

# For Whom the Tower Chimes

## The UT Tower Massacre

To use an old cliché, “History Repeats Itself”, and I am a witness to this truism.

In my adult life I have witnessed numerous cases of revisionists attempting to change historical events by their interpretation of the facts, in many cases, that did not even occur during their life time.

On August 1, 1966 Charles Joseph Whitman climbed the University of Texas Tower and rained death with a rifle upon unsuspecting victims causing the deaths of 14 persons and seriously wounding 31. He had murdered his mother and wife before causing this atrocity.

Over the last forty nine years, from time to time, distortions and false information about the Tower Incident have been made by people, some whom were not even born when the incident occurred.

I did not make an issue when I learned of the distortions and falsehoods because I knew the truth and as a Professional Lawman I would not be drawn into a conflict that has no winners.

My purpose in creating this document is to rebut the untruths expressed by jealous malcontents. Inscribed on the main building in stone at the University of Texas Main Building overlooking the South Mall where a number of victims died that day are the words, “YOU SHALL KNOW THE TRUTH AND THE TRUTH WILL SET YOU FREE”.

I am thankful to my nephew Cliff Martinez and niece Annette Martinez in providing me with the documentation that they painstakingly secured from the Austin History Center, The Texas State Archives, and the Briscoe Center. This information was and is available to the revisionists and reporters who wrote stories from sound bites and were negligent in not doing some research.

No matter what you do will prevent revisionists from expressing their opinions, especially if they lack credentials in the subject matter. However, if proper police procedures had been followed it would have reduced points of contention.

On August 6, 1966 a group of University of Texas professors and students sent a letter to Texas Governor John Connally that read as follows:

August 6, 1966

The Honorable John Connally

Governor, State of Texas  
Capitol Building  
Austin, Texas

Dear Governor Conally:

The tragic events of Monday, August 1<sup>st</sup> cause us to share in the grief of this saddened community and at the same time commend the many acts of individual heroism and self-initiative that were witnessed. There are, however, several aspects of the Austin Police Department's response to those events which appear to warrant a full, fair, and impartial investigation.

Such an investigation should not undertake to fix the "blame" but to determine whether there were correctable defects in the organization, management, and resources of this public agency. Without a full disclosure of the facts and an impartial analysis the public is deprived of the opportunity to intelligently comprehend the problem which the department may have faced.

Our main concern centers on an apparent lack of co-ordinated leadership of law enforcement personnel at the scene and either the lack of, or inability to summon, proper equipment to the scene. Police Chief Robert Miles is reported to have said that it was impossible to make an organized effort to bring down the sniper at the height of the shooting. "In a situation like this, it all depended on independent action by the officers."

The following particulars are representative of the issues that are believed to require public clarification:

1. First, and perhaps most important, why did it take an hour and a half to end the shooting while the tactic finally adopted was effective in a few minutes?
2. The successful tactic, so far as it has been reported, was evolved and carried out by the individual initiative and extraordinary bravery of two police officers, one of whom was off duty, and a civilian volunteer.
3. What equipment was available and what equipment should be available in the future?
4. What lines of communications were established and what type of communications was in use?
5. Why was it not possible to quickly and effectively warn the citizenry to take cover when the danger became apparent?
6. Rescue attempts appear to have been limited largely to efforts by untrained civilians who exhibited unimaginable valor. What is the police responsibility for such efforts?
7. The deputizing of Mr. Alan Crum and his participation needs to be explained as well as the unsolicited and apparently dangerous firing of rifles by uncounted numbers of civilians?
8. Explanation is needed concerning the use of the light plane which, if it had been brought down, could have multiplied the dimensions of the tragedy.
9. Officers appeared to have been firing at Whitman from great and ineffectual distances and actually may have increased the risk to persons trapped at the scene.

It is believed that a thorough investigation of these and others issues is in the public interest and, ultimately, in the interest of law enforcement which needs public support based on facts, not speculation. We therefore request that you forthwith constitute an investigative body that is broadly representative, and access to all relevant data, and has a mandate to report to you and the people of this State regarding a tragedy that occurred on State property.

Yours respectfully,

Letter was signed by 22 professors and 30 students.

I hope the following might answer some of the questions posed by these professors and students which come about fifty years too late.

To my knowledge a critique of the Tower Incident was never made by the Austin Police Department. If it was, I was not included and I feel that I was a major part of the incident. Critiques of major incidents are very important to police departments because it helps to determine the strong and weak points of how the incident was handled. It is a teaching tool as to how best to utilize manpower and equipment plus protecting human life and property.

