

POST

THE KENNEDY ASSASSINATION

Did Oswald act alone?
Was the Warren Report wrong?
Was evidence suppressed?
Do we need
a new investigation?





THE KENNEDY ASSASSINATION

The insinuating whispers are incessant. The head wound. Skull fragments. Brain tissue. Smoke on the grassy knoll? The 'single bullet.' Commission Exhibit 399. Planted? A 'second Oswald'? Zapruder frame 225; 18.3 frames a second. The Mannlicher-Carcano rifle. The whispers soften only on a quiet hillside in Arlington. 'May his soul and the souls of all the faithful departed, through the mercy of God, rest in peace. Amen.'

Within 36 hours of the assassination of President John F. Kennedy and the murder of Patrolman J. D. Tippit, Dallas District Attorney Henry Wade was satisfied that the case against Lee Harvey Oswald was indisputable. On the sixth floor of the Texas School Book Depository where Oswald worked, police had found three spent cartridges near the southeast window, identified as the assassin's perch. Wedged between boxes on the same floor, they discovered a 6.5-caliber Mannlicher-

Carcano rifle with a four-power scope, obviously the assassin's weapon. An all-night search by the FBI had traced the rifle bearing serial number C2766 from a distributor in New York to a sporting-goods mail-order house in Chicago, where records showed it had been shipped to one "A. Hidell," Post Office Box 2915, Dallas. A forged Selective Service card in Oswald's wallet bore the name "Alek James Hidell." Experts matched the handwriting with the \$21.45 money order used to purchase

By Richard J. Whalen



Arriving at Love Field at 11:40 on Friday, November 22, President John F. Kennedy and Mrs. Kennedy already had behind them their first day of the Texas trip. Planned for later that day were a motorcade through downtown Dallas, a luncheon speech at the Trade Mart, a flight to Austin that evening, and then by car to the Texas ranch of Vice President Lyndon B. Johnson. With elections coming up, the Dallas motorcade was to be a demonstration of popularity.

the rifle and the application for Box 2915. The FBI laboratory, studying the three shells, a whole bullet found on a stretcher at Parkland Hospital, and two bullet fragments found in the presidential limousine, tied this evidence to Oswald's rifle. When arrested, Oswald had in his possession a Smith & Wesson .38-caliber revolver, the same kind of pistol used to murder Tippit, and this had been traced from a Los Angeles mail-order firm to "A. J. Hidell" at Box 2915. Witnesses to Oswald's firing from the window, his flight from the Book Depository and his encounter with Tippit were coming forward to identify him in lineups at police headquarters. All that was needed now, in Wade's view, was for the sullen Oswald to break his silence and confess. "I have sent men to the electric chair with less evidence," Wade crowed before the press and television cameras.

If a dozen jurymen could have been found who had not heard Dallas officialdom try the case publicly, Oswald might very well have gone to the electric chair. Had he been prosecuted for murdering an ordinary citizen, the evidence arrayed against him would almost certainly have brought a verdict of guilty. But, in the instant Jack Ruby darted from the shadows in the basement of police headquarters and fired a bullet into Oswald's stomach at point-blank range, in full view of millions of startled television viewers, all certainties were shaken. No matter how detailed and circumstantial the official explanations, Oswald's enforced silence would always leave the story incomplete and clouded with an element of doubt.

Immediately after the assassination, President Johnson had ordered a special FBI investigation, but he soon decided this was insufficient in the climate of suspicion created by Oswald's murder. Therefore, on November 29, he appointed an extraordinary Presidential Commission, one without precedent in U.S. history, "to evaluate all the facts and circumstances surrounding" the assassination, "including the subsequent violent death of the man charged with the assassination." Johnson thus asked the commission both to confront the ugly possibility of conspiracy and at the same time to reassure a stunned and grieving nation, to restore confidence in its leaders and institutions. The commission could not face in both directions

at once. Chief Justice Earl Warren and his six distinguished colleagues meant to be true to their mandate to gather and weigh *all* the facts, but they were naturally disposed to begin with the facts incriminating the dead Oswald. Symbolically the commission's first witness was Marina Oswald, his Russian-speaking widow, who could not have testified against him at his trial and who was afraid she would be deported if she did not tell the commission what it wanted to hear.

In September, 1964, three months after its planned publication date and only the minimum safe distance from the November elections, the Warren Commission delivered its 888-page *Report* to its anxious client in the White House and to the American people. At tedious length, the *Report* reaffirmed the familiar account. Lee Harvey Oswald had been as lonely in his crime as he had been throughout his pathetic life. His motive for the most meaningful act of his life was as confused as his wanderings across seas and continents and ideological frontiers. All three murders in Dallas—the President, Tippit and, finally, Oswald—were without rational motive, said the report. Oswald's killer, Ruby, was a stranger to his victim, but not, it turned out, to the Dallas police. The commission wished to declare flatly that no conspiracy of any kind existed, but Sen. Richard B. Russell balked and announced he would file a dissenting "footnote" covering two typewritten pages. "Warren was determined he was going to have a unanimous report," Russell recalls, and so the *Report's* language was tempered to say that no evidence of a conspiracy had been uncovered. Chiefly because three shells had been found, the commission concluded three shots had been fired from the Book Depository, and one had apparently missed. One bullet caused the President's fatal head wound, which left the commission only a single bullet with which to explain the seven nonfatal wounds suffered by the President and Texas Governor John Connally. The "single-bullet" theory, the chief novelty in the *Report*, was at once its most crucial and vulnerable finding.

In two years the Warren *Report* has undergone a remarkable reversal of fortunes. Many more people praised and accepted the *Report* than ever read it. Now, though the *Report* is still generally un-

read, its credibility has been severely damaged. Many Americans—perhaps a majority, if the polls are any guide—reject its main conclusions and suspect that they have been lied to.

Any "official" explanation of the assassination, which caused a profound national trauma, was bound to dissatisfy some Americans. A President's murder is an event of endless fascination, as witness the continuing detective work into Lincoln's death after more than a century. But the Warren *Report's* fading credibility has coincided with the swiftly rising popularity of a band of dissenters. Three years ago only the extreme left-wing *National Guardian* would print Mark Lane's "brief" in Oswald's behalf. Now his much expanded and densely footnoted plea, *Rush to Judgment*, enjoys a prestige imprint and stands at the top of the nonfiction best-seller lists, just as the Warren *Report* once did. Lane and his arguments haven't changed; the climate of opinion has.

