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December 12, 2019

Mr. Mr. Ken Paxton  
Attorney General, State of Texas  
300 West 15<sup>th</sup> Street  
Austin, Texas 78701

**Re: Complaint No: CGS-227797 – 6<sup>th</sup> Floor Museum at Dealey Plaza Operations/Texas Deceptive Practices-Consumer Act (DTPA) Violations Amounting to Fraud**

Dear Attorney General Paxton,

This letter is a follow-up to the five previous ones I have forwarded to you regarding the above noted “whistleblower” type Complaint calling to your attention fraudulent abuse within the broad scope of the Texas Deceptive Practices Act (DTPA) and fraud in general in violation of Texas statutes by the powers-that-be at the 6<sup>th</sup> Floor Museum at Dealey Plaza regarding its interaction with public consumers as the self-proclaimed repository of an “accurate,” and most recently, “impartial” collection of decades of information about the JFK assassination. These boasts are completely untrue since the Museum officials deliberately focus its collection on the ludicrous “Oswald Alone” theory, arguably the biggest lie in American history, deceiving paying consumers who expect to view the collection as “accurate” and “impartial” as advertised.

In requesting a thorough investigation by your Consumer Protection Division, the allegations of impropriety are based on my interaction with Museum officials as a potential donor triggered by my being the author of four books about the JFK assassination. They include the bestselling “The Reporter Who Knew Too Much” about Dorothy Kilgallen, the most credible reporter to have covered the assassinations, as well as further research providing never-before-exposed insight into the Museum’s disturbing policies and operations. I am also responsible, as the Museum officials know, of publishing for the first time in a follow-up book about Kilgallen, “Denial of Justice,” shocking excerpts from the Jack Ruby trial transcripts, the most important JFK assassination documents in history, a virtual bible of everything true about the assassinations pointing clearly to a plot to kill the president.

While the previous letters clearly expose wrongdoing on many levels, this one is even more important since I witnessed firsthand, along with my legal colleague Greg Mullanax, the Museum’s collection on Thursday, November 14, 2019 prior to a presentation I provided that evening at the Allen Public Library near Dallas (details to follow). Visiting the Museum, and seeing firsthand its outdated, untruthful Exhibits while listening to its misleading and incomplete Audio Tour caused more deep concern than ever that those in charge at the Museum, including Curator Stephen Fagin, apparently at the direction of the Board of Directors at the Dallas County

Historical Foundation, continue to distort history about the JFK assassination on a daily basis in a fraudulent manner since fraud may be defined as “intentional deception to secure unfair or unlawful gain,” exactly what is happening on a daily basis at the Museum.

Examples abound pointing to clear violations of the DTPA which, as you know, is designed to protect consumers against false, misleading, and deceptive business practices, and “unconscionable” actions where one “takes advantage of the lack of knowledge, ability, experience, or capacity of a person to a grossly unfair degree,” so as to provide efficient and economical procedures to secure such protection. Your office has the duty to protect consumers and action on your end should become a priority sooner than later to the extent, as provided under the DTPA, of seeking a temporary restraining order prohibiting further deceptive practices.

Continuing disregard for preventing consumers the full and complete story about the assassination of President John F. Kennedy is unconscionable especially since Fagin and the board know what they are presenting to the public are untruths based on mountains of evidence to the contrary, a completely one-sided, biased view toward the Museum’s constant obsession with the “Oswald Alone” theory. In fact, as I watched streams of customers including teachers and their students, these young, impressionable minds, I wanted to scream, “Stop and listen, this is a complete sham, deceptive across the board since any semblance of the truth about what happened in November 1963 in Dallas is purposely being hidden from view.”

Regarding examples, first, nearly 85% and probably more of the Exhibits and audio tour, besides the information about JFK’s arrival in Dealey Plaza and the shooting, is solely focused on Lee Harvey Oswald with very little about Jack Ruby, clearly as central a figure in the assassinations as Oswald. The Museum’s obsession goes to the extreme in one Exhibit entitled “Oswald’s Wedding Ring,” a small, insignificant item of information but one that intentionally points in his direction as the lone gunman who killed JFK.

