

Supreme Court of the United States
Washington 25, D. C.

December 3, 1963

CHAMBERS OF
THE CHIEF JUSTICE

Honorable Nicholas Katzenbach,
Deputy Attorney General,
Justice Department,
Washington, D. C.

My dear General:

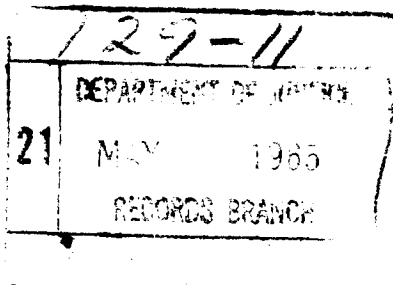
Conf. Room.
I am enclosing herewith copy of a letter I have addressed to the members of the President's Commission to investigate the assassination of President Kennedy concerning the first meeting to be held at the National Archives Building on Thursday, December 5th, at 10:00 a. m.

I would appreciate it if you would be present at that time to brief us somewhat on the procedures which may be involved and the materials which will probably be available to us.

Also, I would like to request that you furnish us with a court reporter to take verbatim notes of the meeting.

Looking forward to seeing you on Thursday, I am

Sincerely,



Hub Brown

File
HPW

Mr. Suttman will arrange for a reporter who has been cleared to take verbatim notes at above mtg. A.M.D. - 12/3 - 4:45 p.m.

Okay Dyer, C. Reporter

December 3, 1963

Honorable Richard Russell,
United States Senator,
Washington, D. C.

My dear Senator:

I am calling a meeting of the President's Commission to investigate the assassination of President Kennedy on Thursday, December 5th, at 10:00 a. m. in the Conference Room of the National Archives Building.

I was not able to contact you sooner because I have just now arranged for quarters and obtained information from the Department of Justice concerning what material will be available to us and when it can be furnished. The reports of the various agencies involved have not yet been completed, so as far as I know now the first meeting will be only for organizational purposes. I am asking Deputy Attorney General Katzenbach to attend our meeting for the purpose of giving us further information concerning the availability of material.

Looking forward to seeing you Thursday morning, I am

Sincerely,

HJM:mrms
11/27/63

The Director
Federal Bureau of Investigation

December 2 1963

RECEIVED
N.Y.

Herbert J. Miller, Jr.
Assistant Attorney General, Criminal Division

129-11

Assassination of John F. Kennedy, Dallas, Texas,
November 22, 1963

B.H.

Robert Morgenthau, United States Attorney, Southern
District of New York, stated that he had been informed by
reliable sources that one [REDACTED]

[REDACTED] had been told by one [REDACTED]
approximately ten days ago that he had a "contract" on either some
high official or on the President of the United States.

It is requested that [REDACTED] be interviewed.

jm

Records
Chron
AAG Miller

RECEIVED
COMMUNICATIONS SECTION
DEC 2 1963

November 29, 1963

THE WHITE HOUSE

The President today announced that he is appointing a Special Commission to study and report upon all facts and circumstances relating to the assassination of the late President, John F. Kennedy, and the subsequent violent death of the man charged with the assassination.

The President stated that the Majority and Minority Leadership of the Senate and the House of Representatives have been consulted with respect to the proposed Special Commission.

The members of the Special Commission are:

Chief Justice Earl Warren, Chairman
Senator Richard Russell (Georgia)
Senator John Sherman Cooper (Kentucky)
Representative Hale Boggs (Louisiana)
Representative Gerald Ford (Michigan)
Hon. Allen W. Dulles of Washington
Hon. John J. McCloy of New York

The President stated that the Special Commission is to be instructed to evaluate all available information concerning the subject of the inquiry. The Federal Bureau of Investigation, pursuant to an earlier directive of the President, is making complete investigation of the facts. An inquiry is also scheduled by a Texas Court of Inquiry convened by the Attorney General of Texas under Texas law.

The Special Commission will have before it all evidence uncovered by the Federal Bureau of Investigation and all information available to any agency of the Federal Government. The Attorney General of Texas has also offered his cooperation. All Federal agencies and offices are being directed to furnish services and cooperation to the Special Commission. The Commission will also be empowered to conduct any further investigation that it deems desirable.

The President is instructing the Special Commission to satisfy itself that the truth is known as far as it can be discovered, and to report its findings and conclusions to him, to the American people, and to the world.

DEPARTMENT OF JUSTICE	RECEIVED
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File

A New Inquiry Is Needed

By HERBERT MITGANG

AFTER the assassination, two Texas newspapers—one in Dallas, the other in Houston—spoke approvingly of the deed and mocked the slain President.

The Dallas Herald said: "God Almighty ordered this event or it could never have taken place."

The Houston Telegraph said: "What sacrifices, by flame and sword, by insult, confiscation, exile and death, and by all the wrongs which make oppression bitter, shall be required of us as the expiation, we know not. All of them we defy."

There was no question about who had pulled the trigger. The questions arose afterward.

Was there a small conspiracy or a large one that reached into the highest quarters of the Administration in Washington?

Why was the assassin himself killed when he was surrounded by police and soldiers? To silence him forever?

Was the assassin killed by a carbine bullet—as the assassin's alleged killer claimed—or by a pistol bullet—as the autopsy revealed?

Why was the assassin's "second man" allowed to get away across the border? And why, when evidence of his whereabouts was disclosed, did high persons in Washington prefer that no news about this man get out to the general public?

Why did a member of the Cabinet forbid pictures of the slain President and order all photographic evidence—except his own—destroyed?

Was a cover-up ordered by a Cabinet member that allowed accomplices before and after the fact of assassination to get away with murder?

If so, was the cover-up made necessary because of a need to present a united front in the eyes of foreign nations?

Did the plot to kill the President originate with Irish Catholics? With the Jesuits? Even the Pope himself?

Because of the assassin's final words, why wasn't his mother fully questioned about the deed?

Why were advertisements allowed that tipped off the assassin about the exact time and place where the President would be?

Why was the seating arrangement of those supposed to be near the President changed?

Why did certain persons invited to be with the President at the time of the assassination suddenly find they had to be elsewhere?

Why was the President's own choice of a bodyguard at the time of the assassination ignored for feeble reasons? And why was the neglectful substitute bodyguard—a heavy drinker who often wound up in houses of prostitution—neither examined nor reprimanded for misconduct?