Part of the explanation for the popularity of the critics lies in their promise of telling you something you don't know—something sinister—and in their willingness to invest the "crime of the century" with the dramatic values of uncertainty and suspense that the Warren *Report* so conspicuously lacks. The critical books, in most instances, are readable, whereas getting through the *Report* is a civic chore. As defenders of the commission impatiently insist, the critics have turned up little, if any, "new evidence," but they don't have to. Two months after publication of the highly praised *Report*, the commission brought out 26 printed volumes containing more than 17,000 pages of testimony and exhibits (Government Printing Office; \$76 the set). Since then, it has been possible to examine most but not all of the evidence supposedly supporting the *Report's* conclusions.

By doing just that, the critics have made us uneasily aware of the commission's highly selective attitude toward testimony, favoring witnesses (some very dubious) who confirmed Oswald's guilt, rejecting those who tended to jeopardize the case being built. The same was true of the approach to evidence: Too often, it drew forced conclusions that did not follow naturally from the known facts. What a staff lawyer describes as "by far the most comprehensive criminal investigation ever conducted in the world" was actually a deep but narrow attempt to strengthen the already impressive *prima facie* case against the dead suspect. The *Report* tells us too much about too little. When the Oswalds lived on Bartholomew Street in New Orleans, we know they had a nice backyard and kept a dog named "Sunshine." But the published evidence (and the 300 cubic feet of commission documents stored in the National Archives) does not include the results of the FBI's spectrographic analysis of the bullet found at Parkland Hospital—the bullet so essential to the finding of Oswald's solitary guilt.

Only convenience justifies lumping together the dissenting individuals under the label "the critics," for sharp disagreement and even sharper jealousy are rife among them. ("Lane has tasted honey," says another critic who has not.) Although all follow the general strategy of going behind the *Report* to reinterpret the underlying evidence, each of the leading critics gives special weight to a particular argument or theory. Lane, for example, marshals every scrap of evidence suggesting the presence of an assassin on the grassy knoll looming ahead of Kennedy's car on Elm Street: a woman who earlier that day saw a man carrying what appeared to be a gun case up the slope; a railroad towerman who saw "a flash of light" from the bushes as the shots rang out; another witness on the triple underpass who saw "a puff of smoke"

Critics can invest the crime with many dramatic values, but reading the Report is a civic chore.

curling above the trees; a deputy sheriff who raced up the hill, revolver drawn, and halted an unidentified man who showed Secret Service credentials when, according to the Secret Service, all members of the Dallas detail made the dash to the hospital with the dying President.

Edward Jay Epstein, a 31-year-old Harvard graduate student whose master's thesis became the best-selling *Inquest*, provided the first "inside" story on the workings of the commission and thereby gave skeptics a respectable peg on which to hang their doubts. Epstein dwells on the basic discrepancies between the FBI and official accounts of the President's autopsy, suggesting between the lines of his muted academic prose the possibility of wholesale fraud and perjury.

By far the most outspoken proponent of an "official" conspiracy is Harold Weisberg, author and self-publisher of *Whitewash* and *Whitewash II*. An involuntarily retired poultryman in Hyattstown, Md. (he claims low-flying Government helicopters put him out of business), Weisberg is an indefatigable digger in the Archives. His specialty is close analysis of photographic evidence, some of which the investigators unaccountably cropped

("doctored," says Weisberg). Using the famous head-on picture of the President's car taken by AP photographer James Altgens, which appears only in cropped versions in the commission's exhibits, and combining it with other pictures of the assassination, Weisberg concludes Kennedy was hit earlier than the FBI and Secret Service established, at a point where the foliage of a large oak tree blocked the line of sight from the sixth-floor window. Therefore, he says, the assassin couldn't have been Oswald.

A young Philadelphia lawyer, Vincent Salandria, has used his vacations to make on-site studies of possible bullet trajectories from various points in Dealey Plaza, where Main, Houston and Elm streets converge. During the assassination a bystander on the south side of Main Street, James Tague, was cut on the cheek by a ricochet from a bullet, which left a clearly visible mark on the curb. A policeman reported the strike, a photographer next day took a picture of the mark—and the matter rested for nine months. Belatedly, the curbstone was taken to the FBI laboratory, where technicians discovered metal smears that "were spectrographically determined to be essentially

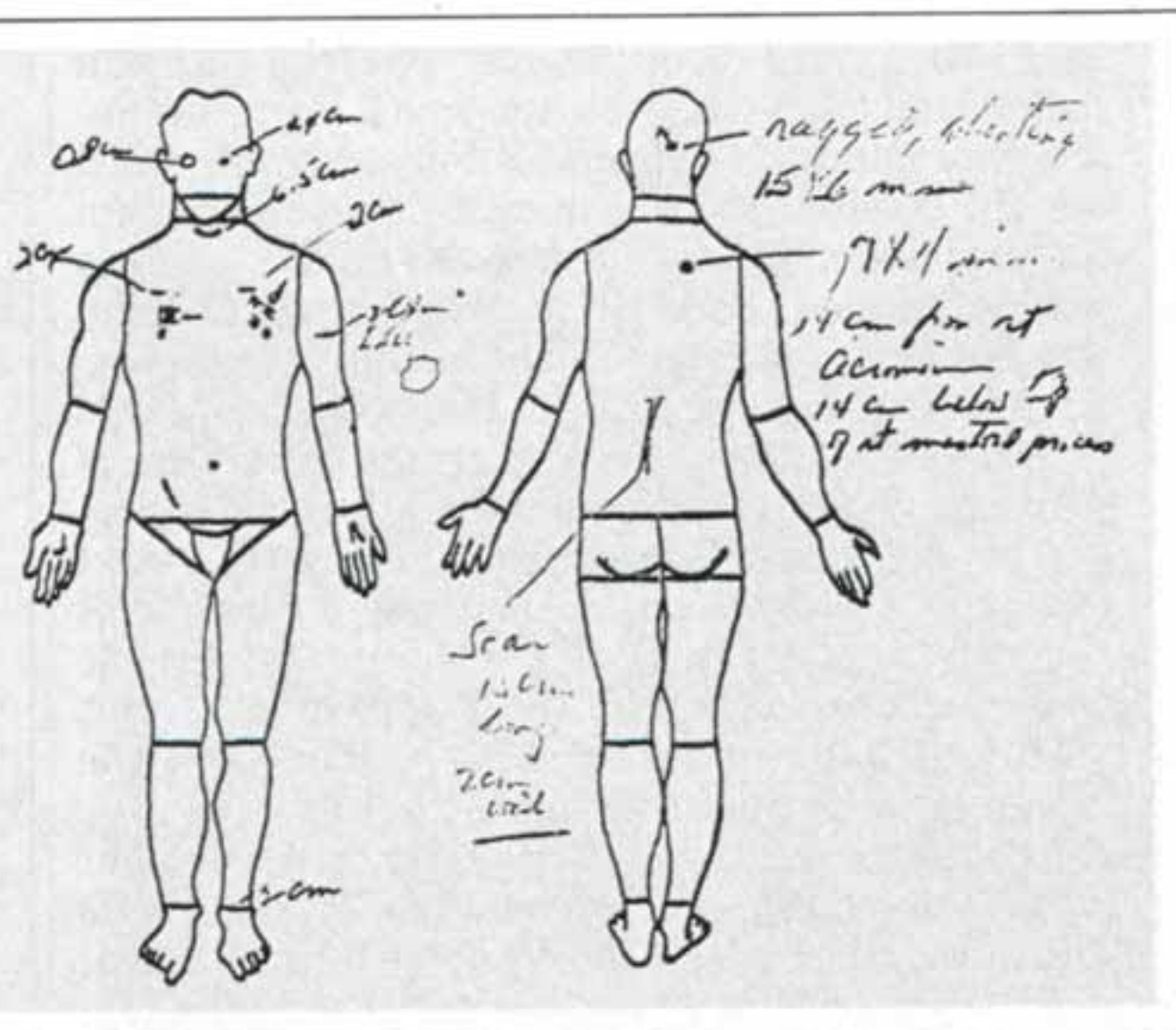
lead with a trace of antimony." The lead core of a bullet could have caused the mark, but the absence of copper, the commission declared, ruled out the possibility of the mark being made by "an unutilized military full-jacketed bullet," such as was fired from Oswald's rifle. Where, then, did the stray bullet come from? Salandria thinks he knows. At the Archives he placed two slide projectors side by side, superimposed pictures of the President receiving his head wound, and traced a provocative outline drawing showing Kennedy's head snapping *backward and to the left*—a movement that seems inconsistent with a shot fired from the Book Depository, behind the President's car, but would be fully consistent with a shot from the grassy knoll ahead of the motorcade.