This strategy is in keeping with the main theme of the Exhibits and the audio tour, convincing the public that Oswald was the lone gunman and anything contrary to his being the lone gunman should be dismissed as conspiratorial, a term used quite often in the Exhibits. This permits the broad stroke of disbelief in anything having to do with a conspiracy when “plot to kill the president” provides a less offensive, more believable term but these words are never presented to consumers at the Museum.

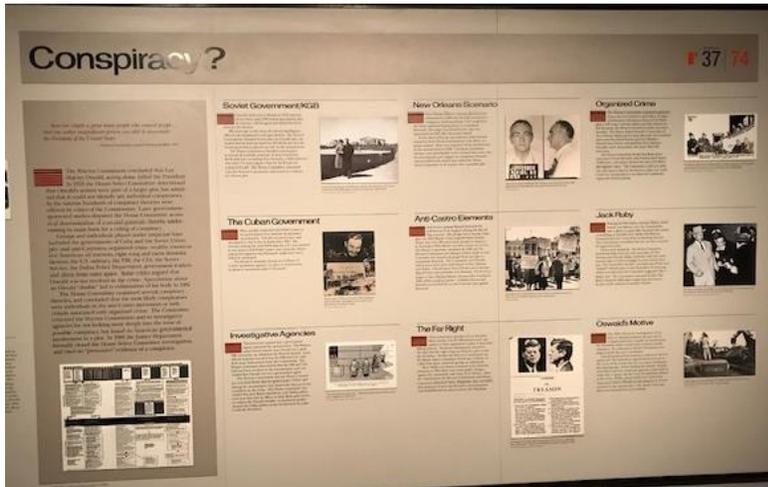
### Oswald’s Wedding Ring

**A**t the time of the assassination Lee Harvey Oswald was estranged from his wife Marina, who was then living with the couple’s young daughters at the home of Ruth Paine in Irving, Texas. Oswald often visited his family on Fridays but deviated from this routine when he decided to stay overnight at the Paine residence on Thursday, November 21. That evening he tried to reconcile with his wife, only to be rebuffed. He was clearly upset when he went to bed that night.

On the morning of November 22, 1963, Lee Harvey Oswald uncharacteristically left his wedding band on a night table beside his wife’s bed. Next to the ring, he placed \$170 in cash.



In fact, the all-encompassing, “C” word appears again in large letters in this Exhibit entitled “Conspiracy?”



After choosing text that validates the Warren Commission’s “verdict” that Oswald acted alone so as to poison the minds of anyone taking the time to continue reading, this Exhibit includes a chart with nine different conspiratorial potentials for consumers to view. One first notices that the portion dealing with Ruby is listed in the second row to the far right making it more difficult to find and read.

By grouping these potential “conspiracies” together in small print, the Museum purposely causes consumers to believe that none of them have any credence leaving “Oswald Alone” as the most logical explanation, in fact, the only plausible explanation for who killed JFK. Ruby is simply, again on purpose, lumped in with all of conspiracy potentials as an audio recording first alerts the listener to the viability of these theories but then ends with the audio basically dismissing any of them, including ones involving Ruby *and* Oswald leaving the viewer back on track with the “Oswald Alone” theory which is exactly where the Museum powers-that-be want them to be.

When specific information is made available about Ruby to consumers, it is outdated, incomplete and untrue based on not only recent developments, which the Museum boasts of including in the collection on its website, but the nonsensical speculation of the quotes provided. For instance, regarding one Exhibit entitled “Oswald and Ruby,” the following information is presented:

A Chicago native known for this temper and erratic behavior, Jack Ruby had childhood ties to organized crime. Although mob related conspiracy theories persist, evidence suggests that Ruby acted alone. His motives remain shrouded in doubt.”



As Stephen Fagin and his colleagues know, this statement is completely false especially the “Evidence suggests that Ruby acted alone” portion which is destroyed through the Ruby trial transcript sworn testimony excerpts I provided to you including Ruby watching the JFK assassination as it took place from the DMN office window, his stating to a witness, “I will be there,” when Oswald was transferred, his admission that “he acted like a reporter to get into the DPD basement, and that he had help from DPD friends to enter. In fact, regarding the latter statement, Dorothy Kilgallen wrote a column entitled, “Dallas Cops Lived it Up at Ruby’s Place,” a reference to his Carousel Club.



