was an innocent person who either was framed or (like numerous other innocent persons erroneously believed to be guilty of a crime they did not commit) was the victim of a body of incriminating circumstantial evidence that misleadingly indicated his guilt. If Oswald was framed, the frame-up must have been principally the work of the unknown conspirators responsible for the assassination.

The most probable of these scenarios, I shall show, is that Lee Harvey Oswald was an innocent man framed for a murder he did not commit—that, as Oswald himself shouted while under arrest (and before he was murdered in the presence of 70 police officers while a handcuffed prisoner), he was a “patsy.” The assassination therefore most likely resulted from a conspiracy, with Oswald not being one of the conspirators.

Yes, there was evidence of Oswald's guilt. But it was designed to mislead. When an innocent person is framed—that is, when evidence, whether fabricated or not, is planted or arranged so as to falsely incriminate an innocent person—the result is that there exists what appears to be persuasive evidence of his guilt. The books are full of cases where an innocent person was found guilty of a crime he didn't commit on the basis of what appeared to be strong incriminating evidence which later turned out to be bogus or erroneously indicative of guilt.

Those who accuse Lee Harvey Oswald of shooting JFK insist that there was overwhelming evidence he did it. They are wrong.

The Warren Report

The notion that Oswald fired the shots that killed Kennedy dates back to the 1964 Warren Report, the official report of the Warren Commission, the blue-ribbon government body appointed by President Lyndon B. Johnson a week after the assassination to investigate the murder.

It is hardly necessary to point out that today among serious assassination investigators both the Warren Commission and its final report are largely discredited. "[T]he Warren Commission," in the words of Prof. McKnight, "went through the motions of an investigation that was little more than an improvised exercise in public relations. The government did not want to delve into the heart of darkness of the Kennedy assassination because it feared what it might uncover: the brutal truth . . . that [the] assassination was carried out by powerful and irrational forces within his own government." As for the Warren Report itself, it was, as David Talbot phrases it, "the result of massive political cunning and investigative fraud" and "remains a notorious symbol of official coverup." Apologists for the Warren Report used to insist that the Warren Commission did a thorough job of investigation and that because it got the facts right, its conclusions were correct; but now they have retreated to the backup position that while it is true that the Commission botched its investigative job in important respects, the conclusions reached in its Report remain correct.

The Warren Report could not adduce any credible reason why Lee Harvey Oswald would want to murder President Kennedy and was obliged to engage in Freudian musing about Oswald being some sort of sociopathic misfit.

The respective assassins who murdered presidents Lincoln in 1865, Garfield in 1881, and McKinley in 1901, each had a motive and after the deed each proudly proclaimed what he had done. Oswald, on the other hand, had no known motive and denied the deed. Every scrap of relevant evidence suggests that Oswald admired JFK. Nor have the apologists for the Warren Report been able to come up with a good reason why Oswald would assassinate JFK, although they have advanced a number of ridiculous ones. Their latest ploy is to claim that pro-Castroites who met up with Oswald at a Mexican twist party (yes, a Mexican twist party!!) during his mysterious trip to Mexico City two months before the assassination told him things that induced him to decide to murder the president out of love for Fidel Castro. The many problems with this droll story include that there is no adequate proof that Oswald attended such a party, or that Oswald was so stupid or gullible that he would fall for the story allegedly fed him by the Fidelistas, or that Oswald was in fact a Castro lover (indeed, Oswald's leftist activities were all for show;

he associated with or worked for American intelligence or law enforcement officials and his so-called pro-Communist leanings amounted to what in intelligence parlance is called a “legend,” a cover story created to mask the real activities or the real purpose of a person involved in covert activities).

Circumstantial Evidence

The Warren Report cited a number of pieces of circumstantial evidence in support of its key conclusion that Oswald fired at the limousine from the sixth-floor window with the Mannlicher Carcano carbine found hidden among some cartons on that floor by police. This evidence is not overwhelming.

The six allegedly most incriminating pieces of circumstantial evidence which the Report thought proof of Oswald’s guilt were these:

1. The carbine found on the sixth-floor “was owned by and in the possession of Oswald.”
2. Oswald carried the carbine into the Book Depository on the morning of the assassination.
3. Oswald was present at the sixth-floor window when the shots were fired.
4. A rifleman with Oswald’s capabilities could have used the sixth-floor carbine to commit the assassination.
5. Three expended cartridge cases found near the sixth-floor window were fired from that carbine to the exclusion of all other weapons.
6. A nearly whole bullet found on Gov. Connally’s stretcher at the hospital and two bullet fragments found in the limousine were fired from that carbine to the exclusion of all other weapons.