Was it, indeed true that Vice President Johnson and the assassin knew each other? If not, why did the assassin pen a personal note to the Vice President on the very day of the assassination?

Why was the assassin's diary suppressed? And why, when it was at last revealed, were 18 pages cut out?

Why was the only possible path for the assassin to take left open? Why were those responsible for allowing the assassin to get away at first not questioned and prosecuted?

WHAT was the assassin's alleged killer—an eccentric with a sex problem—made into a hero instead of being punished without delay?

Why were all suspects known to be intimates of the assassin removed from the scene?

What conflicts and rivalries existed between the city and Federal police? Why was one lax, the other vigorous, and neither willing to complain about official negligence?

Was it a fact that a Congressional committee secretly started an inquiry to determine if the new President had a hand in the murder of his predecessor?

Why was the chief justice of the District of Columbia placed in the position of having to take testimony immediately after the assassination?

Had the first shot fired by the assassin at the President misfired, would he have had enough time to get off a second shot?

Why, when the assassin was reburied, did rumors start that the man who was shot was not actually the assassin?

Why was another gunman assigned to the President Johnson? Why did he lose his nerve?

As for the commission of nine men picking out the evidence and try the guilty, why were they named and others far more qualified excluded?

Why did this hand-picked commission work with the prosecutors and Federal police and every police who had blundered by failing to protect the President and then compounded their ineptitude by allowing the assassin to be killed before their eyes?

Why did this commission have its signals taken by a key member of the slain President's—and then the new President's—Cabinet?

Why did the commission conduct all its evidentiary procedures along military lines, including the right to convict by two-thirds vote instead of unanimity? Indeed, why was this commission led by a judge and jury?

Since the commission had Presidential authority to investigate any persons and evidence involved in the conspiracy, why were many documents altered or overlooked?

Was the commission's rush job the result of pressure to silence critics, reap a whirlwind of revenge for the death of a beloved President, or for the nefarious aim of entrenching the new leadership in Washington?

Why were books and souvenirs of the assassination and commission inquiry manufactured and printed almost as soon as the President was buried—was the aim to seek profit or the truth?

Why, when the case was officially closed in Washington, would it not stay closed?

TO put a bullet into the head of a President of the United States—is there (in words this assassin had often declaimed) "method in 't"—a conspiracy? Or is it (as Pascal wrote in his "Pensées") that at times in history "men are mad so unavoidably that not to be mad would constitute one a madman of another order of madness?"

We know not for certain to this day: though all of the above questions were raised then, or have been raised in our own time, about the assassination of Abraham Lincoln.

129-11
DEPARTMENT OF JUSTICE
JUN 10 1968
R.A.G.

FILE

HERBERT MITGANG, formerly of The Times editorial board, is executive editor of C.B.S. News.

Howard P. Willens

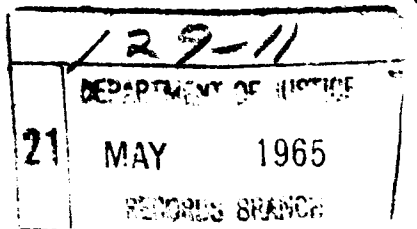
11-27-63

Edwin O. Guttman

Questions about the President's assassination

Following are some more questions which are being asked about the President's assassination:

1. In the first press bulletin linking Oswald with the President's assassination, he apparently was identified as a Fair Play for Cuba Committee member. How was this possible?
2. Is there any evidence that Oswald was anti-Semitic and had disrupted Jewish meetings?
3. Did the CIA interview Oswald on his return from Russia? Or did any government agency interview him on his return from Russia? What were the results if any?
4. Was any correspondence found in Oswald's living quarters? (It may be advisable to list everything found in Oswald's rented room and place where his wife was staying, showing any connection with the Communist Party USA, if any, or disprove any connection with subversive organizations.)
5. What are the details of Oswald obtaining his job? Did he get it after the President's rout was announced?
6. What was the precise time that the first shot was fired?
7. Was the Book Depository building checked prior to the cavalcade? The details of all of this should be set forth.
8. I presume that a full count of all physical evidence found in the room where the shot was fired will be included in the report.
9. Why did the Secret Service rush to protect Mrs. Oswald after Oswald was shot?
10. Was Oswald under surveillance in Dallas by anybody?



-2-

11. What are the details of the FBI's last contact with Oswald? Was there any reason to believe he was a potential assassin?
12. Can we trace Oswald's activities in the week of the assassination?
13. Have any statements been taken from the reporters who were present at the shooting of Oswald?
14. Did Ruby have a pass to get into the police station? (All the reporters had to have passes.) Who let Ruby into that area?
15. The first announcement in Dallas that the President would visit there appeared on the front page of the Dallas Morning News on September 26. How does this date of September 26 relate to Oswald's visit to Mexico? What do we know about Oswald's movements after September 26?
16. Was the route used by the President one that Oswald could have anticipated far in advance would be used by the President?

attachments

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. Miller

DATE: November 27, 1963

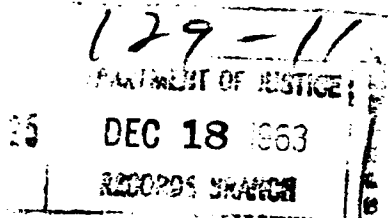
FROM : Mr. Foley

SUBJECT:

Last night I took a call for you from a person who identified himself as [REDACTED]. He asked permission to state a theory which he had relating to the assassination of the President. He said that to him Oswald did not have the kind of dedication which would lead him for ideological reasons to try to assassinate the President. He said, furthermore, the whole operation was obviously the result of careful plotting, planning and execution. If Oswald did not do this on his own, then obviously someone hired him to do it.

He suggested that serious consideration be given to one of two people: Madam Nhu or General Walker. He said both would have public as well as personal reasons. Both also have been shown to have definite paranoic killing tendencies. He referred to Madam Nhu's statements at the time when Diem was killed. He also referred to Madam Nhu's telegram to Mrs. Kennedy. He said, however, that what led him most to suspect Madam Nhu was the fact of the phone call shortly before the assassination from the Oxnard, California area, which is the same area where Madam Nhu remained in seclusion after her husband and brother-in-law were killed.