Further, while the statement that “Ruby had childhood ties to organized crime,” is accurate, it is completely misleading since the Museum officials know strong proof exists that Ruby was immersed in the Dallas underworld including close relationships with both Joe Civello and Joe Campisi, underlings to New Orleans mobster Carlos Marcello. They also know that the very first visitor to Ruby in jail was Campisi and so forth thus making the above quote a true distortion based on primary source evidence to the contrary from the Ruby trial transcripts, the most important, and most accurate, documents in the history of the assassinations exposed for the first time in “Denial of Justice” proving without a doubt a plot to kill the president. Again, Fagin and the board know this to be true yet they continue to deceive the consumers, young and old, with false information.

Most disturbing is an Exhibit which includes a very misleading and deceptive audio presentation. After the announcer directs the listener to Ruby shooting Oswald, the announcer says, "There are

more questions than answers. About Oswald's killer. Why was he killed? Who did it? The announcer then introduces "Associate Curator Stephen Fagin," who tells the listener:

"It's very difficult to know [what happened] because we really don't know what was going through Ruby's mind when he pulled the trigger. Ruby said he did it because of his love for President Kennedy and in part, to spare Mrs. Kennedy from having to come back to Dallas to testify at a trial. But those who knew Ruby well, his friends and his co-workers, they suggest something different. They believe Ruby simply wanted to be a hero and thought he might receive a medal for shooting the assassination of the President. They envisioned him standing at the door of his nightclub, the Carousel Club on Commerce Street as the man who shot the man who shot the President.

Quite alarming is the fact that since Fagin is introduced as "Associate Curator," and since he was promoted to Curator in March, 2016, **this quote is more than three and a half years old**, completely outdated with complete disregard to any developments since then including recent developments provided by not only the Ruby trial transcripts but Dorothy Kilgallen's research, again, research Fagin and the board are aware of yet disregard to the point of not updating the Museum information so consumers have the full story. Either they are too lazy to do so, don't want to spend the money to cleanse the collection of untruths despite being a multi-million dollar-plus not-for-profit, or just don't give a damn causing one to wonder how they look at themselves in the mirror each day with anything other than a guilty conscience since they perpetuate a false stream of information about the "Oswald Alone" theory, arguably the biggest lie in American history.

As far as Fagin's quote goes, while correctly noting what Ruby said after he was arrested about Mrs. Kennedy, it launches into pure speculation from unknown "friends and co-workers," never named, regarding an outlandish statement that Ruby expected a medal and would stand in the door of his Carousel Club boasting of killing Oswald and so forth. Since Fagin and the board knows for sure this information is uncorroborated and completely unreliable in lieu of developments exposing Ruby's actions before he shot Oswald, the only conclusion to be reached is the attempt to prove to consumers that not only did Oswald act alone but that Ruby acted alone, end of story, a complete distortion of history for certain.

In effect, what is happening during the tour is that the general public, teachers and their students alike, are being brainwashed with "Oswald Alone" propaganda in the ilk of just exactly what J. Edgar Hoover and the Warren Commission did five decades earlier. This is a sad state of affairs for certain and my bet is that all of the Exhibits have not been updated for years despite the "recent developments" the Museum promises to provide which clearly contradict the Exhibits and Audio Tour.

Of course, there is no mention in the audio tour or an Exhibit devoted to Dorothy Kilgallen's credible research or the Ruby trial transcripts since they are deliberately kept from public view since any number of disclosures in these documents destroy the Exhibit and audio tour information, another deception for sure to those consumers expecting the full story about the assassinations from a Museum that promotes itself as being "accurate" and "impartial" as THE

place to learn the truth. Unsuspecting consumers, as I have noted before, thus do not know of any of this existing in the collection at all and how they impact every single one of the Exhibits and every portion of the audio tour, truly unconscionable and clear violation of the DTPA which prevents “taking advantage of the lack of knowledge, ability, experience, or capacity of a person to a grossly unfair degree.” The only place to find the transcripts, if Lindsey Richardson, Curator of Collections, is to be believed, are online which is worthless as no one visiting the Museum has any idea they even exist and why they are historically vital, the very bible, as noted, to understanding what really happened in Dallas in November 1963.