Let us begin our analysis of this so-called evidence of Oswald’s culpability by belaboring the obvious: *the evidence was entirely circumstantial; no one saw Oswald fire the weapon and Oswald himself denied guilt; and even if all this evidence is trustworthy, it fails to prove that Oswald was the person who fired any of the shots.* Furthermore, *this evidence is just as compatible with Oswald being framed as it is with his being guilty.* The evidence is exactly the type of evidence you would expect if conspirators who murdered a president were covering their tracks by arranging or planting evidence that would falsely incriminate someone who in the lingo of the intelligence community is known as a “false sponsor” (a person who will be publicly blamed for a covert operation after it takes place, thereby diverting attention away from the real culprits). As a former defector to the Soviet Union and putatively a leftist extremist, Oswald was the ideal candidate for a frame-up.

Let us now turn to the Warren Report’s claim that the sixth-floor carbine “was owned by and in the possession of Oswald,” a claim that is unsubstantiated and unreliable.

There are many reasons to doubt that the carbine on the sixth floor was Oswald’s. Assassination investigators have demonstrated that there are legitimate suspicions about the paperwork purporting to show that Oswald purchased a Mannlicher Carcano through the mail and about whether, if he did, it was delivered to him. Neither the FBI nor the Dallas police found Oswald’s fingerprints on the sixth-floor

carbine. Although a Dallas policeman did claim to have lifted Oswald's palmprint from the underside of the carbine's barrel, the FBI could find no trace of this print and a number of suspicious circumstances suggest that the palmprint claim was fabricated. Most importantly, the sixth-floor carbine cannot be proved to be the same carbine allegedly mailed to Oswald. Both the sixth-floor carbine and the carbine supposedly sent to Oswald bore the serial number C2766. The Warren Report states that "the rifle [sic] in question is the only of its type bearing that serial number." This was blatantly false. A document provided the Warren Commission by the FBI reveals that Mannlicher Carcanos were manufactured in Italy from 1891 to 1941; that in the 1930s all Italian arms factories were ordered to manufacture Mannlicher Carcanos; and that "[s]ince many concerns were manufacturing the same weapon, *the same serial number appears on weapons manufactured by more than one concern.*" In short, the carbine found on the sixth-floor had a non-unique serial number! Therefore, it is impossible to prove that the weapon allegedly sent in the mail to Oswald was the weapon found on the sixth-floor. Therefore, it is impossible to prove that the sixth-floor weapon was Oswald's.

Assassination scholar Sylvia Meagher understated things when she wrote years ago: "The fact that a considerable number of Mannlicher Carcano rifles [sic] may bear serial number C2766 clearly weakens the case against Oswald." (Of course, even if the weapon was Oswald's this does not prove that he used it to shoot JFK.)

The Warren Report's claim that Oswald carried the carbine into the Book Depository on the morning of the assassination is also unproven. According to the Report, Oswald took the disassembled carbine into the building concealed in a bulky paper bag or wrapping found later on the sixth floor. However, the only witnesses who saw Oswald with the paper bag that morning—the man who gave Oswald a ride to work and his sister—repeatedly testified that the sixth-floor bag definitely was longer than the bag they saw Oswald carrying. A Depository employee who saw Oswald enter the back of the building that morning testified positively that Oswald had nothing in his hands.

The Warren Report's claim that Oswald was present at the sixth-floor window when the shots were fired also is unproven. The Depository employee on whom the Commission relied as a witness—and he did not actually say that he saw or knew that Oswald was on the sixth-floor at the time the president was shot—was of doubtful credibility; several other employees saw Oswald in or near the second floor lunchroom at a time when the Report says he was on the sixth-floor; and an employee who ate a chicken lunch on the sixth-floor until 10 minutes before the assassination did not see Oswald there (which means that Oswald would have had 10 minutes to reassemble and load the carbine, stack around the so-called sniper's perch a shield of 24 cartons each weighing about 50 pounds, and prepare himself to shoot an American president).

The Report's claim that a rifleman with Oswald's capabilities could have used the sixth-floor carbine to commit the assassination is, true enough, theoretically possible, but breathtakingly unlikely, to say the least. This will be explained at length below.

The Report's assertion that the three empty cartridge cases found near the sixth-floor window were fired from the sixth-floor carbine to the exclusion of all other weapons is demonstrably false. A letter to

the Warren Commission from the FBI and signed by J. Edgar Hoover states that *“the extractor and ejector marks on [the three cartridge cases] did not possess sufficient characteristics for identifying the weapon which produced them.”* Thus, as assassination researcher Sylvia Meagher writes, the Warren Report “misrepresented the nature of the markings on the cartridge shells.” Of course, even if the cartridge cases had been ejected from the carbine, this would not be proof that Oswald had done the shooting, or proof that the cases had been ejected from the carbine at the time of the assassination. The cases might have been planted.