Leo Sauvage, veteran American correspondent of the distinguished Paris newspaper *Le Figaro* and author of *The Oswald Affair*, reflects the total skepticism of Europeans toward the *Report*. He spends most of his time detailing, with merited scorn, the lapses, contradictions and insane blunders of the Dallas police, ending his questions with an "answer": Oswald was framed by the actual assassins, whom he describes as right-wing racists.



The President's car turns into Elm Street. The front of the Texas School Book Depository is on his right, and he waves to the crowd assembled there as he passes the building. On the sixth floor an assassin is waiting for a clear line of fire.

Without surrendering to fantasy, there is still room for some doubt about the essential finding.



Cmdr. Boswell, while in the autopsy room, placed a dot representing the back wound well below the right shoulder. Recently he said if he had known his sketch would be made public, he would have been more careful.

Richard H. Popkin, a philosophy teacher at the University of California at San Diego and author of *The Second Oswald*, has constructed an intellectually stimulating theory of how a conspiracy to frame Oswald might have worked, using a "double" to drop clues in the Dallas area in the weeks before the assassination. He pins much of his theorizing to the story of Mrs. Sylvia Odio, which the commission left hanging. Mrs. Odio, a Cuban refugee living in Dallas at the time, testified that a man introduced as "Leon Oswald" had appeared at her apartment door in the company of two Cubans late in September, 1963. This man, whom she identified as Oswald, was described to her as a former Marine and a crack shot. One of his companions told Mrs. Odio on the telephone the next day, "You know, our idea is to introduce him to the underground in Cuba, because he is great, he is kind of nuts. . . . He told us we don't have any guts, you Cubans, because President Kennedy should have been assassinated after the Bay of Pigs, and some Cubans should have done that. . . ." The commission found that Oswald, at the time of the Odio incident, was traveling by bus from New Orleans to Mexico. Who were the men who visited Mrs. Odio in Dallas? Did the commission really care? There are no certain answers even today. While the FBI was still investigating, the Warren Report went to press.

The critics raise a great many trivial questions and some troublesome ones, particularly those relating to the Kennedy head-snap, the Tague hit, and the possibility of misinterpreted photographic evidence. However, they are almost barren of plausible answers when asked what they think happened in Dealey Plaza on that November afternoon three years ago. Except for Epstein, who believes Oswald guilty, all of them seem irrationally dedicated to denying the obvious assassin, and to speculating about vague possibilities for an alternative solution. The main thrust of the critics' attack—that a murderous conspiracy in Dallas was subsequently covered up by an official conspiracy in Washington—is blunted by that imposing alp of documents produced by the commission. Not only does the bulk of that data point to Oswald's guilt, but conspirators who had something monstrous to hide would have left behind less evidence of bungling and official confusion. And yet the failure of the available alternatives does not remove the major shortcomings of the

Report. Without surrendering to fantasy, there is still room for reasonable doubt about the commission's essential finding—that Lee Oswald alone murdered the President.

The doubt arises, to begin with, from a strip of 8-mm. amateur movie film taken from a vantage point on the grassy knoll by Abraham Zapruder, a Dallas dress manufacturer. The Zapruder film was the most important single piece of evidence in the investigation. Tests in the FBI laboratory determined that Zapruder's Bell & Howell Zoomatic camera had been operating at an average speed of 18.3 frames a second. Frame-by-frame analysis of the Zapruder film provided a reasonably precise estimate of the elapsed time between the shot that hit the back of the President's neck and the shot that shattered his skull, fixed by the Report at 4.8 to 5.6 seconds. Tests with Oswald's rifle disclosed that expert marksmen could not fire the bolt-action carbine twice in less than 2.3 seconds, a time, be it noted, which made no allowance for aiming at a moving target through a poorly adjusted scope. (An FBI agent who interviewed Zapruder in December, 1963, according to a report in the Archives, originally informed Washington the camera had been running at "normal speed . . . or 24 frames a second"—which, if true, would mean the assassination occurred within less than four seconds.) Oswald could have gotten off three shots in under six seconds, but it meant that for a middling shot who had little or no practice—the Report's attempt to depict him as a superior marksman is unconvincing—he had to be extraordinarily lucky, a stunning departure from the pattern of an inept, luckless life. Even harder to believe, however, is what the film requires his first bullet to have done, if he alone was firing.