In the Tower Incident the number one item should have been leadership beginning with the police chief down to field supervisors by documenting their locations and the actions they took.

According to the 1966 Annual Police Report prepared by Chief R.A. Miles and submitted to the Austin City Manager W.T. Williams indicates the police department authorized strength at 270 Officers and was augmented by 103 Non-Commissioned Employees.

A breakdown of the Commissioned Officers shows that there were 161 uniformed patrolmen and 109 uniformed and plain clothes supervisors. Of those plain clothes supervisors 56 were classified as Sergeant Investigators or C.I.D. which means Criminal Investigation Division.

On August 1, 1966 there should have been on duty approximately 35 uniformed patrolmen and 65 officers considered supervisors of which 39 were Sergeant Investigators. This number is arrived by the number of personnel required to man the duty stations on a typical Monday.

It is amazing that I have not seen any accounting by the news media or written reports of the one and a half hours, a total of approximately 90 minutes, of police radio transmissions that took place from the beginning call of reports of shots being fired at the University of Texas Tower and to the conclusion of the sniper's death.

A quick analysis of the radio transmissions indicates total chaos and lack of a centralized command post to direct operations. It appears no one was in charge for almost the entire 90 minutes from a department that was comprised of a Police Chief, a Deputy Chief, 3 Majors, 8 Captains and 22 Lieutenants supplemented by 17 Uniformed Sergeants and 57 Sergeant Investigators. The police department was like a ship without a rudder on a stormy sea. It was every man for himself.

From the radio transmissions one of the biggest objectives by C.I.D. officers were requests to obtain long range rifles with scopes or binoculars. A call was put out for traffic officers to route traffic away from the University area to which motorcycle officers responded.

As gunshot victims began to multiply all ambulance service companies were told to go to the University area. It must be noted that in 1966 ambulance service was provided by the funeral homes and the units did not have radio communications. In 1966, to the best of my recollection, the funeral homes that were in existence in Austin were as follows: Hyltin Manor, Cook Walden, Wilke Clay, Weed Corley and Mission. There was also King Tears Funeral Home which served the Black community but had no ambulance service. Each funeral home had a station wagon or van used as ambulances plus a hearse or two that could be pressed into service if needed. I can only estimate that there might have been a total of 8 to 10 ambulances available. The ambulance personnel were not trained medical technicians. Their mission was to get the patient into the ambulance and race to the emergency room. At the time I had been a witness for six years as to the operation of the ambulance service during the discharge of my police duties.

Police radio transmissions had the police dispatcher, upon receiving a call for an ambulance, telling any police unit available if they saw an ambulance, to direct it to where the service was needed.

I will attempt to give some of the highlights of the radio transmissions but to get a true feeling of what transpired I would strongly suggest that a person listen to the transmissions. Due to the radio dispatcher not giving the time, as was the normal

procedure after each transmission, the times are approximated and can be three to five minutes off.

**On Monday August 1, 1966 at 11:54 am** The Austin Police dispatcher called Unit 219 which was operated by Houston McCoy and directed him to investigate shots fired at the University of Texas Tower area. The radio transmission was garbled as there was some type of problem with the radio system. Other units that heard the transmission advised McCoy of the transmission and McCoy acknowledge the call.

**11:57 am** a unit calls in and states five persons have been wounded. Homicide Sergeant Bill Landis inquires as to what is happening and then states he is enroute to the scene. A number of units call in and say they are responding to the call.

**12:00 noon** a unit calls in and tells the dispatcher to call the University and advise people to remain inside the buildings. From then on all the radio traffic is units calling for rifles, binoculars, portable radios, ambulances, and locations of wounded persons. It appears that Sergeant Landis attempted to determine the locations where the rifles could best be utilized.

**12:12 pm** a call was made that Officer Billy Speed had been shot in the South Mall and his condition was unknown. The dispatcher advises that all available police units and ambulances have been dispatched to the University area. Many units call in giving the locations from where the shooter is located and direction in which he is firing. Some units report that there must be more than one shooter.

**12:34 pm McCoy** asks for an ambulance for a wounded person at 21<sup>st</sup> and Guadalupe. Shortly thereafter UT Police Chief Hamilton calls and advises he has secured the service of an armored truck to remove some of the wounded victims. The police dispatcher asks Chief Hamilton if he has any rifles as they could be used on the 8<sup>th</sup> floor of the Tower since the shooter can be seen. Chief Hamilton replies that his department has no weapons. Police Deputy Chief Beverly Laws responds and says he has a 300 caliber rifle with a scope and will bring it to the location.