As to General Walker he pointed to the fact that he lost his commission under President Kennedy, that the Attorney General was in measure at least responsible for the apprehension of Walker at Oxford, Mississippi, and that someone familiar with the Dallas area might well have been responsible for Oswald getting the job at a place along the parade route before that route had been announced.



*Memorandum**22*

TO : Mr. Nicholas deB. Katzenbach, Deputy Attorney General DATE: November 27, 1963

FROM : Herbert J. Miller, Jr., Assistant Attorney General, Criminal Division

SUBJECT: Tentative Outline of Report Summarizing Investigation of the Assassination of the President

<i>129-11</i>	
DEPARTMENT OF JUSTICE	
21	MAY 1965
REC'DS BRANCH	

Based on our review of newspapers and other available materials, the following is a tentative outline which might be followed in preparing the report to the President dealing with the assassination of President Kennedy.

A. Scope of Investigation and Summary

This section should review the extent of the investigative effort made by the local authorities and the Federal Bureau of Investigation. This should reflect collection of all relevant information from all Federal agencies. The report should contain a brief synopsis of the entire investigation in narrative form at the beginning.

B. Events Preceding the Assassination

The planning and programming of the trip including the dissemination of the schedule and line of march. The public announcement and the relationship to any other factors of the case with emphasis on times and dates involved. A brief statement of the events, and times of those events, in Fort Worth which preceded the landing at the Dallas Airport. The appearance of the President on the morning of the 22nd preceding the motorcade.

C. Security Precautions

This section will review the security measures taken by the Secret Service in cooperation with municipal, state and Federal law enforcement officers to the extent these can be disclosed.

ASSASSINATION

D. Time and Place of Assassination

This will include an exact description of the line of march, the location of the President's car in relation to directional indications, the speed of the line of march, the distance and directional location to buildings and other landmarks in the area. In this section we should detail the evidence pointing to the firing of the shots from the Texas School Depository building, from the particular window, the number of shots, and the total time elapsed in the shooting. This will include any medical testimony or other physical examination indicating the angle of trajectory from the place of shooting to the President's car.

E. Assassination Weapon

Where was the weapon found. The proof that this was the weapon which fired the bullets which killed the President -- ballistics tests. Identification on the weapon to indicate its user, its origin, its owner and its manufacturer. Any evidence of the firing of the weapon. All information concerning the ownership of this weapon, its purchase, its possession and all other identification of its ownership including photographs and witnesses of its use. Whereabouts and use of this weapon from time of purchase until crucial time of assassination.

F. Suspect - Lee Harvey Oswald

1. A brief personal description with special emphasis on employment at the Texas School Book Depository including dates of employment and function.
2. Movements of Oswald prior to the time of the assassination. This includes his travels to work on that day, and his entrance into the building, including his identification by his supervisor to the policeman on guard, when he was carrying an unidentified package.
3. His activities during the day up to the time of the identified firing of the shot. This will include all his movements as observed by his co-workers and supervisors.
4. Evidence that Oswald was on the floor identified as the place from which the shot was fired.

5. All additional evidence including palm prints, paraffin tests and other identification of suspect with the gun and the firing of the gun.

6. Known movements of suspect subsequent to the assassination, as witnessed by police officers, bus drivers and cab drivers, private citizens and others. The evidence immediately preceding his apprehension by the Dallas Police Department including the alleged shooting of the Dallas policeman. In connection with these facts special emphasis should be placed on timing and distance from the Texas School Book Depository building.

7. Personal history and background with special emphasis on those facts which may indicate possible motive and purpose of the assassination and possible association with other persons in this regard. In this history will be included his military background, his passport difficulties, his organization associations, his Russian trip and his recent organizational activity with the Fair Play to Cuba organization. In this area will also be included his trip to Mexico as well as the full background of his employment and associations in Dallas and New Orleans. Particular emphasis should be placed on his finances and a complete report on all known expenditures and income over the past few years should be prepared. In addition, it is important to have all known information on his foreign-born wife, his mother, his brother and other members of his immediate family.

8. Recent contacts by law enforcement agencies with Oswald prior to assassination. Liaison with local officials, if any, regarding Oswald's presence in Dallas.

G. The Suspect's Detention by the Dallas Police Department

1. The results of any interviews with the suspect by the police department or any other local, state or Federal officials, from the time of his arrest to the time of his death.

2. Results of any searches of the suspect's personal belongings. The admission, if any, made by any member of his family to the Dallas Police Department at the time of detention.

3. Circumstances surrounding the slaying of the suspect, including the plans made for his removal from the city jail to the county jail, the dissemination of that information, the purpose of

his removal, the precautions taken to assure his safe removal, the identification of all persons who had any contact with the suspect during his detention whether they were police officers, his family, private citizens or Federal officers. The enumeration, source or other identification of any threats during his incarceration to him, to his family or to any law enforcement official because of the arrest. Any contact made on behalf of the suspect or requested by the suspect for assistance or representation including a full exploration of his possible association with [REDACTED] any of [REDACTED] former clients and any other persons of reputed Communist tendencies.

H. Murder of Lee Harvey Oswald by Jack Ruby

The facts which are our primary concern in this particular investigation of the assassination relate to the murder of Oswald by Ruby and (1) the possible communication between Ruby and Oswald or their association in any other way in the assassination of the President, (2) the possible connection between Ruby and other persons either associated with Oswald or who for one reason or another desired to silence him forever, and (3) the possible association between Ruby and any other person which may have afforded Ruby the opportunity to murder Oswald. In order to resolve these questions, this section of the report should cover such matters as Ruby's background, including family, associates, activities, political sympathies, and prior association, if any, with Oswald. In addition, the report should cover his business interests in some detail and his relationships, if any, with members of the press, police department or other group which might account for his presence in the building.

I. Other Suspects in Assassination or Murder

All evidence concerning the possible participation, implication or suspicion of implication of any other person or persons in the assassination of the President of the United States. Here we should identify all other suspects relating the reason that they are suspected and the evidence which substantiates this suspicion. In this area, we should also relate any interviews or investigations conducted concerning any person suspected of implication from the time of the assassination of the President.

J. Federal Jurisdiction

This should be a detailing of the statutory basis which prevents the Federal Government from assuming direct supervision of the investigation of the assassination.

