

## The JFK Assassination

# THE LUNCHROOM ENCOUNTER

### FBI threatening of witnesses

"Baker's movements were timed with a stopwatch. On the first test, the elapsed time between the simulated FIRST shot and Baker's arrival on the landing was 1 minute and 30 seconds. The second test run required 1 minute and 15 seconds." ([Report, Chap. 4, pg. 152](#))

### Marina's Credibility

The execution of the reconstruction was in disregard of the known actions of the participants, stretching the time consumed for 1 second floor and shrinking the time of descent of a sixth floor gunman.

### Oswald's Alibi

### Proof the Dallas Police falsified evidence against Oswald

### The "Misfired" Round

### Bullets in the Pocket

### Proof the FBI lied in their Reports

### Proof the Warren Commission predetermined Oswald's guilt

### The Cab Ride

### The Lunchroom Encounter

### The Paper Gunsack

Evidence the "Gunsack was never on the 6th floor

Evidence the "Gunsack" was made on the afternoon of 11/22/63

Evidence the rifle was never in the "Gunsack"

### The Paraffin Tests

Evidence Oswald had not fired a rifle

Evidence Oswald had not fired a handgun

### The Rifle

Evidence the Depository rifle was not part of the February shipment to Klein's

Evidence that Oswald was at work when the money order for the rifle was purchased and the envelope mailed

Evidence that the "\$ 21.45" entry on Klein's bank account statement was not the "Hidell" money order

Evidence that Oswald's handwriting was easily forgeable

Evidence the rifle in the

## A False Start

The Commission timed Baker from the FIRST shot ([3 H 252](#)) while Baker testified that he didn't respond until after the LAST

For the timing of the reconstruction to be valid, it had to start AFTER the last shot.

The Commission claimed in its Report that the span of shots was anywhere from 4.8 to 7 seconds. ([Report, Chap. 3, pg. 117](#))

Baker was flanking the last camera car, whose occupants included Malcolm Couch ([6 H 156](#)), Bob Jackson ([2 H 158](#)), Dillard Underwood ([6 H 169](#)). The men in the car recalled being in proximity to the intersection of Houston and Elm at the time of the [H 158, 2 H 159](#))

Had the reconstruction properly started after the last shot, Baker would have reached the TSBD in 8-10 seconds, rather than the [pg. 152](#)) the Commission claimed it took.

This conclusion is supported by witness Pauline Sanders, who was standing outside the Texas School Book Depository and with run into the building:

**22 H 844**

844

FEDERAL BUREAU OF INVESTIGATION

Commission Exhibit 1434

Date: 11/24/63

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PAULINE E. SANDERS, 4226 Delmar, a Clerk, Texas School Book Depository, 411 Elm Street, advised she arrived at work at 8:45 a.m., on November 22, 1963, and immediately reported to the main office where she was employed. She said she was acquainted with LEE HARVEY OSWALD who worked in the warehouse section and she has seen him three or four times during lunch breaks in the lunch room but did not talk to him on any occasion. She said he was very quiet and she had never seen him talking to any of the other employees that she could recall. She said she would not be in a position to observe what time he arrived at work or the way he arrived.

She said on the morning of November 22, 1963, she went outside to watch the Presidential parade at about 11:25 a.m. She said she did not see OSWALD during this time and she stood in the last line of spectators near the door to the Texas School Book Depository building. She advised she could not recall the exact time but immediately after the Presidential parade passed she heard three loud blasts and she immediately realized that the shots or whatever it was came from the building above her. She said within a matter of ten seconds a uniform police officer in a white helmet ran into the building but she did not observe him any further and could not state where he went in the building.

Mrs. SANDERS advised that Mr. CAMPERLL, Office Manager, arrived shortly after the police officer entered the building and she told him she believed the blasts came from the upper part of the building however he insisted the shots came from the embankment. She advised she did not pursue the matter any further and she entered the building within five minutes of the blast. She said she did not observe OSWALD in the lobby but the lobby was crowded with people at this time. She said she did notice a uniform police officer talking to an individual dressed in grey clothing with a silver type construction helmet and he claimed to be an engineer. She said he definitely did not work in the building and she had never seen him before. She said the police officer appeared to be taking his name and address. She said she did not observe whether the elevator was in use or not and she could not recall whether it was on the first floor but she did use the stairwell and walked to the second floor where their offices are maintained. She said she could not recall seeing OSWALD the entire day and at this time the only thing that was on their minds was whether the President had died.

on 11/24/63 at Dallas, Texas File # DL 89-43

by Special Agents ROBERT E. BASHAM and ROBERT J. ANDERSON:vat

Date dictated 11/24/63

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COMMISSION EXHIBIT NO. 1434

Roy Truly told the Secret Service that Baker made his way to the front entrance "almost immediately". ([CD 87, pg. 778](#)) And a Truly told CBS News that Baker's arrival "was just a matter of seconds after the last shot."