**12:46 pm Unit 34 states he is at 19<sup>th</sup> and San Jacinto and has the tear gas, and where should he take it? There is no response. At 12:56pm unit 34 again asks where do you need the tear gas? Again there is no response. A unit calls and states a Secret Service Agent offered an automatic weapon and where do we need it. There is no response. Another unit calls and advises that a bullet proof vest is available and gets no response. It appears no one is making decisions at the police station.**

**12:58 UT Police Chief Hamilton calls and tells Austin PD that they can send some officers with the tear gas to the UT security Office and they will get them into the Tower.**

**At 1:02 pm officers are directed to the UT Security office.**

Reports from units continued to give locations of the shooter and directions of his fire.

**1:06 pm** a transmission, not of the radio dispatcher, which I believe was Captain James "Buddy" Fann's voice, warned officers of information which was received that Texas Department of Public Safety Officers were on the 26<sup>th</sup> floor and to use caution when firing on the tower. (Note) **This was misinformation as the only DPS Officer was Dub Cowan who was on the 26<sup>th</sup> floor when Alan Crum and I began to go up to the 27<sup>th</sup> floor. In the 90 minutes of radio transmissions this is the only transmission by a ranking supervisor.**

**1:15 pm Unit 34** advises they are on the fifth floor of the Tower. Lt. Marion Lee who was in a light airplane confirms there is only one shooter.

**1:18 pm** Lt. Scott who is spotting from memorial stadium reports that the door to the observation deck is opening and shooter might be going inside the Tower.

**1:24 pm Unit 34 to headquarters, "we have got that man. Martinez got him."**

The rest of the transmissions were to get people to stop firing and request for litters to remove the wounded inside the Tower.

After listening to the radio transmissions I feel I am entitled to do a little Monday Morning quarter backing. There is no doubt that there was a breakdown in leadership. It is apparent that no one took the bull by the horns and provided guidance and direction. It appears the consensus of bringing this tragic episode to a conclusion was to neutralize the shooter by long range rifle fire. Our nation has been involved in numerous wars and they were not won by long range artillery or bombing raids alone but by putting boots on the ground to make contact with the enemy.

After almost an hour of long range shooting at the suspect, UT Chief Hamilton offered to guide police officers into the Tower. It is then that a new approach was realized.

In my opinion a supervisor at the police station with a map in hand could have directed the operation. He could see the intersections that needed to be blocked and the positions of the officers with rifles to sustain a steady stream of fire. He could have called the street department to set up barricades at the traffic intersections freeing many officers to form attack squads to enter the Tower and confront the shooter. Barricades were readily available as they were used during the year for many functions such as the Aqua Fest, UT football games etc. It is amazing that four officers were sent from the police department with a hand held radio and tear gas as determined by the radio transmissions and having to inquire as to where to deliver the tear gas and to whom. Who was the supervisor that sent them out?

On file at the Austin History Center are a number of police reports by off duty Police Officers who came to the police station some with their hunting rifles and some without rifles to assist. Those without rifles were issued a rifle and then all were sent to the University area to fire at the sniper.

Why couldn't a supervisor such as Captain Buddy Fann say to the four men with the tear gas "come with me" and then lead them to the tower. They were well armed and had radio communications.



Tear gas would not have been effective for two reasons. How was the gas going to be delivered at the suspect as he was on top of the tower and second the gas would blow away from the top of the Tower, but most important is the fact that police officers did not have gas masks.

A supervisor was also needed at the scene to serve as the eyes and ears of the commander at the station to coordinate the operation. Patrolman McCoy received the initial call at 11:54 am and his next transmission was at 12:34pm to request an ambulance for a victim. What did McCoy do during these forty or so minutes? In reading, "A Sniper In The Tower" by Gary Lavergne, on page 162 McCoy relates that upon receiving the call how he drove north on Guadalupe Street and worked his way to the University Tower and parked within eighteen inches from the Tower. He was so close that the passenger door could not be opened. With shotgun in hand he got out of his car. McCoy stated that due to the location of where he was parked he could not see the entrances to the Tower. Combined with the distractions of the shooting, dying and death occurring all around him, McCoy could not find either of the two entrances fairly close to where he had parked his police unit. Windows on the first floor were barred, so he looked up, straight up. Three rain spouts jutted out at the very top. He saw hundreds of windows; he "saw" a sniper behind every one. It "scared the shit" out of him, as he later said.