Repeated viewing of the Zapruder film shows that President Kennedy is unmistakably reacting to his first wound at a point designated frame 225. One highly significant feature of the film, however, is Governor Connally's reaction to his wounds, for Connally himself insists he was hit by the assassin's second shot. But if the President was hit by the first shot and the governor by the second, Oswald would not have had enough time to fire the rifle twice.

To make this clear, some detail is required. For several frames before frame 225 a road sign blocks the camera's view, so it cannot be determined when the President first began to react. Except for an instant at frame 186, a large oak tree blocked the view of Elm Street from the sixth-floor window. An assassin there would not have had a clear shot at the President until frame 210. Therefore the President apparently must have been hit between frames 210 and 225. Allowing 2.3 seconds, or 42 frames, for the assassin to fire a second shot, Connally could not have been hit until frame 252. But Connally steadfastly maintained he was hit by a second bullet at frame 234 (at least nine frames and a half-second later than the President). Because a rifle bullet goes faster than sound, and because he heard the sound of the first shot, the governor testified it was "inconceivable" to him that he could have been hit by the first shot. "After I heard that shot, I had time to turn to my right and start to turn to my left before I felt anything." Connally's wife, who had been seated next to him in the limousine, corroborated his testimony. The FBI and the Secret Service, in their reports, also seemed to support Connally's recollection. So did his doctors, who said the governor was no longer in position to receive his wounds after frame 240. The FBI's *Summary Report* of December 9, 1963, which guided the Warren Commission's entire investigation, related the motorcade's progress on Elm Street until "three shots rang out. Two bul-

lets struck President Kennedy, and one wounded Governor Connally." The FBI never officially changed its mind about the governor's being hit separately.

Unless Connally was mistaken and his reaction to the first shot delayed, which was possible, the commission confronted two alternatives. Either Oswald and his imperfect weapon had somehow performed an "impossible" feat of rapid firing, or else a second rifleman had been firing almost simultaneously. Not surprisingly, the commission rejected both possibilities. Instead, it found that Connally had been mistaken, and that one shot "probably" hit both Kennedy and Connally.

The chief advocate within the commission of this single-bullet possibility was Assistant Counsel Arlen Specter, then a 33-year-old former assistant district attorney and now district attorney in Phila-



Some witnesses insist they heard firing from the grassy knoll. In the upper left of this picture others see a man aiming a rifle from a car roof just as the shots hit.

delphia. Impressed with the tight, scientifically based framework which the Zapruder film imposed on any explanation, and faced with the official autopsy finding that a bullet had exited from the President's lower throat, Specter reasoned that, unless the bullet mysteriously turned in flight and flew out of the car, it *had* to strike something or somebody within the car. In the car, there were only two minor nicks, on the inside of the windshield up near the rear-view mirror. The FBI concluded they were from fragments. In the course of informal discussion with Cmdr. (now Captain) James J. Humes, the chief autopsy doctor, Specter gained reassurance about the theoretical possibility of the single bullet striking both victims, and that laid the groundwork for suggesting this was what, in fact, had occurred.

During the testimony of Cmdr. Humes, Com-

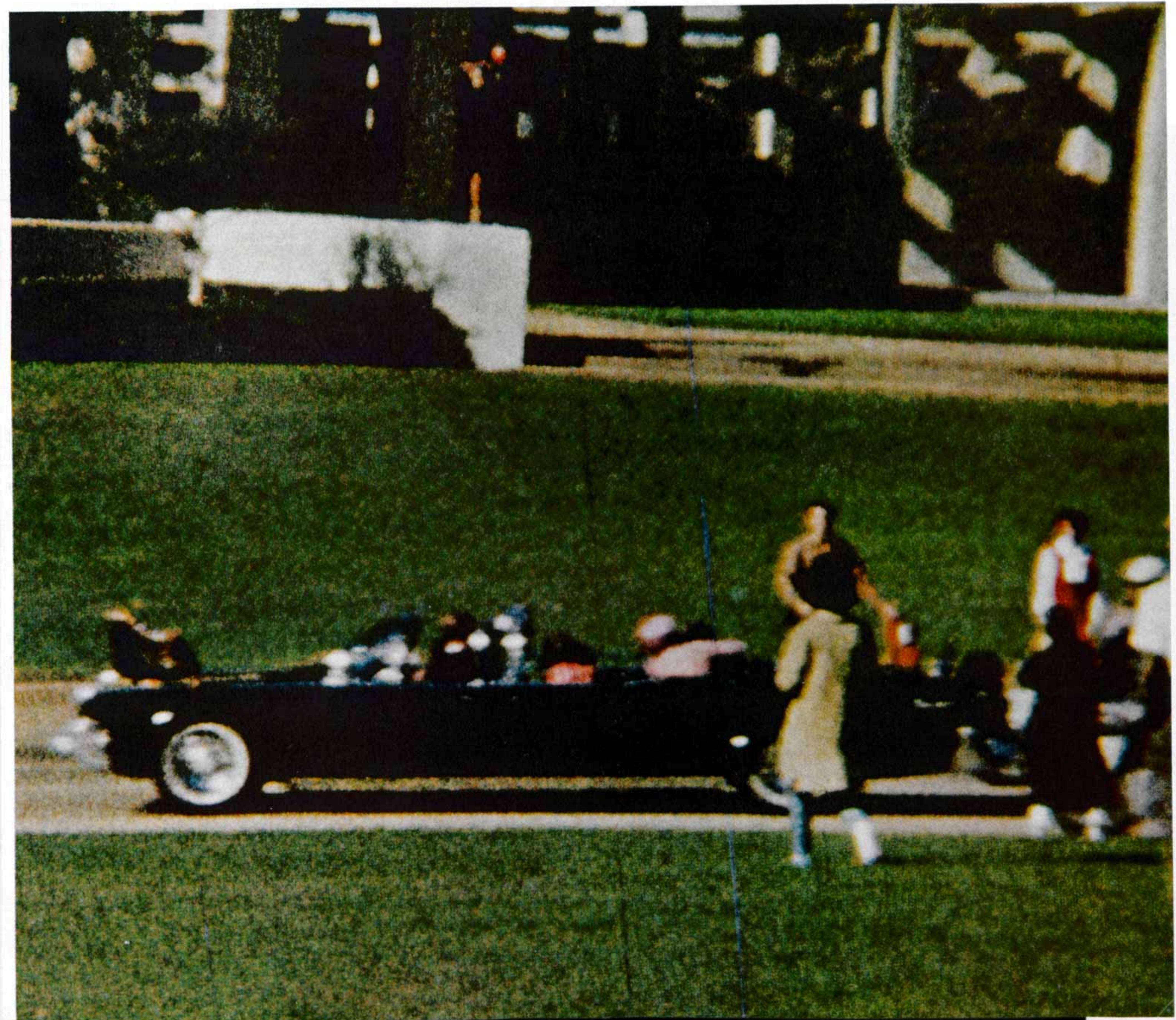
missioner Allen W. Dulles confessed his confusion as to the path and whereabouts of the bullet found on the stretcher in Parkland Hospital. He was under the impression the bullet had come from the President's stretcher. Specter politely interrupted, saying, "... We shall produce ... evidence that the stretcher on which this bullet was found was the stretcher of Governor Connally." Dulles then asked whether the bullet was still missing. Specter replied, "... That is an elusive subject, but Doctor Humes has some views on it, and we might just as well go into those now."