K. Suggested Areas of Legislative Enactment

In this area all pending or possible proposals should be discussed in connection with the use of firearms, security measures surrounding the Chief Executive, and new legislation establishing the jurisdictional basis to permit Federal entry into the investigation at the earliest possible moment.

Memorandum

18

TO : Mr. William E. Foley
First Assistant Criminal Division

DATE: November 26, 1963

FROM : Miriam M. Santos
Secretary to Mr. Herbert J. Miller, Jr.

SUBJECT: Phone call from [REDACTED]

[REDACTED] called this morning concerning some information he would like to get into the proper hands. He said he had given the information to a patrolman last Friday night while driving to Ohio from Washington and heard some comments on the radio about possibility of others being involved in the assassination of President Kennedy.

His information was obtained while en route from Washington to Boston on a Pennsylvania Railroad train, in a parlor car. If someone in authority could come to his office he would give details of when he heard, what he heard, etc. His office is in the Universal Building and phone number is [REDACTED].

*Mr. Gallagher - FBI - requested w
same interview conducted today
at 11/26 - 12³⁰ pm.*

129-11
DEPT. OF JUSTICE
25 DEC 18 1963
RECORDS BRANCH

[Handwritten mark]

17056

November 26, 1963

129-11

noted

MEMORANDUM FOR MR. CHAYES

Subject: Cooperation with Justice Department
on Investigation of Circumstances of
President Kennedy's Assassination

I hereby designate you as the liaison officer with
the Justice Department, and the contact point within the
State Department, on the investigation of the circumstances
of President Kennedy's assassination.

I further request that Departmental officers render
you all necessary cooperation and channel any contacts
with the Justice Department on this matter through you.

/s/ George W. Ball

George W. Ball

cc: S/S
All Bureau Heads
Justice - Mr. Katzenbach

Delivered by State Dept. messenger 11/27/63 - 10:25 a.m.
ASSASSINATION

November 25, 1963

MEMORANDUM FOR MR. MOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat--too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

129-11	
DEPARTMENT OF JUSTICE	
21	MAY 1965
RECORDS BRANCH	

File
HPW

The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public property in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General

It is important that all of ^{the} facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the U.S. and abroad that all the facts have been told ^{and that a statement to this effect be made now.} ~~These are~~
~~two reasons why this is important~~

1. The public must be satisfied that Oswald was the assassin; that he did not have emperctes who are still at large; and that the evidence was such that ~~he~~ he would have ^{been} convicted or tried.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting ~~the~~ thought that this was a Communist conspiracy or (as the San certain press is saying) a right-wing conspiracy to ~~blame~~ ^{blame} it ~~to~~ on the Communists. Unfortunately the facts re Oswald seem almost too get - too obvious (Marxist, Cuba, Russia wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us ^{totally} in the image of the Dallas police when our President is murdered.

~~Perhaps these objectives will be satisfied by releasing a thorough FBI report on Oswald. The difficulty will be that as such it comes from within the~~

I think this objective may be satisfied by making public as soon as possible a complete although FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

The ~~at~~ only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. ~~This step is unimpeachable, might take time, and result, also, in a carefully handled,~~

This has both advantages and disadvantages. I think it is ^{possible to} wait ^{for} the FBI report and public reaction to it here and abroad.

I think, however, that a statement to the effect that all the facts will be made public, ^{promptly} in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

107-11
DEPARTMENT OF JUSTICE
40 NOV 25 1963
RECORDS BRANCH
DEPUTY [REDACTED] GENERAL

The Director, Federal Bureau of Investigation

11-23 December 2019

Herbert J. Miller, Jr., Assistant Attorney General,
Criminal Division

HJM:WEF:am
129-11 G. F.
(typed 12/18/63)

Letters Proffering Information regarding
Assassination of President Kennedy.

Attached for your information and such action as may
be indicated are the following:

**Seeds of Doubt: Some Questions About the President's
Assassination, by Jack Minnis and Staughton Lynd, of
Atlanta, Georgia.**

Letter dated November 23, 1963, from [REDACTED]
[REDACTED]

Enclosures ✓

cc: Records ✓
Chrono
Mr. Foley

STATE DEPARTMENT
COMMUNICATIONS SEC.
DEC 20 1963 ET

RECEIVED

NOV 26 1963

CRIMINAL DIVISION

To Mr Robert Kennedy
Attorney General
United States of America.

Nov. 23rd 1963

129-11

DEPARTMENT OF JUSTICE
NOV 25 1963
RECORDS BRANCH
CRIMINAL-GEN. QUINCY SPA.

Dear Sir

I have heard of the death of your
Brother John Kennedy President
of the United States, and was
shocked by the bad news.

The reason for this letter
is there was a Patient at Fort Bayard
U.S. Hospital some months ago his
name was [redacted] and on several
occasions, he declared openly that
he would kill the President, and his
whole family. If he could not get
payments from his Social Security.
He was in World War II or Korea age
Other Patients did not pay much
attention to his spouting off at the time
The killing of the President, was well
planned, or the work of some crazy
man
Sincerely yours
[redacted]

0

R. Curran

SEEDS OF DOUBT:

Some Questions **RECEIVED** The President's Assassination

DEC 12 1963

129-11 (12/9/63)
Alman
Jack Minnis and Staughton Lynd
350 Leonard St. SW, Atlanta, Ga. 30314

CRIMINAL DIVISION

On December 3, newspapers reported that the Federal Bureau of Investigation would confirm in all essentials the version of the President's assassination previously presented by the Dallas police and by Gordon Shanklin, F.B.I. agent in charge in Dallas. According to these accounts the F.B.I. will state that: (1) Lee Oswald, without accomplices, fired three shots at President Kennedy from a sixth floor window of the Texas Schoolbook Depository Building; (2) About five and one half seconds elapsed between the first shot and the last; (3) All three shots came from behind and slightly to the right of the President's car; (4) The same weapon fired all three shots.

These reports astonished us. Like many citizens we have attempted to follow the details of the tragic events of November 22 as they have been released to the public. We have made what seems to us a careful analysis of the evidence. We have shown this analysis to a number of research specialists, college professors and newsmen, including one reporter who covered the story for a leading American newspaper. Without exception, these readers felt that our analysis merited serious consideration, and that it called into question several aspects of the F.B.I.-Dallas police account of the assassination.