He got back in his police unit and drove on Guadalupe Street looking for someone with a high powered rifle with a scope. He found a student who stated he had a rifle with a scope. McCoy took the student to the student's apartment and picked up the rifle. The student didn't have ammunition so McCoy took the student to Everett Hardware Store where they charged three boxes of ammunition. McCoy then transported the student to 21<sup>st</sup> and University near the Littlefield Fountain. McCoy was unfamiliar with the scope so he let the student do the firing. McCoy left the student and later located another student with a rifle but without ammunition. McCoy took him to Everett Hardware store and again charged ammunition for the student. McCoy then returned the student to the university area and posted him where he could fire at the sniper.

Again referring to the book, "A Sniper In The Tower", McCoy states on page 202 that he had been in the tower only once before to take a competitive typing exam for the Texas Employment Commission. My question is, if he found how to enter the tower that day why could he not find the entrance on August 1, 1966? He could have called a couple of units and together with their shotguns gone into the tower to confront the sniper. The police department had provided the necessary weapons to do the job but it could not provide individuals with the initiative to confront the sniper and complete the mission. **A Golden Opportunity Missed!**

On March 13, 2016 a Documentary film called, "Tower" by Keith Maitland about the University of Texas Tower Incident was entered in the Austin SXSW film festival. It won the Best Documentary Award. The 96 minute film keys in mostly on the victims but also features the actions taken by Austin Police Officers Houston McCoy, Jerry Day, myself and civilian Alan Crum.

The film depicts Houston McCoy receiving the call to investigate shots being fired at the University Of Texas Tower. McCoy responds and goes to the north side of the tower and gets out of his patrol car with his shotgun. He says that he imagines a Black Panther with a rifle at every window and it is bigger than what he can cope with. He drives away at a high rate of speed and is later seen with a student who has a rifle with a scope attempting to shoot at the sniper on top of the tower. Later in the film there is a video of Houston McCoy which was made by his daughter shortly before his death. McCoy appears contrite and says, "coulda , shoulda, woulda, I could or should have gone into the tower and taken care of the problem when I was there and maybe Billy Speed would still be alive as well as others."

I am not a psychologist but by the sound of his voice and the expression on his face, in my opinion this has been eating at him all these years probably undermining his physical and mental health.

During a normal work day the police department always had a uniformed Captain on duty every shift, twenty four hours a day. He was responsible for the operation of the uniformed division. I am sure the Captain or his delegate was monitoring

the radio traffic as events unfolded. McCoy was the officer assigned the call and thus became the eyes and ears for the department and yet not a single transmission was made to McCoy to inquire about his observations of the events that were transpiring or as to his location. If the Captain had learned that McCoy had driven his patrol car next to the tower he might have made the decision to send other units to the tower to mount an assault on the sniper. If I were the Captain I would have been concerned that an officer was dispatched to a shooting and was not heard from for about forty minutes. It is the duty of a good supervisor to know the experience and capability of his officers under his command. As soon as the gravity of the situation was determined the commander should have realized that McCoy was not yet a seasoned officer and needed the assistance of a supervisor.

While it was commendable of all the officers that were using rifles in attempt to kill the sniper or keep him penned down it was not a balanced attack. Even Darrel Royal taught his Longhorns that passing alone did not win the game and that a strong ground game was also required to win. Firing at long range at the sniper equated to finding a needle in a haystack.

Not to blow my own horn but I, as a lowly patrolman, had the presence of mind to see that I needed to get into the Tower. Not being on duty and coming from home, I was going to work traffic at an intersection. However, seeing that all intersections were covered and having no communications with the police department I made the decision to run as fast as I could by dead and wounded victims over open ground to get into the Tower so I could assist an assault squad which I felt was inside. Boy was I surprised! I only found Officer Jerry Day along with a civilian Alan Crum and DPS Intelligence Officer Dub Cowan on the 26<sup>th</sup> floor of the Tower. If we could get to this location without being told, it appears that out of 100 Austin Police Officers, including McCoy who was the first responder and Officers from other law enforcement agencies on duty around the Tower, that some of them could have taken the initiative to round up four or five officers and go up into the Tower to confront the shooter. If this action had been taken the shooting episode could have been shortened by about thirty minutes or so

and there is no telling how many victims that would have been spared death or serious injuries. If Houston McCoy had taken this action as he was the one who received the first call I could have stayed at home.