With an enlarged frame from the Zapruder film before him, Humes said, "I see that Governor Connally is sitting directly in front of the late President, and suggest the possibility that this missile, having traversed the low neck of the late President, in fact traversed the chest of Governor Con-

nally." The missile had struck no bone in passing through the President's neck, he said, and therefore lost very little velocity.

In an effort to strengthen his theory, Specter prevailed on the commission to engage in a series of tests with Oswald's rifle to show that one bullet could penetrate two bodies. The tests had a doubtful scientific basis and produced equally doubtful results. Army wound-ballistics experts fired bullets into various animal and mineral substances—in one case, an anesthetized goat, intended to simulate Governor Connally's chest—and carefully calculated bullet velocities. However, no bullets were fired through *two* substances, which, of course, was the only remotely relevant test.

Similarly, the authority cited for the *Report's* statement that a single bullet "probably" struck both men was FBI ballistics expert Robert A.



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Frazier, who actually testified: "I would certainly say it is possible but I don't say it probably occurred because I don't have the evidence on which to base a statement like that."

Again, the single-bullet theory was almost buried under the testimony of medical experts, who found more fragments in the governor's wrist and thigh than were missing from the bullet. The all-important missile—Commission Exhibit 399—was almost intact and unmutated, and yet it was claimed to have torn flesh, smashed a rib and shattered a wrist on its course through two bodies. However plausible the single-bullet theory, the implausible condition of the actual bullet was unsettling. Even Humes, on studying reports of X rays of metallic fragments in the governor's thigh, declared, "I can't conceive of where they came from this missile."

In addition, despite Specter's confident assertion to Dulles about where the bullet was found, testimony from Parkland Hospital employees failed to develop evidence showing that the bullet found there had come from Connally's stretcher. But neither did it rule out that possibility, and so the single-bullet theory clung to life.

The arguing within the commission over the single-bullet theory continued until the *Report* was in its final drafts. Sen. Russell, Sen. John Sherman Cooper and Congressman Hale Boggs remained unpersuaded, and were at most willing to call the evidence "credible." Dulles, John J. McCloy, and Congressman Gerald R. Ford believed the theory offered the most reasonable explanation; Ford, for one, wanted to describe the evidence as "compelling." The views of the Chief Justice are unknown. Specter, Norman Redlich and other members of the commission staff unsuccessfully opposed the attempt to straddle this crucial question. They realized only too well, being closer to the evidence and the dilemma it posed, that it was indeed essential for the commission to find that a single bullet had struck both victims if the single-assassin conclusion was to be convincing. Finally McCloy suggested a compromise—"very persuasive"—and this fundamental difference of opinion was fuzzed up in the final language of the *Report*:

Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability. . . .

The shaky evidence beneath the commission's findings goes deeper than the hedged and flatly contradictory expert testimony on the single-bullet theory. The very foundation of the commission's account is built on disputed ground—the autopsy performed on the President, the actual number and location of his wounds.

Although the *Report* claims "no limitations have been placed on the Commission's inquiry," the commissioners actually accepted very significant limitations on their access to the fundamental evidence in their inquiry. They did not see the X rays and photographs taken before the autopsy performed on the late President on the night of the assassination.

It is now known that Attorney General Robert F. Kennedy firmly drew a line of propriety between the investigators and this vital evidence. The Kennedy family rightly controlled the highly sensitive autopsy material, but the commission wrongly declined to insist on examining it. If the commission had made a timely and discreet ex-

amination, it could have established beyond a reasonable doubt the precise location of the President's first wound. Instead, at this scandalously late date, the President's body remains the object of obscene speculation, and the country suffers needless, disruptive controversy. As matters stand, no single element of the commission's version of the assassination is more suspect than the official account of the President's autopsy.

Jacqueline Kennedy, though visibly in shock, was nonetheless determined not to leave Dallas without her husband's body. Nor would President Johnson return to Washington without her. Consequently, in order to spare the widow the ordeal of several hours' delay, and to fulfill the new President's wish, presidential aides and Secret Service men literally seized the body from local officials at Parkland Hospital, who were demanding that an autopsy be performed in accordance with Texas law. If the law had been observed, there might have been no controversy, and the Bethesda doctors, the FBI and the Secret Service would have escaped the heavy responsibility they now bear. Sadly and ironically, the report of the autopsy performed on the murdered Oswald in Dallas is a model of clarity and precision alongside the sloppy, ambiguous and incomplete record of the autopsy President Kennedy received.

Informed of the necessity of a postmortem examination during the grim homeward flight of *Air Force One*, Mrs. Kennedy chose the National Naval Medical Center, in Bethesda, Md., because her husband had been a Navy man. The Attorney General met her at Andrews Air Force Base, and together they entered the rear of the ambulance carrying the President's body. On arrival at the Medical Center, they left the ambulance at the main entrance and went to wait with aides, Cabinet members and Secret Service men in a suite on the 17th floor. The casket containing the President's body was carried through a rear entrance of the Bethesda hospital into an examining room. Two FBI agents, James W. Sibert and Francis X. O'Neill Jr., instructed "to stay with the body and to obtain bullets reportedly in the President's body," noted as the body was unwrapped that "a tracheotomy had been performed," a significant observation in the light of later developments.