The occupants of the last camera car ( Camera Car 3 ) related how their car came to a stop or hesitated in the middle of the turn ( some photographers out. ([2 H 162, 6 H 165, 169](#)) Couch's film begins slightly BEFORE the stop, just as the car was making the

From the testimony of those in the car and the scenes depicted in the film, it can be determined that Couch began filming NO M SECONDS AFTER THE LAST SHOT.

Camera Car 3 occupant Jackson told the Commission that after the last shot, as his car hesitated through the turn onto Elm, he saw policeman run up the Depository steps toward the front door. ([2 H 164](#))

Since the evidence shows that Baker reached the TSBD main entrance within 10 seconds, the reconstruction time is off by before Baker even gets into the building.

"Backyard Photos" is not the Depository Rifle

Evidence that the Depository Rifle had not been fired on 11/22/63

Evidence that Klein's Sporting Goods did not mount the scope on the Depository Rifle

### [The Searches](#)

### [The Spent Shells](#)

### [The Witness](#)

## Shrinking of Baker's Time

The two reconstruction times reflect times taken when Baker "walked" or "kind of run". ( [3 H 253](#) ) As we can see from the [Cou](#) neither---he ran. And the witnesses said he ran. Baker admitted he ran ( [3 H 248-249](#) ). Truly gave a good description of this man ( [H 221](#) )

So why did the Commission time Baker "walking" and "trotting" through his actions ?

Like I said, to stretch his response time.

The Commission claimed that Baker's time would have been LONGER because it didn't account for " jostling with the crowd of ( [Report, 152-153](#) )

The Couch film eliminates the possibility that that slowed Baker down.

Eddie Piper saw Baker and Truly **RUN** into the building, not walking or trotting, yell up for an elevator and then climb the stairs

Truly and Baker reached the second floor in under 85 seconds and the Couch film introduces the possibility that it may have been seconds since Baker parked his motorcycle within 10 seconds of the last shot.

## Stretching the Gunman's Descent

The second part of the reconstruction, that of the actions of the sixth floor gunman, took 1:18 and 1:14 according to the Commission.

This reconstruction also suffered from serious omissions.

### **The Tippit Murder**

After the last shot, a minimum of 2.3 seconds must be added to the reconstructed time because the gunman operated the bolt of the last fired shell and chambering a fourth cartridge.

In addition, witnesses claimed that the gunman had been in no hurry to leave the window. ( [2 H 159, 3 H 144](#) )

The "sniper's nest" was constructed in such a way as to inhibit movement in and out of it. Deputy Sheriff Luke Mooney had to sit on two stacks of boxes, I had to turn myself sideways to get in there" ( [3 H 285](#) ).

### [Evidence that affidavits were falsified](#)

To simulate the hiding of the rifle, the SS man ( Howlett ) "leaned over as if he were putting a rifle there" ( [3 H 253](#) ). But Deputy Weitzman reported that the rifle was "covered with boxes. It was well protected as far as the naked eye". ( [7 H 107](#) ) Deputy She said that the ends of the rows between which the rifle had been pushed were closed off by boxes, so that one could not see through

### [Evidence that the police lineups were unfair](#)

Photographs of the area where the rifle was found support these two men's claims.

CE 719 shows that the rifle was found amid a cluster of boxes that did not permit easy access

### [Evidence that the Tippit killer's jacket was white](#)

News video shows the jacket was white

Problems with the gray jacket's chain of custody

Evidence that the witnesses described the jacket of the Tippit murderer as white

Evidence that the police radio description of the jacket found was white

Evidence that the witnesses refused to identify the gray jacket as the jacket the killer wore

Skeptical witness identification of the gray jacket as the jacket the killer wore