Apparently, the Museum powers-that-be, believe the Exhibits and audio tour alone are not enough to convince the public of the “Oswald Alone” theory so, when one enters the Museum giftshop, as I did, it is no surprise that it is stocked with pro “Oswald Alone” theory books galore including one of the worst of the worst, “Case Closed” by Gerald Posner, which has been ridiculed for years as completely unreliable. Once again, the deliberate brainwashing of the unsuspecting public is in effect since consumers are not provided with books which truly illuminate the truth about the what happened in Dealey Plaza and beyond. Deceptive practices, for sure, fraud perhaps, with no question about there being multiple violations of the DTPA.



Together with all of the information I have provided in my five letters to you, each responded to with a form letter, there is little doubt that the Museum powers-that-be have intentionally carved out a plan to keep the “Oswald Alone” theory alive and well so the Museum continues to be relevant. Through its website proclamations, the restricted audio tour, the outdated and unreliable Exhibits in lieu of developments clarifying the actual truth about the assassinations, and the selective choices of Museum programs and speakers such as the two offered during the week of Nov. 22<sup>nd</sup> focused on Oswald I called your attention to in my recent letter, there is obviously a carefully designed scheme that is deceptive in nature, and purposely so.

If the Museum's visitor account (400,000 per year) is reliable, this, as noted, is a multi-million-dollar business (not counting donations), a multi-million-dollar-plus scheme, (Dallas Historical Foundation Revenue Statement enclosed for 2017; seven million in revenue, must be much higher now)) one founded by a group of people with little concern at all about distorting history on a daily basis while violating the law, the DTPA, with their actions. All while the flyers being emailed to possible donors continue to be deceptive with the enclosed one sent on December 3<sup>rd</sup> proving the Museum's claim to be "impartial" stating "The Sixth Floor Museum chronicles the assassination of President John F. Kennedy and the ongoing legacy of this tragic event in an **impartial** and compelling manner" when there is absolutely nothing **impartial** about the collection. This followed the one I recently sent along where the Museum states it is "the landmark [book depository building] that changed the world," when it was the assassination of the president not the landmark that changed the world, a statement that is demeaning to JFK.

In addition, the December 3<sup>rd</sup> flyer promotes the Museum's "commitment to excellence" while noting its intention to provide "enhanced educational programming for students," with both statements contrary to any semblance of the truth since the collection hides the most important facts about the assassinations due to its outdated Exhibits and Audio Tour blunting any semblance of "excellence" or their being what may be termed "educational programming."

Bottom line: the Museum is sucking every bit of money it can from unsuspecting consumers using what they call JFK's legacy as the bait while intentionally distorting history on a daily basis whether it concerns consumers or possible donors with the bogus emails arguably amounting to mail fraud through the deceptive nature utilized to hoodwink donors into giving the Museum money. One man of respect, Dr. Cyril Wecht, the noted forensic expert and true assassinations scholar, certainly agrees, telling me recently, "It is truly disgraceful and extremely disturbing that such a cultural entity should be so biased."

Clearly, any Museum may make the call as to what it decides to include in its collection. The choice is theirs but when it promotes its collection as THE expert, that the building housing the collection is the "landmark that changed the world," as it advertised to possible donors, when it promises to be accurate, when it promises to provide "recent developments" about the assassinations and so forth as delineated in my previous letters to you, it must be required to be truthful to this pledge with consumers as to what they may expect when touring the Museum. Recently, I discovered a copy of the November 21, 1993 edition of *Dallas Life Magazine* sporting the headline, "Quiet Healers: The three who gave Dallas the Sixth Floor – and a measure of peace with its past." Perusing the article, I noted that there were concerns among the founders of the Museum that it would become a "shrine to Oswald," and there was the intention to present all points of view in the collection. Unfortunately, somewhere along the line those in charge lost their way and thus today the Museum is the "shrine to Oswald," that was to be avoided.