Before the autopsy, a medical technician and a photographer took X rays and photographs of the President's entire body, which, as Sibert and O'Neill noted, "were turned over to Mr. Roy Kellerman of the Secret Service." The 11 X rays were developed by the hospital, but the photographs—22 four-by-five color transparencies, 18 four-by-five black-and-white negatives and one roll of 120 film containing five exposures—were delivered to the Secret Service undeveloped. Kellerman told the agents these pictures "could be made available to the FBI upon request," an offer repeated by

the Secret Service three days later, when the material was reported to be in the custody of Robert Bouck of the Protective Research Section.

The autopsy was performed by Cmdr. Humes, the hospital's chief pathologist, assisted by Cmdr. J. Thornton Boswell, of the Bethesda staff, and Lt. Col. Pierre A. Finck, chief of the wound-ballistics branch of the Armed Forces Institute of Pathology. The first incision was made at 8:15 p.m., and the autopsy proceeded for almost three hours. "During the latter stages of this autopsy," according to Sibert and O'Neill, "Dr. Humes located an opening which appeared to be a bullet hole, which was below the shoulders and two inches to the right of the middle line of the spinal column. This opening was probed by Dr. Humes with the finger, at which time it was determined that the trajectory of the missile entering at this point had entered at a downward position of forty-five to sixty degrees. Further probing determined that the distance traveled by this missile was a short distance, inasmuch as the end of the opening could be felt with the finger. Inasmuch as no complete bullet of any size could be located in the brain area, and likewise no bullet could be located in the back or any other area of the body as determined by total body X rays and inspection revealing there was no point of exit, the individuals performing the autopsy were at a loss to explain why they could find no bullets."

With uncertainty prevailing, one of the agents left the room and telephoned the FBI laboratory, which informed him that the Secret Service had turned over a whole bullet found on a stretcher, possibly the President's, in Parkland Hospital. This information was given to Dr. Humes, who, according to the agents, "advised that in his opinion that accounted for no bullet being located which had entered the back region and that since external cardiac massage had been performed at Parkland Hospital, it was entirely possible that through such movement the bullet had worked its way back out of the point of entry and had fallen on the stretcher."

Beyond the opinion attributed without qualification to Dr. Humes, it is noteworthy that he appeared well informed on the emergency measures used at Parkland: The tracheotomy incision was visible when the body was unwrapped, and the doctor knew—from an unspecified source—that external cardiac massage had been performed. A Secret Service man brought a piece of skull into the autopsy room. Under X ray it showed minute metal particles and chipping, indicating this had been the point of exit for the bullet which entered the President's skull. The FBI account continues: "On the basis of the latter two developments, Dr. Humes stated the pattern was clear"—again note the unequivocal language of the report—"that the one bullet had entered the President's back and had worked its way out of the body during external cardiac massage, and that a second high-velocity bullet had entered the rear of the skull and had fragmented prior to exit through the top of the skull."

Three Secret Service agents—Kellerman, William Greer and William O'Leary—observed the autopsy. Kellerman and Greer had not left the President's side in life and in death throughout the long day. Kellerman later recalled seeing a wound "the size of a little finger" just below the large muscle between the President's right shoulder and neck. He testified about a brief conversation with one of the doctors: ". . . a Colonel Finck . . . we were standing right alongside of him, he is probing inside the shoulder with his instrument, and I said, 'Colonel, where did it go?'

He said, "There are no lanes for an outlet of this entry in this man's shoulder." . . . I said, "Colonel, would it have been possible that while he was on the stretcher in Dallas that it worked itself out?" And he said, "Yes."

When the autopsy was completed, Kellerman called Secret Service agent Clinton J. Hill for a final view of the President's body. Hill testified that he saw "an opening in the back, about six inches below the neckline to the right-hand side of the spinal column." (The FBI laboratory, subsequently inspecting the President's jacket and shirt, placed the bullet holes "approximately six inches below the top of the collar and two inches to the right of the middle seam. . . .") When asked why he had summoned Hill, Kellerman explained, "More witnesses."

Yet the extra witnesses, when the *Report* was finally published, would supply testimony about a wound for which the commission had no bullet. In other words, the official version indicated a bullet had entered through the base of the neck, exiting at the throat, and it could not account for a bullet wound lower down the back. It is no wonder that a weird conflict arose over what had been seen in the examining room at Bethesda. It is even more curious that the commission did not call some of the dozen or more persons who were present, including a few with special professional competence: the President's personal physician, the Surgeon General of the Navy, the commanding officer of the Medical Center, the commanding officer of the U.S. Navy Medical School, and the Bethesda Hospital's Chief of Surgery. But before Sibert and O'Neill had even filed their report (dated November 26), the autopsy doctors conferred, on Saturday, November 23, and entirely reversed the findings described in the FBI agents' account of the back wound.

This reversal of the Bethesda autopsy was later attributed to the situation in Dallas. When the President was wheeled into the trauma room at Parkland, he was lying on his back. Dr. Malcolm Perry, who testified he had treated perhaps 150-200 gunshot wounds, noted at a glance a small hole in the President's throat which appeared to be a bullet entrance wound. Within a few minutes he obliterated the wound by making a tracheotomy incision through it. The attention of the doctors was absorbed by the massive head wound, and they worked frantically over their patient until he was obviously dead. The President was never turned over. ("No one had the heart," a doctor recalled.) The Parkland doctors thus were unaware of the wound that was later identified at Bethesda.

Early on Saturday morning Cmdr. Humes telephoned Dr. Perry. Humes learned of the bullet wound where the tracheotomy had been performed. He also learned that the wound appeared to be one of *entry*, which upset the "pattern" of the previous night's autopsy.

The world press was quoting the Parkland doctors, including Dr. Perry, as saying the President had been shot from in front. Combined with eyewitness accounts saying the shots had come from the grassy knoll or the triple underpass, this seemed strong evidence of a second assassin—and only one, Oswald, had been caught.

After talking with Dr. Perry and his colleagues, Drs. Finck and Boswell, Dr. Humes prepared a handwritten draft of the autopsy report, one in which he now had to account for another bullet wound. His substantial editing of the draft reflects the atmosphere of high uncertainty in which he wrote. In describing the critical wound in the back, he originally wrote, "The second wound of

entry. . . ." Then he inserted above the word "entry" the qualifying word "presumably," and repeated the amendment throughout the draft.

More important, Dr. Humes decided the bullet entering from the rear had *not* penetrated a finger-length, but had passed through the President's neck, exiting below his Adam's apple, at the point of the tracheotomy incision. He fixed the point of entry at the base of the back of the neck, *above* the point of exit, thus tracing a downward course consistent with a shot fired from the Book Depository. He connected the wounds of entry and exit by reference to contusions on the strap muscles in the neck and the extreme upper lobe of the right lung, which, he testified, were photographed.