What about the Warren Report’s claim that a nearly whole bullet found on Gov. Connally’s stretcher at the hospital and two bullet fragments found in the limousine were fired from the sixth-floor carbine to the exclusion of all other weapons?

As for the stretcher bullet, Ms. Meagher’s careful review of the testimony given to the Warren Commission shows that it is highly unlikely that the bullet came from Connally’s stretcher; and it is also highly unlikely that this bullet, which was practically whole and only slightly deformed, and which had no blood or clothing fibers on it, had, as the Report claims, perforated the bodies of both JFK and Connally, inflicting seven nonfatal wounds on the two men. (The injuries suffered by Connally included a fractured rib and a shattering of the radius of his right wrist.) As for the limousine bullet fragments, the likelihood is either that the fragments were planted or that they were fired not from the carbine but from a different, larger weapon firing bullets fitted with a sabot, which permits smaller caliber slugs to be fired from a larger shell casing. At any rate, even if all this ballistics evidence genuinely pointed to the carbine as the weapon that fired at the limousine, this still does not prove that Oswald was the person who did the shooting.

Now, having exposed weaknesses in the Warren Report’s circumstantial case against Lee Harvey Oswald, let us turn to each of the four possible scenarios regarding Oswald that were set forth above.

Evaluating the Possible Scenarios

Under the first scenario, which was embraced by the Warren Report, Oswald did all the shooting with an old, flimsy, second-hand, carbine which, as Sylvia Meagher explains, had a “difficult bolt, eccentric trigger, maladjusted scope, and disintegrating firing pin,” and which fired small caliber medium velocity bullets around 20 years old.

According to this scenario, these were the facts: Although the carbine could hold seven cartridges (six in the clip, and one in the chamber), Oswald prepared to shoot the president with only four rounds in the weapon. (A live round was found in the chamber of the carbine and three spent cartridges were found on the floor.) Oswald fired three shots. One of these shots struck the seated JFK in the back of his shoulder or neck, exited his throat, and then went through Connally’s body from back to front (although the Report did acknowledge the possibility that the two men were hit by separate bullets). Another shot, presumably the last, struck JFK squarely in the back of the head and killed him. At the time the shots were fired the limousine was moving at 11 mph downhill and away from and at an angle to the sixth-floor window (which was 60 feet above street level). At the time of the fatal headshot the

limousine was 88 yards (265 feet) from the window. All the shots were fired within the space of 5.6 seconds.

This scenario, while of course theoretically possible, may be ruled out as practically impossible. Here are some of the reasons.

- Oswald was a poor shot.
- There was no evidence that Oswald ever practiced firing the carbine.
- The ammunition used by the carbine had not been manufactured since 1944.
- The Mannlicher Carcano carbine found on the sixth floor had been manufactured before 1942, possibly in the 1930s.
- The FBI firearms expert who testified before the Warren Commission after examining the carbine described it twice as “a cheap old weapon.”
- Strangely, neither the Dallas police nor the FBI performed a routine swab test of the inside of the carbine’s barrel. There is no proof, therefore, that the weapon had recently been fired.
- The owner of The Gun Shop in Dallas told the FBI in March 1964 that Mannlicher Carcanos were “a very cheap rifle and could have been purchased for \$3.00 each in lots of 25.”
- The retail price of the Mannlicher Carcano carbine equipped with a scope that was allegedly shipped to Oswald was \$19.95 (without the scope the weapon was sold retail for \$12.78).
- The carbine allegedly shipped to Oswald had previously been part of a shipment of rifles that was the subject of a legal proceeding to collect payment for the shipment of rifles claimed to be defective.
- It was unusually difficult to work the bolt on the sixth-floor carbine. The pressure to open the bolt was so great that, in the absence of proficiency with the weapon, it tended to move the weapon off the target.
- Unlike most rifles, the sixth-floor carbine had a two-stage trigger which required getting use to.
- The firing pin of the sixth-floor carbine was worn and there was rust on it and its spring. In fact, before their firing tests with the carbine, the master riflemen who performed the tests did not even pull the trigger, out of fear that they might break the firing pin. (These tests are discussed below.)
- The sixth-floor carbine’s scope was defective, causing shots fired from the weapon to land a few inches high and to the right of the target. The scope could not be properly aligned with the target because the sight reached the limit of its adjustment before reaching accurate alignment.
- The shooting tests using the sixth-floor carbine, arranged by the Warren Commission with the expectation that they would prove that Oswald could have assassinated JFK with that carbine, ended up

proving, on the contrary, that it was nearly impossible for Oswald (or anyone else) to have used the weapon to shoot Kennedy.