A unit called the station at 12noon to call the university and tell everyone to stay inside. I recalled that around 1962 I had to escort a retired Marine Colonel who was appointed the civil defense director and we had to go around the city testing the volume of the sirens and voice speakers that were to be used in case of a nuclear attack. There was a speaker on the Tower and it was called BIG VOICE. It could be heard all over the university area as we moved around to different locations. I wonder why it was not used on August 1, 1966.

I truly feel that if the news media and the public had heard the radio transmissions in the days following the incident, Chief Miles' days would have been numbered as chief.

On August 3, 1966 in The Austin American Newspaper Police Chief Robert Miles said, "it was not possible to make an organized effort to bring down the sniper at the height of the shooting. In a situation like this, it all depended on independent action by the officers."

I agree with Chief Miles that it depended on independent action by officers however, it was due to a complete breakdown of leadership beginning with Chief Miles. True leaders rise up during the darkest hour to save the day by organizing and leading.

I was promoted to Sergeant Investigator at the end of November of 1966. It was during Thanksgiving week that Major Burch Biggerstaff presented me with my new commission and badge. I was proud of the promotion; however I was disappointed that Chief Miles did not make the presentation as I had seen it done for others with a nice ceremony to mark the occasion. It was just my wife and twin daughters in Major Biggerstaff's office. Congratulations on your promotion and then he instructed me to report to Lieutenant Bill Sterzing in the Theft Detail on Monday morning. Maybe Chief Miles was home giving thanks that he still had a job!

Years later the revisionists made allegations that I was not qualified to be promoted to the rank of Sergeant Investigator but was promoted due to the Tower Incident. Department records should indicate that I had competed in promotional examinations and after others with higher test scores were promoted I moved up to number one position on the list in April, 1966. In November 1966 Sergeant Investigator William Frensley resigned to become a US Customs Agent creating an opening and I was promoted.

I had been working in the Theft detail for about two weeks when Sergeant Doug Eastman, a veteran investigator in the Theft Detail and President of the Austin Police Association, invited me to breakfast at the Piccadilly Cafeteria.

Doug told me that there is talk that your bullets did not kill Whitman but a shotgun pellet fired by McCoy had been the fatal shot. I told Doug that I had no problem with that but that I was the first to confront Whitman and shooting him where he was disabled and making it easier to finish him off. I said I also fired a final shotgun blast. I told him I was satisfied with my actions as I had been off duty at home and accomplished this without being told what others, who were on duty, had a chance to do but failed to do. I was just glad to be part of the solution.

Doug told me he agreed with my answer as he had served in World War II as a Browning Automatic Rifleman and he said it was teamwork that helped him survive the war.

Doug then told me that it was hush, hush but that on the day of the Tower shooting Chief Miles and Major Biggerstaff were in the Brackenridge Emergency Unit checking on Officer Billy Speed who was DOA. They kept hanging around and were confronted by the Head ER Nurse Ms. Brice. She told Chief Miles and Major Biggerstaff that she had no room for people standing around in her emergency room, and that they could help by bringing in victims on stretchers or direct traffic outside or leave. They left.

I knew Ms. Brice from taking reports at the ER Room on many occasions. She was a very friendly lady and a former army nurse with a great sense of humor but she

ran a tight ship and tolerated no nonsense and therefore she was affectionally known as the General.

Chief Miles, as the commander of the Austin Police Department, had the responsibility of providing protection to the citizens of Austin and the welfare of the people that served under his command. While it was commendable that he was concerned about the death of Officer Billy Speed, his first order of business at the time was to assure the safety of the citizens he was serving and those that were under his command by providing leadership in bringing the Tower Incident to a final solution. After the battle is over and peace and safety is restored then is the time to care for our wounded and mourn our dead.

I have been criticized by Officers that were in the assault squad that was led by UT Security officers through tunnels to the Tower. They complained that I should have waited and not gone alone with Alan Crum to secure the 27<sup>th</sup> floor and confront the shooter. My answer to them is that for an hour no one from the police department had come to the 26<sup>th</sup> floor in the Tower and I had no communications with anyone in the police department nor when to expect anyone to come and assist. There was a lot of shooting going on and the shooter needed to be neutralized. Houston McCoy complained that I made too much noise in forcing the door open into the observation deck. My answer is that he was not there so how did he know? In his police report McCoy states he went out the door with me and I am sure he testified to this before the Grand Jury. This is false. I may not be the sharpest tack in the box but if McCoy had been there I would have told him since you have the shotgun, lead the way and I will cover you.