The Warren *Report* is very definite about this bullet's path being discovered *during* the autopsy. Humes, however, testified: "The report which we have submitted . . . represents our thinking within 24-48 hours of the death of the President, all facts taken into account of the situation." How had

Sibert, O'Neill and Kellerman missed the discovery of the bullet's path? And why hadn't the doctors called it to the attention of their lay observers? The explanation may be that the path was not "discovered" until the following day, 12 hours or more after the *formal* autopsy, but not long after the doctors were confronted with another wound to explain. We may never know because a first draft of the autopsy report—its contents undisclosed—was destroyed.

How do we know *that*? Humes, in a "certificate" dated 24 November 1963, states: "I have destroyed by burning certain preliminary draft notes relating to Naval Medical School Autopsy Report A63-272 and have officially transmitted all other papers related to this report to higher authority." He later told the commission: "In (the) privacy of my own home, early in the morning of November 24th, I made a draft of this (autopsy) report which I later revised, and of which this represents the revision. (continued on page 69)



The Kennedy family rightly controlled the highly sensitive autopsy material, but the commission wrongly declined to insist on seeing such fundamental evidence.

KENNEDY ASSASSINATION

(continued from page 25)

That draft I personally burned in the fireplace of my recreation room."

The commission failed to ask Humes the obvious question: Why did he destroy anything? Specter, who discussed the act with Humes privately, says, "He simply thought the papers weren't important, which, I have to admit, is hard to believe now." Humes himself, who refused to be interviewed, replies to a reporter's question with another question, "Use your own judgment. Would I have burned anything that I thought was important?"

Another of the Bethesda doctors, Boswell, had a curious idea of what was important in the autopsy of a President. On a chart showing a figure of a man used to symbolize the President, Cmdr. Boswell, while in the autopsy room, placed a dot representing the back wound well below the right shoulder. His handwritten notes on the margin of the chart place the wound in the position set forth in the autopsy report: 14 centimeters, or 5½ inches, from the right acromion process (the top of the right shoulder joint), and 14 centimeters below the tip of the right mastoid process, the bony point behind the ear. What draws the eye, however, is the oddly errant dot. Dr. Boswell, now retired from the Navy and in private practice in Maryland, recently explained, "This was unfortunate. If I had known at the time that this sketch would become public record, I would have been more careful. It was strictly a worksheet, the same as rough working notes. . . . The photographs were to provide the exact visual description."

The autopsy X rays and photographs, it will be recalled, left Bethesda in Kellerman's custody, and they were taken to the White House early on the morning of November 23. Thereafter they vanished. The following March, when the three autopsy doctors testified, the pictures were "not available"; instead, the doctors used "schematic drawings," which placed the disputed wound at the base of the neck. According to a high FBI official, the autopsy pictures were sequestered by the written order of Attorney General Kennedy, directing the Secret Service not to release any information or material pertaining to the autopsy without his permission—leaving the public record incomplete. At the 18th annual meeting of the American Academy of Forensic Sciences in March, 1966, panelists discussed the lack of autopsy information in the *Report*. Said a forensic pathologist: "By standards found in most good medicolegal investigative facilities . . . certain essentials are missing." Missing was any mention of findings pertaining to several organs, including the adrenals. If there was any truth in the rumor that the President suffered from Addison's disease, the autopsy report kept it within the family.

Also strangely missing, both from the printed record (Exhibit 397) and file folder 371 in the Archives, are the working notes Dr. Humes made during the autopsy and later used to prepare his report. These notes were *not* destroyed, but were sent from Bethesda with the last copy of the autopsy report to Adm. George G. Burkley, the White

House physician, three days after the assassination. The Secret Service then took custody of the papers. During his testimony, Humes identified "various notes in longhand made by myself, in part during the performance of the examination of the late President, and in part after the examination when I was preparing to have a typewritten report made." No one will acknowledge the existence of these notes today.

Arlen Specter had begged and pleaded for the commission to examine the autopsy photographs. Specter, who assumed sole responsibility for the chapter of the *Report* setting forth the basic facts of the assassination, recognized the importance of this photographic evidence, particularly in view of the conflicting eyewitness testimony and the troubling discrepancy between the

late President's immediate family. Federal law-enforcement officials may see the material at once; scholars and independent researchers will require family approval for at least five years. What was not disclosed was where the pictures had been. According to an official of the Treasury Department, the Secret Service did not turn over the autopsy material to the family until April 26, 1965. Hence, at the time when the pictures might have proved enormously useful, they were still in Government hands, and therefore within the reach of the Warren Commission if it had pressed the matter urgently.

Just recently Specter admitted in an interview that he saw a single autopsy photograph under curious circumstances. Over the weekend of May 23-24, 1964, the commission staged, at his insistence, an elaborate reenactment of the assassination in Dallas. Specter's sole concern was to gain support for the single-bullet theory. While in Dallas, Secret Service Inspector

his arguments for the single-bullet theory. The Chief Justice was silent.

"It was the only time he was quiet and listened for a few minutes," Specter recalls. "He didn't say anything, but I think I convinced him."

