

after Tippit was shot.⁴⁸ But it is unclear whether Scoggins was able to get a good enough look at the man to make an identification.

Q. When you saw the officer fall, when was the next place that you saw the man, or did you see him at the same time as you saw the officer fall, the other man?

Scoggins No. I saw him coming kind of toward me around that cutoff through there, and he never did look at me.⁴⁹

However, a moment later Scoggins said, 'It seemed like I could see his face' ⁵⁰

Scoggins picked Oswald out of the same lineup described by another taxicab driver, William Whaley,⁵¹ and allegedly made a 'positive identification' on the afternoon of November 23.⁵² Whaley had emphasized the unfairness of that lineup, noting that 'you could have picked him [Oswald] out without identifying him by just listening to him' ⁵³ Some time thereafter, an agent of either the FBI or the Secret Service showed Scoggins 'several pictures' and wanted to know if the cab driver could pick Oswald out.⁵⁴ 'I think I picked the wrong picture,' Scoggins told the Commission;⁵⁵ 'he told me the other one was Oswald' ⁵⁶

Scoggins did not see Tippit's killer walking east in front of his cab just prior to the shooting⁵⁷ and he failed to notice Mrs Markham just after the shooting,⁵⁸ but neither fact is mentioned in the Warren Commission Report.⁵⁹ He selected a photograph of a man other than Oswald when shown a series of pictures by an agent of the federal police,⁶⁰ and that also is not mentioned in the Report.⁶¹ The Commission instead stressed the significance of Scoggins' identification of Oswald⁶² (from an unfair lineup⁶³) and thus exercised its apparently unlimited sovereignty in discarding intractable, unacceptable or dissident testimony

The practice of considering only such testimony as did not endanger the Commission's case was compounded by the failure to examine many important witnesses. Mrs Clemons, who saw the shooting, is among the ten known witnesses whose testimony was not heard by the Commission or its staff.⁶⁴ She was not mentioned by name in the Commission's Report or in the 26 volumes of hearings and exhibits.⁶⁵

Mrs Clemons told several independent investigators that she saw two men standing near the police car just moments before

one of them shot Tippit.⁶⁶ The killer then waved to the other man, she said, and they ran away in different directions.⁶⁷ On March 23, 1966, I interviewed Mrs Clemons at her home at 618 Corinth Street Road in Dallas.⁶⁸ During our filmed and tape-recorded conversation, she described the gunman as 'kind of a short guy' and 'kind of heavy' and said that the other man was tall and thin and wore light khaki trousers and a white shirt.⁶⁹

The Commission explained that it did not employ investigators other than members of its legal staff 'because of the diligence, cooperation, and facilities' of the existing police agencies.⁷⁰ Mrs Clemons told one independent investigator that she had been advised by the Dallas police not to relate what she knew to the Commission, for if she did she might be killed.⁷¹ The diligence of the Dallas police in this instance apparently denied to the Commission knowledge of the existence of an important witness.

The records of the Dudley M. Hughes Funeral Home reveal that the call for the ambulance that picked up Officer Tippit came from 501 East 10th Street, at that time the residence of Frank and Mary Wright.⁷² A visit there by independent investigators revealed that Mrs Wright had indeed made the call,⁷³ but neither she nor her husband, both of whom could have offered important testimony, was interviewed by the FBI⁷⁴ or called by the Commission to testify.⁷⁵

Mr and Mrs Donald R. Higgins managed the house at 417 East 10th Street, directly across the street from where Tippit was killed, but they were not called on to testify or questioned by agents of the Commission⁷⁶ although they heard the shots and witnessed some events subsequent to the flight of the assailant.

The ambulance driver, Clayton Butler, and his assistant, Eddie Kinsley, could have offered evidence regarding the time of the shooting, Tippit's condition when the ambulance arrived and the presence of witnesses at the scene. Neither Butler nor Kinsley was asked to testify⁷⁷ and there is no indication that either man was questioned by the Dallas police or the FBI, let alone the Commission or its staff.

The Commission and the agencies upon which it relied failed to question other persons who evidently had pertinent information to offer, but their names were not ferreted out by industrious amateur investigators—they are referred to in the published testimony of those witnesses who did appear before Commission