Allegations have been made that I missed all my shots directed at Whitman. If it was true I would not be here typing this statement as I would be dead. When I first saw Whitman he was aiming an M1 carbine at the southwest corner while in a sitting position.

Fearing that Alan Crum had left his position and Whitman was taking aim at him I fired my first shot at his left side and saw that I had hit him by his reaction.

Whitman attempted to turn his carbine in my direction and I continued to fire at him as I advanced and shouted at McCoy to fire. I did not hear McCoy's first shot but heard the second which struck Whitman on the face twisting him to his right, falling backwards with the carbine still in his right hand. Having fired all my six rounds I dropped my pistol reached behind and ripped the shotgun from McCoy and fired one more shot into Whitman as there was still some movement and he was still a threat. There is an ongoing debate about the autopsy report but one thing is very clear that there was a large caliber penetration under the left arm and the left arm bone was severely destroyed by several large caliber penetrations. I was the only one firing a .38 caliber pistol which is considered a large caliber compared to the shotgun pellets. I have always said if McCoy wants credit for firing the fatal shot so be it. I am satisfied with my performance in helping end this tragic event in Texas History.

It is amazing that today with all the information available that my critics didn't take the time to check their facts before making allegations that I had missed all the shots I fired at Charles Whitman. All the information pertaining to the University Tower Sniper incident is available at the Texas State Archives, The Austin History Center and the Briscoe Center. The critics contend that all my six shots missed Whitman and hit the wall behind him or went over the wall. There is a sketch on record made by the Texas Department of public Safety which identified important points such as the position of Whitman's body, location of his weapons and foot locker. Positions of the officers involved McCoy, Martinez, Cowan, Day and civilian Alan Crum. On the southwest portion of the wall it is documented where Alan Crum's rifle bullet struck the wall. A Texas Department of Public Safety photograph displays a large cavity where the bullet struck the wall. On the northwest wall where Whitman was killed there are no notions of any bullets striking the wall on the sketch and a police photograph confirms no cavities caused by bullets are visible on the wall.

Examining the photograph of the three rifles and a shotgun used by Whitman one can see damage to the M1 carbine Whitman was holding when he was killed. It shows entry of a bullet striking the front handgrip below the barrel and traveling

toward the breach splitting the handgrip in two. This indicates that the carbine was in front of Whitman aimed at me when I fired my pistol and hit the carbine. I was not firing at the carbine but merely following my firearms training of shooting at the largest body mass, the torso. I am lucky I pulled the trigger first or I might not be here writing this document.

A FBI teletype dated August 2, 1966 which confirmed a telephone call made to Director De Loach FBI Agent in Charge, San Antonio by Sgt George Kidd of the Criminal Investigations Division Austin Police Department, advised that at eleven forty eight A.M. August one a shot fired by unknown individual from observation deck of University of Texas Tower in main building. By Austin Police radio, all available police units were summoned. Sniper continued to fire at individuals on University of Texas Campus from observation deck until one twenty four P.M. at which time he was killed by Sgt. Ramiro Martinez and Patrolman Houston McCoy, Austin Police Department, who entered tower and slipped up behind him. Sgt. Martinez shot twice at sniper with service revolver and sniper tried to shoot Martinez with thirty caliber carbine. Martinez shot three more times, two which entered sniper's body and one hit his carbine. At about the same time Patrolman McCoy shot sniper with twelve gauge shotgun twice striking the sniper on the face. There are two discrepancies in the teletype which are as follows; Sgt Kidd's first name is Donald, not George and the second is that I was not a Sergeant. Sergeant Donald Kidd was a long time homicide investigator with the Austin Police Department.

In Austin Police Chief R.A. Miles's 1966 Annual Report to City Manager W.T. Williams, page 121 is titled Firearms Training. One of the highlights is; all Commissioned Officers are required to fire a qualifying score with pistol or shotguns each twenty eight days. I qualified with my pistol during my police academy firearms training and continued to qualify 67 more times before August 1, 1966.