We are not amateur detectives. We do not enjoy poring over the gory details of this killing. We do not enjoy the tedium of comparing the various quotations from the police and the F.B.I. which have appeared in newspaper accounts.

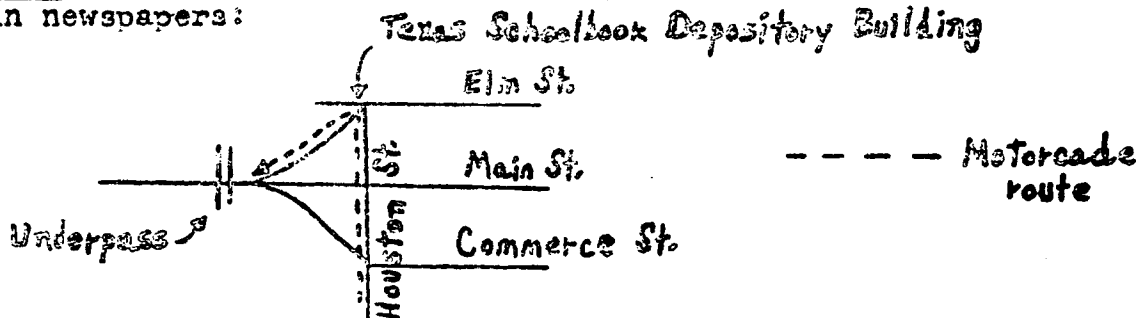
But we believe there are important contradictions between the received version of the crime and the available evidence, which other citizens may want to consider. We think the American people have a right to know: (1) How Lee Oswald, from a position behind and slightly to the right of President Kennedy, fired a shot which entered the President's neck just below the Adam's apple; (2) How Oswald, using a bolt-action rifle, fired three shots with deadly accuracy in five and one half seconds at a target 75-100 yards away moving about 25 miles an hour; (3) How the three shots could have produced four bullets; (4) How Lee Oswald did all the things he is supposed to have done in the 15 or 30 minutes (there are two different accounts) between the time the President was assassinated and the time Oswald allegedly ran into his apartment ~~three~~ away.

The analysis of the evidence which follows is in these sections: (I) The Target; (II) The Wounds; (III) The Weapon; (IV) The Bullets; (V) The Murderer.

129-11		RECORD
DEPARTMENT OF JUSTICE		
72	DEC 10 1963	
RECORDS BRANCH		
CRIMINAL-GEN. CRIME SEC.		

I. The Target

Below is a rough diagram of the assassination scene which we have constructed from a map of the area which was printed in the New York Times of November 23 and from the pictures of the scene we have found in newspapers:



The motorcade consisted of a number of vehicles. The leading vehicle was the Presidential limousine with the President and Mrs. Kennedy in the rear seat, the President on the right. On jump seats in front of the Kennedys, facing forward, were Governor and Mrs. Connally, Governor Connally on the right. The second car was filled with Secret Service men. The third car contained Vice-President and Mrs. Johnson and Senator Ralph Yarborough. In the fourth car were Secret Service agents protecting the Vice-President. The fifth car was a White House press pool car with a telephone company employee driving, UPI correspondent Merriman Smith in the middle of the front seat, and acting White House Press Secretary Malcolm Kilduff on the right front. The other vehicles in the motorcade, of undetermined number, carried Texas and Dallas dignitaries; there were two buses of reporters, several open cars carrying photographers and other reporters, and a bus for White House staff members.

At about 12:30 pm, November 22, the President's limousine made the turn at Elm and Houston Streets into the approach to the underpass leading to Stemmons Freeway. The car was traveling about 25 miles an hour, or about 12 yards per second. The distance between the turn at Elm Street and the underpass is about 220 yards. Thus at the speed at which all witnesses agree the motorcade was traveling, the maximum time it could have consumed traversing this distance would have been 20 seconds.

It is difficult to determine, with precision, the exact point in the traversal of the 220 yards at which the shooting occurred. However, some definite limits can be set from the available evidence. Experienced newsmen, reporting in the New York Times, the New York Herald Tribune, the Washington Post, the Atlanta Constitution, and for both Associated Press and United Press International, estimate that the President's car was 75-100 yards past the turn at Elm and Houston when the first shot was fired; others, persons on the spot at the time, say the President's car was midway between the turn and the underpass; Mrs. Connally says the car was almost ready to go underneath the underpass; Governor Connally says the car had just made the turn at Elm and Houston.

A reader, making use of the tree, the lamp post, and the ornamental wall shown in pictures on pages 24, 25 and 32H of Life magazine for November 29, can approximately identify for himself the

point at which the President, smiling, waving and looking straight ahead as the limousine moved toward the underpass, suddenly made a "clutching movement toward his throat."

John Herbers, writing in the New York Times of November 27, comments on the 15-second movie sequence of the assassination taken by an amateur photographer (from which the pictures in Life magazine were selected). He says five seconds elapsed from the first shot until the President's car disappeared into the underpass. If the President's car continued at 25 miles an hour after the first shot then it traveled about 60 yards during this five seconds and, therefore, must have been about 160 yards from the turn at Elm and Houston when firing commenced. If, as most witnesses believe, it accelerated rapidly after the first shot, then it traversed considerably more than 60 yards during those five seconds. On the evidence of the movie, we would estimate the distance between the turn at Elm and Houston and the site of the first shot at something less than 160 yards, not appreciably out of line with the estimates of witnesses and newsmen, and the anticipated conclusion of the F.B.I. report.

Having established, with some certainty we think, the fact that the Presidential car was approximately 100 yards past the turn at Elm and Houston when the first shot was fired, we can move to a consideration of the wounds.

II. The Wounds

Tom Wicker, in the New York Times of November 23, wrote that Doctors Malcolm Perry and Kemp Clark, who attended Mr. Kennedy in the emergency room of the Parkland Memorial Hospital in Dallas immediately after the shooting, described the President's wounds thus: "Mr. Kennedy was hit by a bullet in the throat, just below the Adam's apple. . . . This wound had the appearance of a bullet's entry. Mr. Kennedy also had a massive, gaping wound in the back and on the right side of the head." Dr. Perry was the first physician to treat the President. Dr. Clark was summoned and arrived in a minute or two.