One question you may ask is how this Museum relates to the "Ethics, Standards, and Professional Practices" required of every such Museum as specified by the American Alliance of Museums. On its website, the AAM states the following: "Excellence across the Museum field begins with ethics and standards that the field sets for itself to promote accountability, provide a

basis for good decision-making, and prove a Museum's worthiness of trust." Regarding ethics, the Alliance notes that "A code of ethics is a statement of shared values that informs Museum behavior and practice so as to maintain integrity and warrant public confidence."

Based on the 6<sup>th</sup> Floor Museum's policies and operation, questions must be asked whether this Museum measures up in terms of "accountability" and a "worthiness of trust" so as to "maintain integrity and warrant public confidence." Your investigation can determine the answer to these questions while considering violations of the DTPA.

As mentioned, on the 14<sup>th</sup> of November, I gave a presentation at the Allen Public Library. Tom Keener, the organizer, was worried there might not be a good crowd since his normal promotion avenues have been reduced. But more than 150 people showed up, nearly filling the place, and the reaction to my lecture was gratifying for sure as I told them about the patriot Dorothy Kilgallen's life and times, her exhaustive 18 month investigation of the JFK assassination, the Ruby trial excerpts, the Museum's refusal to accept my donation or let me speak about the transcripts in a Museum program, and what I had discovered during my visit to the Museum earlier that day.

When I finished at around 9 p.m. believing there might be question or two, there were so many that we didn't quit until after 10 with nearly everyone staying in their seats until the last question was asked. These people were astounded at not only hearing of Dorothy's revelations and the existence of the trial testimony about Ruby actions before he shot Oswald, but about the disturbing conduct at the Museum.

When I posed the question as to why the Museum folks are hiding the truth by continuing to distort history, several people just rubbed their fingers together implying, "money, money, money." That certainly makes sense since as I've said before, including any anti "Oswald Alone" material in the collection, the excerpts and/or the audio tour threatens the Museum's very existence, it's relevance, and without relevance, it can't exist putting an end to this multi-million-dollar enterprise that deserves your investigation and one by whomever in Dallas deals with not-for-profits..

My presentation may be viewed on You Tube using this link: <https://www.youtube.com/watch?v=VYDaqto22NY>. My condemnation of the Museum's operation begins at 1:01:49 or so. I could have continued for hours with the allegations but hopefully hundreds, if not thousands of people, are warned of the Museum's continued effort to hide the truth about the assassinations, to provide the level playing field, the "impartiality" the Museum swears to uphold.

Eight days later, while the Museum was presenting programs about Oswald during the very week of the assassination anniversary, I gave another presentation at the Festival of Politics in Dublin, Ireland. It included once again the deception continuing at the Museum and when it is posted on You Tube, people around the world will be aware of that deception and be warned to stay away from the Museum. Perhaps one day, unless the Museum changes its practices, a boycott will be organized with intentions of closing the Museum.

On top of these actions on my part, the Museum's practices and your reaction to them hopefully in a lawful manner as the public's protector against violations of the DTPA will be fully disclosed in a third book I am writing about Dorothy Kilgallen and the assassinations to be published in the new year. If the folks at the Museum believe I will stop my attempt to expose their deception, they do not know me very well although it is your job, your responsibility, to protect consumers from deceptive practices.

With all of this in mind, I have taken the time to update the "Alleged Violations by the 6<sup>th</sup> Floor Museum at Dealey Plaza of the DTPA," I forwarded with my most recent letter to you with the word "Alleged" deleted since it is quite clear that the very violations the act was intended to prevent have been violated time and again, and continue to be violated every day by the Museum powers-that-be. I trust that you will see fit to visit the Museum yourself and/or send your own investigators to the Museum to view the collection and the audio tour statements and then compare what they see and hear with the promises made by the Museum to consumers and donors alike.

Without question, the deceptive acts are unlawful and if one wants to choose, as suggested the definition of "fraud" as "intentional deception to secure unfair or unlawful gain," it certainly appears to fit the crime since due to arrogance and a total disregard for the truth about the assassination, the Museum powers-to-be must be held accountable for their actions, their deception for years on end. To disregard these actions would be dereliction of duty, and I am certain that as a public servant sworn to protect the public, you will do just that, make certain the deception at the Museum, one perpetuated through outdated, untruthful Exhibits and audio tour information clearly not "impartial" in nature exposed deliberately to unsuspecting consumers ceases happening sooner than later.