As soon as Whitman was dead I left the scene as I was very fatigued, dehydrated and feeling as if I might pass out. I never saw the officers of the assault squad that had come up with the exception of Officer Connor who was at the door. Years



later McCoy made the statement that he had been told to say that Martinez had killed Whitman as the department was trying to recruit Mexican-American officers. It must be pointed out that Officer Moe, who was Unit 34, was the one that radioed the transmission, "we have that man, Martinez got him." Officer Moe made the transmission after receiving that information from McCoy. There was no one else in the tower to advise McCoy to tell Officer Moe that Martinez got him. The recruitment must have been a failure as only two Mexican Americans were hired as police officers in the next two years to the best of my knowledge. Ten years later when Houston McCoy again made the same statement, Chief Miles made the statement that no one had told McCoy to make such a statement. It begs the question, who do you believe?

Again to point out the failure to conduct a critique of the tower incident brings another questionable part of the incident, the autopsy of the sniper.

It appears that an autopsy was not going to be performed as the body was sent to a funeral home where it was embalmed. In the process of embalming the body is washed and cleaned which can possibly alter or destroy evidence. I can only assume that the thinking was that the sniper was the perpetrator and not a victim of a criminal case. When you have a victim that died from a criminal act an autopsy is preformed to prove the cause of death.

I can only be the devil's advocate in analyzing the autopsy report. In my eighteen years as a Texas Ranger I attended homicide investigation schools and was involved in numerous murder and questionable death investigations that involved autopsies. Also while serving as a Justice of the Peace for four years in Comal County I ordered many autopsies in questionable deaths that occurred during my tenure. With this background I feel qualified in expressing some opinions.

I feel that this autopsy was not as thorough as it should have been since it was not conducted to prove a crime against someone else. A missing item that is normally a part of an autopsy where death was caused by a fire arm is a silhouette of a human body, front and back. On the silhouette normally the pathologist would indicate the location of the wounds as described in the autopsy report. It would

indicate if the wound is an entry or exit wound. Also the pathologist would attempt to determine the angle of entry of the projectile to determine the position of the shooter. In some cases an x-ray would be made of the body and it would pinpoint the location where the projectile came to rest.

Normally the pathologist would extract the projectiles from the body for the purpose of ballistics analysis.

The autopsy report lists the injuries: Head: between the eyes, across the nose, are three entry holes of pellets; two more around the left eye and three in the left temporal region.

Neck and Chest: On the left side of the neck, around the collar bone, are four penetrations; two on the right side at the same level; one in the left 4<sup>th</sup> intercostal space close to the sternum bone (at the center of the heart) ; and four in the left axillary region. One, under the arm, is of larger diameter, close to 1 cm.

Left shoulder and arm: Around the shoulder, about a dozen of grazing or penetrating injuries. The left arm bone (humerus) is severely destroyed by several large caliber penetrations, the arm is shortened and swollen, deformed.

Based on the above information describing the pellets around the eyes would cover an area of around five by five inches. The area describing the neck and chest area the wounds would cover approximately twelve inches across.

Another step in an autopsy for a criminal investigation would be to determine the distance from the shooter to the victim with a shotgun. This could be determined by firing a shotgun into a target from a known distance and then adjusting to where the shot pattern conforms as close as possible to the shot pattern on the victim. The closer the shooter is to the target the smaller the diameter of the shot pattern. Again as the devil's advocate from the evidence of the autopsy report, I could conclude that McCoy's first shot is the one described as around the shoulder, about a dozen of grazing or penetrating injuries. This would be consistent with a shotgun strike. That leaves the two other shotgun rounds that were fired. Is it possible that McCoy's second shot hit the sniper in the chest as

indicated by the number of pellets which measures approximately 12 inches across the chest area? Could the third shot that hit the sniper in the eyes area that measured approximately four to five inches in diameter was fired point blank by me? In my experience the closer the shooter is to the victim the tighter the shot group will be. Another factor that is unknown is if any gunpowder residue traces or tattooing, as it is called, was present around the wounds around the eyes due to the closeness to the victim. If there were any traces they were lost due to cleaning the body during the embalming process.

As far as I am concerned, based on the autopsy, it is inconclusive as to who fired the fatal shots and have no problem that McCoy claims the credit. We had an objective that day to stop the killing and we accomplished the mission.