The early news accounts reflected some confusion about the nature of the President's wounds. We saw nowhere in the newspapers nor heard in any of the radio or TV accounts any attempt to reconcile a wound in the front of the President's throat with the theory that the shots came from the Texas Schoolbook Depository, 75-100 yards to the rear of the President at the time the first shot was fired. Nor did we see or hear any suggestion that the original accounts of where the President's car was at the time of the shooting might be inaccurate. This could, perhaps, be attributed to the fact that identification of the throat wound as one of entry was tentative, and that it would be reasonable to suppose a bullet entering the back of the President's head, fired from an angle of about 45 degrees above him, might exit at the Adam's apple. The examining doctors, as they were quoted in the early press accounts, seemed to be unsure as to whether one bullet or two had inflicted the head and throat wounds of the President.

However, John Herbers, in a follow-up story in the Times of November 27, cleared all this up. Herbers quotes Dr. Kemp Clark, the Dallas surgeon who pronounced the President dead, as saying that two bullets hit the President. One entered through the throat just below the Adam's apple and ranged downward, without exiting. The other struck the right side of the back of the President's head tangentially (that is, it smashed in and out of the back of his head, traveling on a tangent to his head).

From this description of the President's wounds, it seems clear that one bullet must have been fired from in front of the President. Herbers tries to reconcile the frontal wound with the supposed position of the assassin in the Schoolbook Depository Building by suggesting that the gunman could have fired as the President's car was approaching the building, then swung the gun through an arc of almost 180 degrees and fired twice more. This reconciliation ignores the uncontroverted accounts of many eye-witnesses as to where the President's car was at the time the first shot was heard. We think it well-established that the first shot was fired only after the President's car was more than 75 yards past the building. Indeed, Herbers' own interpretation of the 15-second movie sequence establishes this almost beyond question. In order for the assassin to have wounded the President frontally from his supposed position in the building, he would have had to fire while the Presidential car was entering the turn at Houston and Elm, or before the car had halfway completed the turn. By all accounts this would have been six to eight seconds before a shot was heard. According to a New York Times dispatch from Dallas dated November 27, the Secret Service conducted a re-enactment of the assassination that day. The dispatch reported that "the consensus was that the shooting began after the President's car had made the turn."

We see no way to reconcile the conclusion attributed to the forthcoming F.B.I. report, that "it has been established that all three shots came from the same direction, behind and slightly to the right of the President's car" (AP dispatch datelined Washington, Atlanta Journal, Dec. 3), with the statement of Dallas doctors that one bullet struck the President at about the necktie knot "in the mid-section of the front part of his neck" (New York Times, Nov. 24 and 27). Indeed, the bullet that struck the President's throat was sufficiently frontal that Dr. Clark at first thought the same bullet might have entered through the throat and exited through the upper rear of the President's head (see "The Kennedy Wound," New York Times, Nov. 24, for an account based on this supposition).

We think it significant that on December 5, thirteen days after the assassination, "Federal investigators" were still simulating the crime with car, camera and surveyor's transit on Elm Street in Dallas, in an attempt to answer the question "how the President could have received a bullet in the front of the throat from a rifle in the Texas School Book Depository Building after his car had passed the building and was turning a gentle curve away from it" (Joseph Loftus in the New York Times, Dec. 6).

Is it completely irrelevant that Frank Cormier of the AP reports (Atlanta Constitution, Dec. 3) that experts discovered "a small, unexplained hole" in the windshield of the President's limousine?

III. The Weapon

There are other difficulties with the police-F.B.I. theory consequent on the nature of the weapon supposedly used by the assassin.

Early press accounts quoted various members of the Dallas police force as saying the assassin's weapon was a 30 caliber Enfield and a 7.65 mm Mauser. One Secret Service man was reported to have said he thought the weapon was an "Army or Japanese rifle" of .25 caliber. The same press accounts reported that the rifle was found on the second floor of the building by a window, in the fifth-floor staircase, by an open sixth floor window, and hidden behind boxes and cases on the second and sixth floors.

It was not until the F.B.I. allegedly discovered that Oswald had purchased an Italian-made 6.5 mm rifle from a Chicago mail order house that the confusion was dispelled. Then all accounts and all sources agreed, the former .30-caliber-Enfield-7.65-Mauser was now a 6.5 mm Italian-made rifle with telescopic sight. It was also at this time that all sources began agreeing that the gun had been found on the sixth floor, though some still held out for the open-window location, while others argued for the buried-behind-the-boxes-and-cases theory.

In all this maneuvering about the gun, we were continually disturbed about the fact that the gun was universally described as a bolt-action rifle with telescopic sight. We did not at that time have a very clear idea of the precise number of seconds within which the shots had occurred, but we were uneasy about anyone's having gotten off the reported three shots with a bolt action rifle from that distance at a target moving twelve yards a second with that accuracy, quickly enough to have created such confusion about who got hit first, the President or the Governor.

On November 25 the New York Times reported that "a group of the nation's most knowledgeable gun experts, meeting in Maryland at the time of the shooting, agreed that, considering the gun, the distance, the angle and the movement of the President's car, the assassin was either an exceptional marksman or fantastically lucky in placing his shots." The Times account does not indicate whether the experts also considered the extreme rapidity with which the shots were fired.

Then on November 27 the Times ran another story telling about tests which had been conducted by a "firearms expert from the National Rifle Association" in Washington. The expert had used a "Model 1938 6.5 mm bolt action rifle." His target had been 50 feet away. He was able to get off three shots in eleven seconds and they struck within a one-inch circle. On a second try the expert was able to get off three shots in eight seconds with comparable accuracy. Using this performance as a basis for speculation, the expert reasoned that a person well-practiced with the use of the gun could have done as well or better under the conditions of the assassination in Dallas. (The story did not indicate whether or not the target used in these tests was stationary or moving.)

Others did not agree with this expert. The Italian newspaper

Corriere Lombardo of Milan said, as reported in the same Times story, that if the Model 38 were used and that if more than one shot were fired "there must have been a second attacker." In France, the Times story went on, the Paris Jour said that a non-automatic rifle could not have been used to fire two bullets into President Kennedy and one into Governor Connally. In Vienna, the Olympics champion shot, Hubert Hammerer, said that the initial shot could have been made under the conditions in Dallas when Mr. Kennedy was killed. But he considered it unlikely that one man could have triggered three shots within five seconds with the weapon used.