More problems with the evidence

### [Problems with the](#)

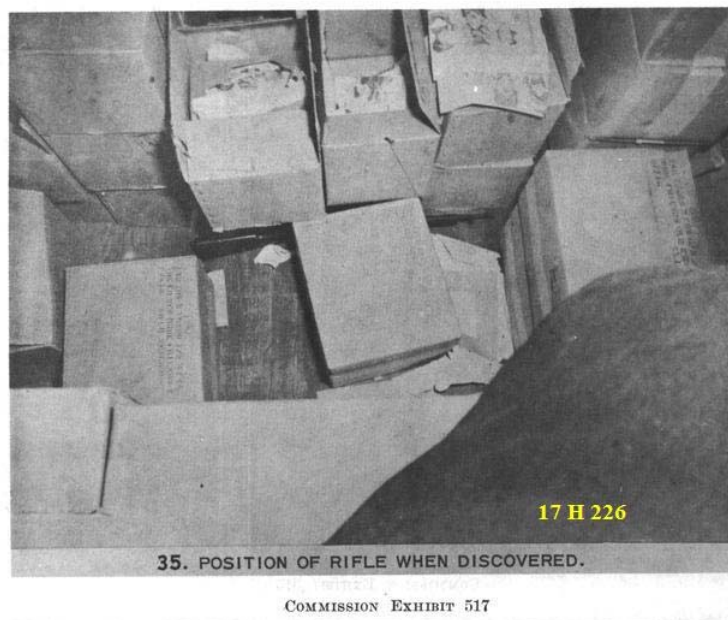


COMMISSION EXHIBIT 719

and CE 517 shows that the rifle was upright between two rows of boxes that had partially overlapped on top, thus eliminating the possibility that the rifle had been merely dropped down between the stacks.

[witnesses](#)

## The Walker Shooting



Concealment of the rifle required much maneuvering. In addition to squeezing between boxes to exit the sniper's nest, the gunman filled with books. The rifle itself had been very carefully placed in its position. The gunman had not left the window in any hurry one last round.

To the government's minimum time of 1:14 for the gunman to reach the second floor, add 6 or 7 seconds for the re-chambering, squeezing out of the sniper's nest. Next add another 15 or 20 seconds for the gunman to get to the area where the rifle was placed cover it with boxes of books on top and on the ends so that it was not easily found.

That's anywhere from 1:35 to 1:41 total time for a sixth floor gunman to have reached the second floor.

**Had Oswald been the assassin, he would have reached the second floor AT LEAST 5 to 11 seconds AFTER Baker, and the response had him WALKING ( 1:30 ), which we know he didn't.**

Since Oswald was in the lunchroom BEFORE Baker, we know he couldn't possibly have descended from the sixth floor.

## Oswald in the Vestibule

Another piece of evidence proving that Oswald did not descend from the sixth floor is the Commission's conclusion that Baker "from the staircase in the vestibule through the window in the vestibule door and then rushed to the door :

*"When they reached the second-floor landing on their way up to the top of the building, Patrolman Baker thought he caught a glimpse of someone window in the door separating the hall area near the stairs from the small vestibule leading into the lunchroom. Gun in hand, he rushed to the door [pg. 5](#) )*

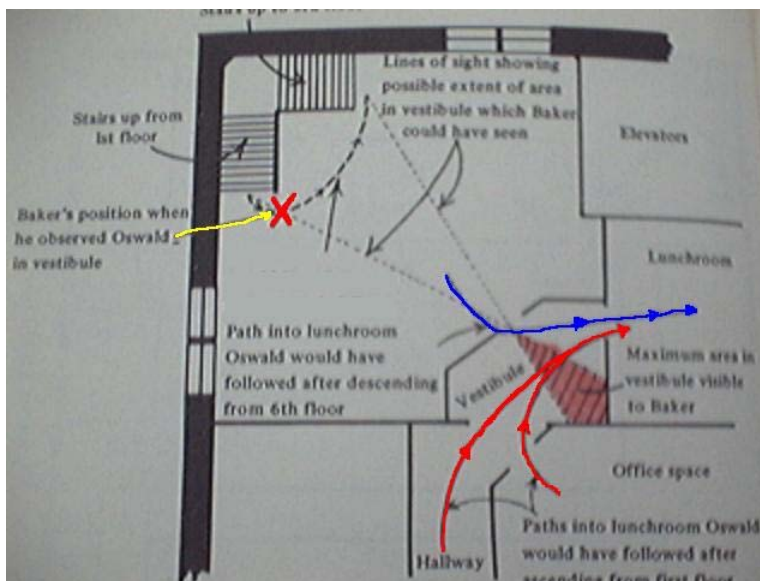
As they ran up the stairs, Truly was in front of Baker. Truly's testimony that he did not see anyone entering the vestibule seems to have entered it from a different direction.

Mr. BELIN. Now when you say you ran on to your left, did you look straight ahead to see whether there was anyone in that area, or were you into upstairs?

Mr. TRULY. If there had been anybody in that area, I would have seen him on the outside.

( [3 H 223](#) )

In this picture taken from Commission Exhibit 1118, the blue line represents Oswald's path had he descended the rear stairs from the pink striped area is the maximum area in the vestibule visible to Baker from the position ( red "X" ) he "glanced" someone in the



Notice how the blue line does not intersect Baker's line of sight inside the vestibule. Baker could not have seen ANYONE in the vestibule if the door was closed.

Notice also the two red lines represent paths into the vestibule from both an adjoining hallway and the adjacent office area. Anybody entering the vestibule from either of those areas WAS in Baker's line of sight.