- The shooting tests were performed by three master riflemen whose shooting skills far exceeded Oswald's. Each of the riflemen fired two series of three shots using the carbine's scope, for a total of 18 shots. The conditions of the shooting tests differed materially from the conditions prevailing in Dealey Plaza at the time of the assassination. The tests involved firing at stationary rather than moving targets. The target area for the master riflemen was considerably larger than the alleged sixth-floor assassin's target area. The tests were from a height of 30 feet, half that of the sixth-floor window. The angles to the targets were different from the angles of the sixth-floor window to the moving limousine. The riflemen, unlike alleged assassin Oswald, were given as much time as they wanted before firing the first shot. Before the riflemen engaged in their firing tests with the carbine, shims were inserted to improve the weapon's scope; thus, during the tests the experts used a rebuilt scope rather than the one allegedly used by Oswald (assuming that he used the scope rather than the iron sights).

- Even though the difficulties facing the riflemen were far less than those of the alleged assassin, *two of the three riflemen were unable to shoot as fast at stationary targets as Oswald supposedly had at a moving target; not one of the riflemen struck the head or neck on the target even once (even though Oswald supposedly did this twice); and of the 18 total shots, the riflemen missed 5 collectively (more than 25%), whereas the alleged assassin hit the target at least 2 out of 3 times (67%).*

The first scenario—the scenario adopted in the Warren Report—that Lee Harvey Oswald, acting alone, assassinated President Kennedy, may, therefore, whatever the theoretical possibilities, be ruled out. Based on the evidence, it is unreasonable to believe that Oswald shot the president from the Book Depository with the carbine found on the sixth floor. For Oswald to have possessed the superlative marksmanship required under this scenario is a practical impossibility.

Since the second scenario—the scenario John Kerry thinks is possible—involves Oswald assassinating JFK using the Mannlicher Carcano under the same circumstances as in the first scenario, it too may be ruled out.

The third scenario—under which Oswald conspired with others (whose identity is unknown) to assassinate JFK and presumably used the Mannlicher Carcano to fire at the president—is absurd and therefore must be rejected.

There is, of course, ample evidence that a conspiracy was behind the assassination. Without attempting to summarize this vast mass of evidence, it is certain that numerous witnesses in Dealey Plaza heard shots fired from the grassy knoll area in front and to the right of the limousine, while other witnesses there saw puffs of smoke arising from the knoll area or smelled gunpowder. After the fatal headshot, the Zapruder film shows Kennedy reacting as if shot in the right temple from the front and right: his head jerks violently backward and to the left. And in 1979, it should be remembered, the U.S. House of Representatives Committee on Assassinations concluded, after reinvestigating the JFK assassination, that it resulted from a conspiracy.

But no professional conspiracy to murder a president would use a Mannlicher Carcano to effect the assassination. No plotters and murderers so dangerous, so ruthless, so calculating, and so fiendishly cold-blooded that they could successfully plan and carry out a presidential assassination and then elude investigators would have any conceivable use for the sixth-floor carbine—unless it was being utilized to confuse investigators and diabolically throw the blame on some hapless dupe, i.e., Lee Harvey Oswald. Which, of course, would fit neatly into the fourth scenario.

There are good reasons for rejecting the first three scenarios. There are no good reasons for rejecting the fourth scenario. Of the four scenarios, the fourth is the only one that is not highly improbable. The fourth scenario is therefore the scenario most likely to have occurred and most worthy of belief. The balance of probabilities is that Lee Harvey Oswald did not shoot President Kennedy and that he was framed by the unknown conspirators who murdered Kennedy and escaped scot-free.

Conclusion

To discuss the Kennedy assassination by phrasing the questions in terms of whether Lee Harvey Oswald acted alone or why he killed JFK is fallacious. It borders on the frivolous to assert that Oswald shot the president. The carbine and the other evidence found on the sixth floor must have been planted. Oswald was a patsy, framed by unknown conspirators who planned and carried out the assassination of President John F. Kennedy.

In regard to the JFK assassination, therefore, the correct questions to ask are: Who were the conspirators behind the assassination? What were their motives? And how could it happen that they escaped justice after murdering a president? (This last question could equally be phrased: Why was the investigation of a presidential murder botched?) The answers to these questions are beyond the purview of this article.

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