All these experts were proceeding on the theory that the shots were fired as the Presidential car sped away from the gunman, with the gunman having to allow only for the forward movement of the car. This supposition, of course, takes no account of the marksman himself having to move in order to swing the gun through an arc of 180 degrees.

These experts were also preceding on the theory that Lee Oswald was a crack marksman. However, and contrary to some early reports, it appears that in the Marines Oswald was only an "average" marksman (Laurence Stern and Alfred E. Lewis, writing in the Washington Post, Dec. 1).

IV. The Bullets

Then there is the matter of the bullets. There is general agreement among the witnesses and newspaper accounts that three shots were fired. Typical is Senator Ralph Yarborough's description, quoted here from the Washington Post of November 23: "I heard three loud explosions that sounded like shots from a deer rifle. You could smell powder."

Yet there appear to be four bullets involved. In the New York Times of November 25, Fred Powlage's story from Dallas lists as part of the evidence supporting the Oswald-Schoolbook-Depository-Mannlicher-Carcano theory: "A bullet that Secret Service men removed from a stretcher at Parkland Hospital after the shooting, and two bullet fragments removed from the Presidential automobile matched bullets fired by the rifle [F.B.I.] agents found inside the [warehouse]." Powlage cites Gordon Shanklin, F.B.I. agent in charge in Dallas, as his source of information. Thus it would appear accounts for two bullets. In the Times of November 27, John Herbers' story from Dallas says: "Three shots are known to have been fired. Two hit the President. One did not emerge. Dr. Kemp Clark, who pronounced Mr. Kennedy dead, said one struck him at about the necktie knot. 'It ranged downward and did not exit,' the surgeon said." Thus there is the bullet from the stretcher, the bullet which was found fragmented in the car, and the bullet that did not exit from the President.

An AP dispatch from Dallas in the Atlanta Constitution of November 23 quotes Dr. Robert E. Shaw, attending physician for Governor Connally: "[The Governor] seems to have been struck by just one bullet. . . . We know the wound of entrance was along the right shoulder. He was shot from above. . . . [The bullet] entered the back of his chest and moved outward. . . . It emerged from his chest and struck his wrist and

"The bullet is still in his leg."

Now we have the stretcher bullet, the fragmented bullet, the bullet that remained in the President, and the bullet in the Governor's leg. Herbers, in his final story of the 27th, presumes "that the bullet that struck the President's head was the one recovered from the stretcher that bore the President into the hospital." He doesn't theorize about how the bullet got onto the stretcher. Dr. Clark stated that the bullet went "in and out" of the President's head. We assume this to mean that there was an exit as well as an entry wound in the President's head. Furthermore, it would be much more likely that the fragmented bullet would be the one which made the head wound. LeMoyné Snyder, forensic medicine specialist, in his book Homicide Investigation, writes: "When a lead bullet is fired into the skull at an angle, it will sometimes fracture the skull bone in such a way that a sharp edge of bone is presented to the bullet. As a result, the bullet is cut in two lengthwise. . . . It is not likely to happen if jacketed ammunition is used." According to Ralph McGill (Atlanta Constitution, Nov. 29) the assassin used "dum-dum (soft lead) ammunition."

It should be noted here, too, that while Herbers identifies the stretcher from which the bullet was removed, Powledge's story of two days earlier, in which he cites F.B.I. agent Gordon Shanklin as his source, merely says: "A bullet that Secret Service men removed from a stretcher [our italics]."

We have no way of knowing whether the bullet remained inside the body of the President and was buried with him, or whether it was removed for evidence. Dr. Clark, in Herbers' story of the 27th, merely says that the bullet did not exit of its own accord. Then Herbers writes: "The bullet that did not exit from the President's body may have since been recovered in an autopsy, but the Parkland Hospital said no autopsy was performed in Dallas." An AP dispatch in the Dallas Morning News of November 27 states that "the White House has so far declined to say whether an autopsy was performed on the body of slain President John F. Kennedy. For approximately nine hours, the body was at Bethesda, Md., Naval Hospital last Friday night and early Saturday morning (Nov. 22 and 23)." An AP dispatch which appeared in the Richmond [Va.] Gazette of Nov. 27 stated that "doctors at the Bethesda (Maryland) Naval Hospital made a post-mortem examination of Kennedy's wounds."

The hospital authorities also stated, according to Herbers, that "the medical report of President Kennedy's assassination, written in longhand by Dr. Clark, chief of neurosurgery at Parkland, had been given to the Secret Service and the hospital had no copy. The hospital expects the Secret Service to return it eventually."

Another fact we find puzzling is that apparently the two bullets with the cloudiest pedigree are the ones that link the shooting to the gun the investigators finally settled on from a field of three or more. Powledge's story of the 26th, quoted above, states that the stretcher bullet and the fragmented bullet matched bullets fired by F.B.I. men from the rifle found inside the building. The rifle was

found early in the afternoon of November 22. So were the two bullets. They were in the possession of the Dallas police and the F.B.I., presumably, from then on. The gun was identified to newsmen variously as an Enfield and a Mauser. Then, sometime on November 23, the identity of the rifle changed. It became a Mannlicher-Carcano. We do not know whether it is the custom of Italian rifle-makers to leave their names off their products, so that they cannot be identified immediately. But, if so, why the false identification?

As we do know that the more damage done to the surface of the bullet, the more dubious becomes the accuracy of laboratory comparison with other bullets to determine which gun of a given make it was fired from, even if the make of the gun can be determined. Thus the identification of the gun that supposedly fired the assassination bullets seems to rest primarily, not on the fragmented bullet, but on a bullet allegedly found by a Secret Service man on a stretcher in a Dallas hospital, Dallas, after the President was shot.

It is by no means clear at this point just where this bullet came from and how it came to be on the stretcher.

V. The Murderer

The way the supposed assassination gun is linked to the supposed assassin is curious, too. Powledge's story of the 25th states: "The F.B.I. agent [Gordon Shanklin] said the young man ordered a 0.5 mm rifle with telescope sight from a Chicago store last spring. The rifle was sent to an 'A. Hidell', at Oswald's post office box here. It arrived by parcel post on March 20. Samples of Oswald's handwriting were sent yesterday to the F.B.I. laboratory in Washington where they were found to match the handwriting in the letter ordering the rifle." In his story of the 26th, Powledge again refers to the gun: "The district attorney said the police had traced the serial number of the murder weapon, an Italian rifle with a telescopic sight, to the Chicago mail order house that had sold Oswald a rifle last spring." Thus all the F.B.I. and the Dallas police appear even to be claiming is that the gun which fired the stretcher bullet and the gun they say Oswald ordered came from the same mail order house.