For Baker to have caught a "glimpse" of Oswald in the vestibule from the bottom of the stairs, as the Commission claims he did, entered it from either the office area or the hallway and thus **COULD NOT HAVE DESCENDED FROM THE SIXTH FLOOR STAIRS.**

The fact that Baker had to open ( [3 H 251](#) ) the mechanically closing door to the vestibule confirms that the door was closed and the vestibule through that door.

Baker told the Commission that "I can't say whether he had gone on through that door or not." ( [3 H 255](#) )

Regardless, the Commission found that Oswald descended four flights on the rear stairs before Truly and Baker ascended one flight.

**But the evidence is entirely consistent with Oswald ascending from the FRONT stairwell and from the first floor.**

## Oswald and the Coke

*When they reached the second-floor landing on their way up to the top of the building, Patrolman Baker thought he caught a glimpse of someone in the door separating the hall area near the stairs from the small vestibule leading into the lunchroom. Gun in hand, he rushed to the door 20 feet away walking toward the other end of the lunchroom. The man was empty handed. ( Report, Pg. 6 )*

The issue of whether or not Oswald had already made a purchase from the soda machine when the officer confronted him in the timing of his alleged flight from the sixth floor. It creates a timing sequence where Oswald would have arrived at the lunchroom SOONER than Baker and makes it impossible for Baker to have seen him through the window of the vestibule door.

According to the Commission, Dallas Homicide Captain Fritz asked Oswald to account for himself at the time the President was that he ate lunch in the first-floor lunchroom and then went to the second floor for a Coke which he brought downstairs. ( Report

Mr. BALL. Did you ask him what he was doing in the lunchroom?

Mr. FRITZ. He said he was having his lunch. He had a cheese sandwich and a Coca-Cola.

Mr. BALL. Did he tell you he was up there to get a Coca-Cola?

Mr. FRITZ. He said he had a Coca-Cola.

( [4 H 213](#) )

Baker was never asked under oath if he had seen a Coke in Oswald's hands. Roy Truly, Oswald's supervisor who accompanied him to the sixth floor by way of the lunchroom, was asked twice if Oswald had a Coke. Initially, Truly expressed some doubt as to whether Oswald's hands.

Mr. BELIN. Could you see whether or not Lee Harvey Oswald had anything in either hand?

Mr. TRULY. I noticed nothing in either hand.

Mr. BELIN. Did you see both of his hands?

Mr. TRULY. I am sure I did. I could be wrong, but I am almost sure. I did.

( [3 H 225](#) )

But later in his testimony, Mr. Truly has NO DOUBT about what he didn't see:

Mr. DULLES. Did he have a coke?

Mr. TRULY. No, sir.

Mr. DULLES. No drink?

Mr. TRULY. No drink at all. Just standing there.

(3 H 239)

Probably because Commission counsel failed to ask him during his testimony if he had noticed anything in Oswald's hands, Bak FBI to give an affidavit regarding his encounter with Oswald in the lunchroom. In the handwritten statement, which is Commiss Baker makes no mention of seeing someone moving through the glass in the doorway and states that he "saw a man standing in drinking a coke".

26 H 679

Commission Exhibit No. 3076

September 23, 1964  
 Dallas, Texas  
 I, Marvin L. Baker, do hereby furnish  
 the following signed statement to Richard J. Barrett  
 who has identified himself to me as a Special  
 Agent of the Federal Bureau of Investigation.  
 I am employed as an officer with the  
 Dallas Police Department and was so employed  
 as of November 22, 1963.  
 On the early afternoon of that day after  
 leaving what appeared to me to be Hotel Alamo, I  
 entered the Texas State Post Depository Building  
 on the northwest corner of Elm and Houston Streets  
 in downtown Dallas.  
 I had entered this building in an effort to  
 determine if the whole might have come from this  
 building.  
 On the second ~~floor~~ <sup>floor</sup> where the  
 lunch room is located, I saw a man standing in  
 the lunch room, ~~drinking a coke~~. He was alone  
 in the lunch room at the time.  
 I was never close in the vicinity of the lunch  
 room at the time.

M. L. Baker

I have read this statement as  
 the page and on other pages and  
 and agreed to the best of my knowledge  
 have installed each page and as  
 W. Barrett

Richard J. Barrett, Special Agent, F.B.I.  
 Dallas, Texas August 10, 1964, Dallas, Texas

COMMISSION EXHIBIT No. 3076-Cor

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COMMISSION EXHIBIT No. 3076

The phrase "drinking a coke" is crossed out and initialed by Baker, but that deleted phrase, by its spontaneous mention, corroborates that he had already purchased a coke when stopped by Baker and makes a liar out of Roy Truly.