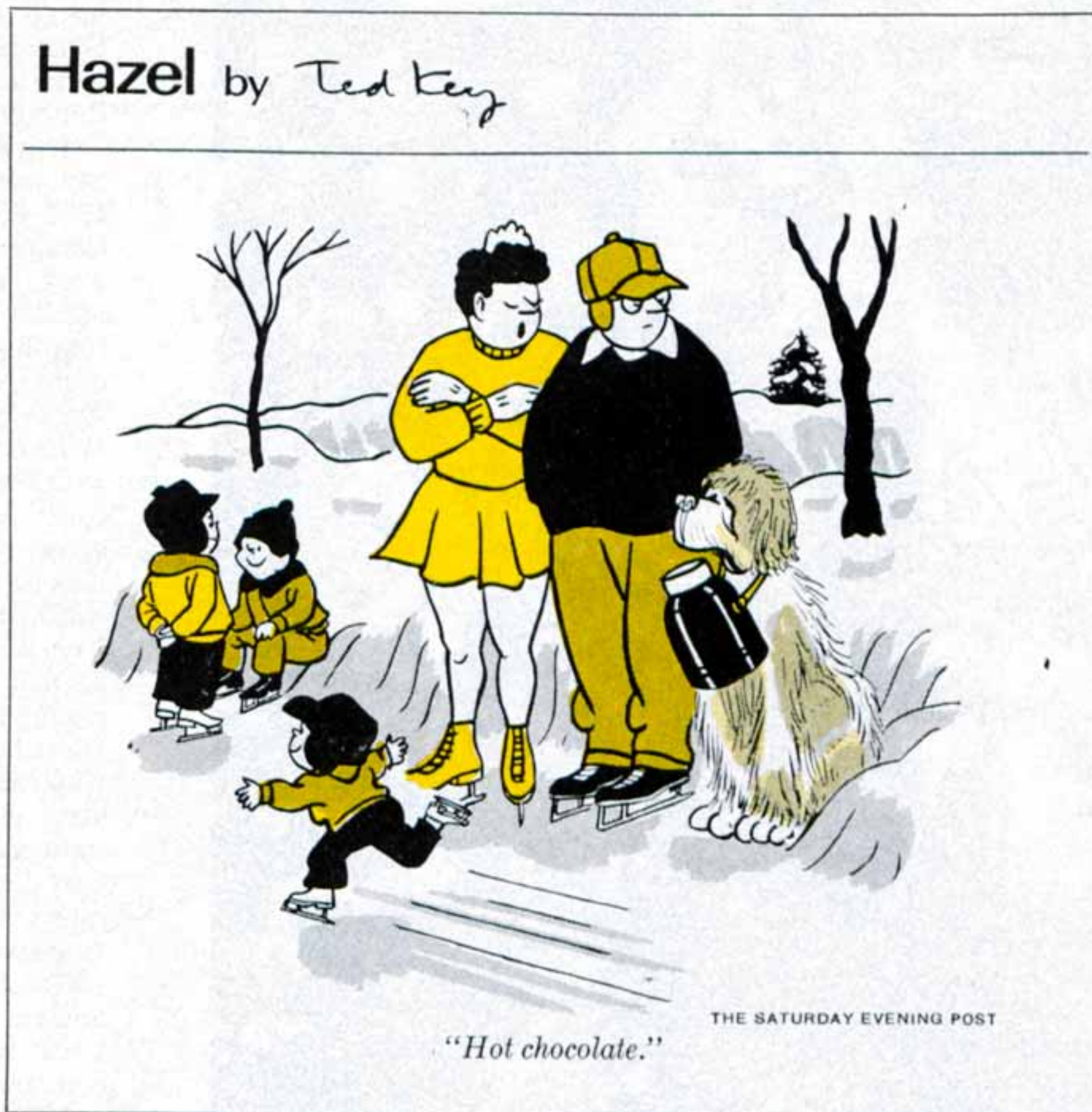
This was no easy job. Throughout the investigation he led, the Chief Justice revealed himself to be a man of stubborn convictions. It was Warren who decided Marina Oswald was "a brave little lady" and treated her accordingly, while members of the staff seethed with anger at her sly evasiveness. It was Warren who vetoed a long list of questions Specter had prepared for the President's widow, who refused to allow him to be present at her brief questioning, and who directed the deletion from the record of her description of the President's wounds. (Her testimony covers only two and a half pages; she was interviewed for hours by the writer she had commissioned to prepare the authorized account of the assassination.) The Chief Justice was understandably reluctant to assume the task forced on him by the President, for he was miscast. In a unique situation, demanding a supple and pragmatic, yet unswerving, truth-seeker, he was a figure of granitic rectitude and decorum.

The mysteries left unresolved in the Warren *Report* are chiefly the result of the failure to ask obvious questions during the investigation. The single-bullet theory was left in limbo, never completely accepted or rejected, because the commission declined to confront the disturbing possibility that the strong case against Oswald might not be the *only* explanation. The critics who allege a cover-up of the "true facts" by the Warren Commission can as easily argue their case on the basis of the *appearance* of concealment as they can on the ground of actual conspiracy. The commission, all too often, permitted such an appearance to exist unnecessarily. The autopsy documentation—or the lack of it—can be used to raise suspicions of a gigantic cover-up.

The evidence against Oswald remains as "hard" as it was when Ruby's bullet killed him. Every piece of "soft" evidence, from the puff of smoke to the tracing of the President's head-snap, tends to support the possibility of a second assassin. Why not, then, face in that direction and weigh every shred of evidence, old or new? The appropriate forum for such an airing of dissenting views might be a special joint committee of Congress, or perhaps a "citizens' panel" of independent investigators, with unlimited access to official records, to be appointed by the President without concern over how long it sat and when it issued a report.

The alternative is to remain imprisoned by the Warren *Report*, which was an interim account intended to meet an immediate need. The enduring need is not only for the truth but for a determination of the truth in a manner that commands the respect of reasonable men. The cruel loss America suffered on November 22, 1963, has been shamefully compounded ever since by the timidity of official fact-finding and the excesses of irrational conspiracy-mongering. To John F. Kennedy the sanity of the nation was as precious as its honor. The nation's honor will not be entirely secure until reason addresses the many unanswered questions of the assassination. □

Hazel by Ted Key



FBI and official autopsy reports. His plea was made to General Counsel J. Lee Rankin, the intermediary between the commissioners and the staff, who at length informed Specter that the commission had decided not to "press" for the photographs. At once very junior and ambitious, Specter could not press the eminent lawyers on the commission too hard. But he reentered his plea, and when he was again refused, he was reportedly on the verge of tears. "I believe that Robert Kennedy had the final authority over the pictures," Specter now says, "and the Chief Justice was truly solicitous of the family's feelings."

Last October 31 the rest of the X rays and photographs finally came to light, but too late to undo the effects of their suppression. The Department of Justice ended the mystery by disclosing that the material had been given to the Archives by the Kennedy family, under tight controls that would continue throughout the lifetimes of the

Thomas J. Kelley, who knew about Specter's arguments within the commission and perhaps sensed concealed doubts, drew him aside and privately showed him a photograph. "I saw one picture taken at the autopsy, which was not technically authenticated," Specter now says. "It showed the back of a body with a bullet hole, apparently of entry, where the autopsy report said it was." In the absence of the other pictures and of the autopsy doctors testifying under oath, the picture Specter saw proved little if anything.

Nevertheless, barely a fortnight after Kelley had shown Specter the autopsy picture, Specter stood at the sixth-floor window in Dallas with the Chief Justice. These few minutes alone with the usually remote and aloof chairman had been carefully arranged through General Counsel Rankin. Only a few days before, Specter had submitted his chapter setting forth the basic facts of the assassination. Now he ran through the reenactment and outlined once again