Sincerely,

Mark Shaw

Enclosures:

Museum Flyer to possible Donors – December 3, 2019

cc: Mr. Stephen Fagin, 6<sup>th</sup> Floor Museum  
Ms. Lindsey Richardson, 6<sup>th</sup> Floor Museum  
Ms. Nicole Langford, 6<sup>th</sup> Floor Museum  
Mr. John Hollifield, Dallas County Historical Foundation  
Mr. John Creuzot, Dallas County District Attorney  
Mr. Adam Madrano, Dallas Mayor Pro Tem  
Ms. Rena Pederson  
Mr. Skip Hollandsworth, Texas Monthly Magazine  
Mr. Michael Granberry, Dallas Morning News  
Ms. Leslie Snyder, Dallas Morning News  
Mr. Patrick Williams, Dallas Observer  
Mr. John Bridges, Austin American-Statesman

Mr. Bill Minutaglio, Author  
Mr. Greg Mullanax, Attorney at Law  
Mr. Lawrence Schnapf, Attorney at Law

FISCAL YEAR  
ENDING SEPT.

**2017**

PDF

990

990-T

Full Text

990 ▾

Raw XML

990

## Total Revenue **\$7,784,800**

Total Functional Expenses **\$6,570,054**  
Net income **\$1,214,746**

### Notable sources of revenue

Contributions	\$107,020
Program services	\$5,814,308
Investment income	\$1,781
Bond proceeds	\$0
Royalties	\$0
Rental property income	\$92,943
Net fundraising	\$0
Sales of assets	-\$1,788
Net inventory sales	\$1,140,209
Other revenue	\$630,327

### Percent of total revenue

Contributions	1.4%
Program services	74.7%
Investment income	0.0%
Bond proceeds	
Royalties	
Rental property income	1.2%
Net fundraising	
Sales of assets	
Net inventory sales	14.6%
Other revenue	8.1%

### Notable expenses

Executive compensation	\$480,287
Professional fundraising fees	\$0
Other salaries and wages	\$2,126,884

### Percent of total expenses

Executive compensation	7.3%
Professional fundraising fees	
Other salaries and wages	32.4%

### Other

Total Assets	\$11,304,454
Total Liabilities	<b>\$690,307</b>
Net Assets	\$10,614,147



THE SIXTH FLOOR MUSEUM  
AT DEALEY PLAZA

**Today is Giving Tuesday  
and we invite you to make a gift  
to The Sixth Floor Museum!**

The Sixth Floor Museum chronicles the assassination of President John F. Kennedy and the ongoing legacy of this tragic event in an impartial and compelling manner.

**As a nonprofit, we rely on the generosity of our community** to maintain our operations and our commitment to excellence as we work to explore the lasting effects of the assassination on our world today.

**Today we ask you to consider a donation to  
support the work of the Museum.**

The Museum is moving into an exciting new chapter, having celebrated our **30th anniversary** this year. Your gift will help grow our impact in the community with enhanced educational programming for students, expanded outreach into under-served communities, and new learning opportunities for adults.

# Violations by the 6<sup>th</sup> Floor Museum at Dealey Plaza of the Texas Deceptive Trade Practices-Consumer Act

## The Act

Deceptive trade practice is an activity where business or individual engages in misleading or luring public into purchasing a product or service, which, under the broad interpretation of the act includes ticket sales, book and JFK memorabilia sales, program sales, etc. In Texas, the Deceptive trade practice law has been designed to protect consumers from false or misleading advertisement. The Texas Deceptive Trade Practices-Consumer Act (DTPA) thus prohibits vendors and salesmen from using

- False statements
- Duress
- Exaggerations
- Misleading advertisements to generate business

## Violations

1. For three decades and counting, the 6<sup>th</sup> Floor Museum has systematically and deliberately hidden from public view the inclusion in its collection of exhibits, audio tour, displays and speaker's programs, any prominent mention or promotion of material contrary to the "Oswald Alone" theory including the most important documents about the JFK and Oswald assassinations, critical testimony by eyewitnesses during the Jack Ruby trial. It proves Ruby actually watched JFK's assassination as it took place from the Dallas Morning News offices, would "be there" when Oswald was transferred from the DPD basement, "made like a reporter" to enter basement when Oswald was being transferred, and had help from "friends at the DPD" to do so, proof certain of a plot to kill JFK.