When I resigned from the Austin Police Department Chief Miles told me that if I ever wanted to come back there would always be an opening for me but I would have to start as a patrolman. I thanked him. Years later Chief Miles told the news media in an interview that after I left the police department I had bummed around from job to job until I was accepted by DPS and later made a Texas Ranger because of the Tower Incident and they needed a Mexican American on the job. I can truly say that I had to study and compete for a Narcotic Agent Position with the Texas Department of Public Safety. I was accepted on August, 1969 and was to begin on September 1, 1969. However the state failed to pass a budget and a special session was called and I didn't get sworn in until October 1, 1969. I had two months to kill so to earn some money I worked as a carpenter helper in an apartment construction job in the neighborhood. I guess that is classified as bumming around. I applied and tested for the Texas Rangers in 1972 and didn't make it. I tried again in 1973 and was successful. Chief Miles might not have been aware that I had the qualities needed to be a Texas Ranger, one which requires the person to make decisions without being told and to bring a dangerous situation to a successful conclusion. Chief Miles's thinking in my opinion was that Mexican Americans were underachievers. He forgot that I had competed and was promoted to Sergeant Investigator in his department. I was the third person to get promoted out of the seventeen members of my police cadet class. I can say

that I am proud of my accomplishments in the Austin Police Department and as a Texas Ranger due to hard work resulting in a very productive and successful career and it was not because of the UT Tower.

I am proud of the following letter from Texas Ranger Captain John Wood to Senior Ranger Captain W.D. Wilson, recommending transfer from Laredo to Seguin dated 8/29/77. "Ranger Martinez has done a wonderful job in Laredo, Texas and on his special assignments in Duval, Jim Wells, Starr, Zavala and Real Counties where he has been assigned to special investigations of official misconduct and thefts by elected officials. Ranger Martinez is an outstanding Officer and in my opinion is one of the best Rangers in the State of Texas." I should have mailed this letter to Chief Miles.

After having been criticized for my actions that I took in the Tower Incident by some critics it is rewarding to learn that current police training for first responders at an active shooter event validates the actions I took on August 1, 1966. They teach that the first officer or officers at an active shooter incident must confront the shooter as soon as possible to reduce the number of casualties.

Some nights when I can't sleep I think of the days when my brother Gilbert and I were students at UT in 1956. We would listen to the University Hour on the radio at 9pm as we got ready to go to work and heard the chimes of the University Tower. It makes me think of Ernest Hemmingway's Novel, "For Whom the Bells Toll." Nowadays when I wake up from my slumber and relive that tragic day and hear the tower chimes, I wonder if it chimes for all who died and were wounded or for those who might have been spared the sting of a bullet if the proper police action had been taken. I guess I will just have to continue wondering whenever I hear the chimes.

I find it disturbing that to my knowledge there was no effort to determine why Whitman took three and a half gallons of gasoline to the observation deck along with a can of charcoal starter, box of kitchen matches, lengths of clothes line wire, yellow electric wire, green extension cord and two rolls of adhesive tape among other items. Was this to be some kind of a bomb? Was he going to pour the

gasoline in the elevator shaft turning the tower into a blowtorch? In 1966 the Vietnam War was in the headlines and Buddhist Monks were practicing self immolation by dousing themselves with gasoline. Was Whitman going to do the same? I guess we will never know. As J. Frank Dobie wrote in "Coronado's Children", "Los Muertos No Hablan", translates to "The Dead Don't Speak".

While I find the misguided and false accusations irritating I have tried my best to ignore them as long as they are directed at me, but when they bring my family members into their falsehoods and vile disinformation, it confirms my opinion that I am dealing with the lowest kind of malcontents.

In 2006 a member of the assault squad who was led through the tunnels sent an e-mail to friends in which he stated that the daughter of Officer Billy Speed who was killed at the Tower, had to work her way through the University of Texas without any financial benefit from the University. He alleged that my twin daughters had received full scholarships from the University of Texas. The facts are that my twin daughters attended and graduated from Southwest Texas State University in San Marcos now known as Texas State University. They worked their way through school and my wife and I assisted them financially as needed. As far as the University of Texas is concerned, they didn't even know that our daughters existed. I am proud to say that our daughters earned their Business Degrees and have successful careers.

In all of this turbulence created by the malcontents the real true Hero of the day was Alan Crum, a civilian, who never received the recognition that he truly deserves. He deserves to be in a Civilian Heroes Hall of Honor. Someday I hope he is awarded Posthumous the Presidential Medal of Freedom which he richly deserves.

On August 9, 1966 I received a letter from Dallas Police Detective Maurice N. McDonald. An excerpt from his letter reads as follows: I sincerely hope that you will accept the recognition and publicity graciously and not allow the petty jealousies of others to harm you or your career. I am speaking from experience, referring to the tragedies here in Dallas on November 22, 1963.

Maurice N. McDonald  
Captor of Oswald

He was so right!!  
Ramiro Martinez, Retired Texas Ranger