Despite knowledge of this primary source, undisputed evidence destroying any potential of viability for the "Oswald Alone" theory perpetuated by the Museum, and other such evidence contrary to this theory including that compiled by revered journalist Dorothy Kilgallen, the Museum's statement on its website:

"The goal of the museum is to recount, as accurately as possible, the history of the assassination, and to identify the major areas of controversy as well as recent developments."

is false, misleading, and deceptive in nature with only one goal in mind, to deceive consumers into purchasing tickets to the Museum numbering in the millions since the collection does not accomplish "recounting as accurately as possible" the history of the assassination. In truth, just the opposite has happened since suppressing the anti "Oswald

Alone” theory evidence has caused a massive amount of “inaccurate” information to be spread across the globe for years on end especially through Museum exhibits that are outdated, including one that is at least three and a half years old as noted in the attached letter.

2. Consumers buying tickets to visit the Museum are deceived into believing the Museum presents, “The Facts. The Mystery. The Legacy. Right here in Dallas.” This is a blatant exaggeration, false in nature, leading consumers to believe the Museum is THE place, THE authority on every aspect of the Assassinations when in truth, all of the “Facts” are not part of its collection since it deliberately excludes facts or evidence contrary to the “Oswald Alone” theory from promotional materials causing unsuspecting consumers to be unaware during their visit that such materials even exist. This conduct is part of the Museum’s deliberate attempt to keep the ludicrous “Oswald Alone” theory alive since without it, the Museum would lose its relevance and be forced to close since, if consumers knew of the lack of truthfulness in the Museum’s scheme to deceive them, they would not purchase tickets.

Such conduct by the Museum is completely contrary to the intent of the DTPA which is designed to protect consumers against false, misleading, and deceptive business practices, and unconscionable actions where one “takes advantage of the lack of knowledge, ability, experience, or capacity of a person to a grossly unfair degree,” so as to provide efficient and economical procedures to secure such protection.

3. The following statement on the Museum website where tickets are purchased is misleading at best, and deceiving at the worst since it loosely employs the word “historic” to describe that the collection is all about when that is basically untruthful since the Museum does not tell all sides of the story through accurate historical data but instead focuses on the “Oswald Alone” theory:

The Sixth Floor Museum at Dealey Plaza is an educational, permanent, historic exhibit that examines the life, times, death and legacy of President John F. Kennedy within the context of American history. The museum's exhibition area uses historic films, photographs, artifacts and interpretive displays to document the events of the assassination, the findings of the official investigations that followed and the historical legacy of that national tragedy. The Kennedy assassination remains one of the most significant events in American history and the assassination site is the most visited historic site in North Texas. Many of the visitors to the site come to resolve feelings of grief that persist even after many decades. Others, come to learn more about a man and an event that profoundly shaped the United States.

4. By its very name, “6<sup>th</sup> Floor Museum at Dealey Plaza, the Museum, by devoting at least of the exhibits and audio tour to Oswald, causes consumers to believe that focusing on Oswald is paramount to learning the truth about what happened when President Kennedy was assassinated in 1963 when this is far from the truth. Consumers are thus deceived since the Museum’s collection is highly slanted, completely biased towards the “Oswald Alone” theory.

5. The Audio Program provided for consumers when they visit is devoid of all sides of the story about the assassinations especially regarding the critical importance of the Ruby trial testimony which proves a plot to kill President Kennedy. Consumers are thus cheated when they expect the full story, the truth, only to be force fed unverified and untruthful information about the assassinations through exaggerated claims about the Museum's collection promoting it as the "tell-all" repository for everything relevant about the assassinations.
6. The Museum has deliberately blocked donations that contain historical material contrary to the "Oswald Alone" theory, most recently one providing not only a well-preserved copy of the Ruby Trial Transcripts, but also authentic and accurate accounts of the assassinations by revered reporter Dorothy Kilgallen and investigative reporter Mark Shaw while also refusing to permit Shaw to speak about the transcripts during a Museum program. The museum has also refused to establish an exhibit providing consumers with knowledge of the transcripts and in doing so, has deceived consumers into believing they will be provided the full story about the assassinations.

During the week of November 22, 2019, instead of presenting speaking programs regarding all aspects of the assassination information, it advertised and then presented two programs solely devoted to Oswald marking another example of the obsession of the Museum with Oswald while deliberately disregarding other aspects of the assassination evidence including the Ruby trial transcript excerpts.

7. In a blatant misrepresentation of the truth, a misleading exaggeration, the Museum has, during a 2019 fundraising campaign, boasted of the Texas Book Depository Building by stating, "Help us give all of North Texas the chance to visit this Dallas historical landmark that changed the world" when in fact the "landmark" is a stain on Dallas' reputation since the "landmark" has been part of a definite plan by the Museum to perpetuate the "Oswald Alone" theory while knowing there is compelling evidence to the contrary thereby being deceptive in its dealing with potential donors and consumers alike.

A second donor email was sent December 3<sup>rd</sup> which contained the Museum's assertion that it portrays the assassination information in an "impartial and compelling manner" when evidence indications just the opposite, a clear deception forwarded through email which may amount to mail fraud.

8. In its promotion to sell tickets to its speaking programs, the Museum advertises them as being "free" misleading consumers since the program is only "free" if the consumer purchases a ticket to enter the museum.
9. Due to its blatant misrepresentation of facts about the Museum collection, students, teachers and especially researchers have been deceived into believing the truth about the assassinations may be learned at the museum causing irreversible harm since an unknown amount of articles, essays and books written are devoid of any mention of the Jack Ruby trial transcript testimony which proves a plot to kill President Kennedy or Kilgallen's research and articles.

10. On its website, the Museum promotes sale of what it calls an “Education Program” called “Myths and Conspiracy Theories” to 6<sup>th</sup> to 12<sup>th</sup> graders (\$100 at Museum, \$125 at School, \$100 Distance Learning), so as to continue the use of the words “Myths” and “Conspiracy Theories” in an apparent effort to deceive consumers by pushing them toward outrageous beliefs about what happened in 1963 when the Museum knows of the existence of the Jack Ruby trial transcripts and Ms. Kilgallen’s research but hides it from the public. This is certainly deceptive in nature.
11. By agreeing to be interviewed for the History Channel’s “Who Killed Kennedy” magazine issue, essentially an ad for the Museum, curator Stephen Fagin endorsed the magazine’s focus on the “Oswald Alone” theory including his permitting the interview to be placed square in the middle of the Oswald material which was granted more than ten pages while any information about Jack Ruby was restricted to two pages. Any consumers reading the magazine would have thus believed that the Museum favored the “Oswald Alone” theory leading them to potentially purchase tickets to the Museum based on Fagin’s interview.
11. By proclaiming that more than more 400,000 unsuspecting visitors enter the Museum at an average cost, it appears of \$15 dollars per ticket, the Museum apparent motive is revenue but as a not-for-profit entity, the first priority must be providing consumers with the truth about one of the most important historical events in American history. Sadly, this does not happen causing consumers to be victims of deception every time they set foot in the museum.

### Summary

Section 17.46 (b) of the DTPA provides what is called a “Laundry List of Acts and Practices Made Illegal by the DTPA.” Included in item 24 is the language:

“The failure to disclose information concerning goods or services known at the time of the transaction was used to induce the consumer into a transaction whom otherwise would not have entered had the information been disclosed.”

Simply put, this section, the interpretation appears to be that the Section:

prohibits a seller from failing to disclose information known by the seller at the transaction if such withholding of information is intended to induce the consumer into a transaction, and if the information is such that had the consumer known it at the time, the consumer would not have made the purchase.

Within the broad provisions of the DTPA, there exists no reasonable question that the Museum’s policies and operation violate on a daily basis both the spirit of the regulation, but more importantly, the very reason the regulation was created – to protect consumers from False statements, Exaggerations and Misleading Advertisement to Generate Business. The best

scenario is to close the Museum for good unless these policies and operations, blatantly deceptive in nature, are corrected at once.