Moreover, in the early accounts it was being said that the gun, with telescopic sight, was purchased for \$12.78. On November 26 the Atlanta Journal reproduced an advertisement from a mail order house which clearly that \$12.78 was the price of the gun without telescopic sight. Now we are being informed (UPI dispatch of Nov. 26, Atlanta Journal) that, in addition to \$12.78 for the gun, Oswald paid \$7.50 for the sight.

So far as we know, the only thing which links Oswald to the gun he is alleged to have ordered is the letter the F.B.I. says it has in Oswald's handwriting, but signed "A. Hidell." Yet when this letter was described to newsmen in the early days of the investigation, it supposedly ordered the gun and sight for \$12.78. Now we learn that the sight cost an additional \$7.50. Was the sight ordered in a separate letter, also in Oswald's handwriting and also signed "A. Hidell"? Was there one money order signed by Hidell for \$12.78 and another for \$7.50? And if so, why was this information held back at the time the other was announced?

In his news conference of November 24, District Attorney Wade said that the only fingerprints were on the gun found in the warehouse. However, first he looked for fingerprints, then palmprints. And on November 27, Edward Bennett Williams, one of the nation's leading defense lawyers, said the police's purported discovery of Oswald's palmprints in the room where the assassin lay in wait was not necessarily incriminating. "Palmprints are not nearly as conclusive as fingerprints," he said. (New York Post, Nov. 27).

In other parts of his Nov. 24 conference, District Attorney Wade seemed so confused that we must question whether he really knew much about the evidence against Oswald at the time. As an example of his confusion, note the following exchange referring to the alleged attempt by Oswald to shoot an arresting officer in the Texas Theater (taken from transcript of the news conference published in the New York Times, Nov. 26):

- Q. Why didn't it go off?
- A. It snapped. It was a misfire. Then the officers subdued him -- some six officers -- subdued him there in the theater, and he was brought to the police station here.
- Q. Mr. Wade, why didn't the gun fire?
- A. It misfired, being on the -- the shell didn't explode. We have it where it hit it, but it didn't explode. It didn't fire the shell.
- Q. There was one officer who said that he pulled the trigger, but he managed to put his thumb in the part before the firing pin. It didn't. . .
- A. Well. . .
- Q. . . strike the -- the bullet didn't explode. Is that it?
- A. I don't know whether it's that or not. I know he didn't snap the gun is all I know about it.

Now, either Wade had, as part of the evidence, the misfire bullet from the pistol with a mark on it made by the pistol's firing pin, or he didn't. He didn't seem to know whether he had it or not.

All in all, it is hard to see how the District Attorney felt able to conclude, "I would say without any doubt he is the killer." This was a particularly irresponsible statement in view of the fact that some of the purported evidence -- such as the alleged statement by Mrs. Oswald that her husband had a rifle in their garage on the night before the assassination but that it was gone the next day -- would never have been admissible in a Texas court, as the police readily admitted.

We will remark on only one other aspect of the case against Oswald. Dallas District Attorney Wade offered to newsmen and to the public, as one of the links in the chain of evidence against Oswald, the fact that Oswald went to his home in Oak Cliff, changed his clothes hurriedly, and left (Wade's Nov. 24 news conference as printed in the New York Times, Nov. 26). According to a UPI dispatch datelined Dallas in the Atlanta Journal, Nov. 23, "Mrs. R. C. Roberts, who works for the Simpsons (from whom Oswald rented a room in Oak Cliff), said that at about 12:45 pm (Dallas Time) Friday she had just learned that Mr.

Kennedy was shot. In rushed Oswald, 'On the dead run,' she said.. 'He ran to his room, came running back with a gray zipper jacket and out the door'."

The assassin's bullets were fired between 12:30 and 12:31 pm (Dallas Time). Oswald supposedly fired them from the sixth floor of the building where he worked. Then, supposedly, he hid the rifle behind some books and packing cases and made his way to the second floor of the building. Roy S. Truly, TSDB manager, and a policeman ran into the building immediately after the shots were fired. "The two men scrambled up the stairs to the second floor. As they made their way to the back stairway, the policeman saw Oswald standing beside a soft drink machine, sipping from a Coke bottle." (Washington Post, Dec. 1). According to the New York Post (Nov. 27) two noted criminal lawyers have questioned this account. Maurice Edelbaum said: "The main incongruity I see is the report of Oswald's swift descent from the sixth floor. The moment a policeman rushed into the building Oswald was there." Raymond Brown stated: "How did he get down? Were there steps or an elevator from the sixth floor? Did anybody see him?"

Then, according to Wade, Oswald left the building and walked four blocks west to Lamar Street where he boarded a bus. He rode the bus an undetermined number of blocks and then got off. He hailed a taxicab and rode four miles to his room in the Oak Cliff section of Dallas. He arrived, according to Mrs. Roberts, just fourteen minutes after the assassination. Now if the taxicab was able to average 20 miles an hour, which we think would be a maximum, the taxi ride would have taken twelve minutes. This leaves Oswald with just two minutes to shoot the President and Governor Connally, clean and hide the gun, run down four flights of stairs, search his pockets for coins, get a coke from the machine, open it, engage in some conversation with Mr. Truly and the policeman, make his way from the second floor out of the building, walk four blocks to the bus stop, board the bus and ride several blocks, and get off the bus and hail a taxi.

On December 1st, however, the Washington Post quoted housekeeper Roberts as saying: "He came dashing in about 1 o'clock." This new version creates new difficulties for these reporters refer to "the floundering of the bus in the choked downtown traffic," and to the fact that Oswald "told the [cab] driver to drop him off at a corner five blocks beyond his rooming house." If the traffic was "choked" we probably need to cut in half the estimated average speed of the taxi over the four miles to Oswald's rooming house. At an average speed of ten miles an hour it would have taken the taxi 24 minutes to cover the distance. This would leave Oswald five minutes to shoot the President and Governor Connally, clean and hide the gun, run down four flights of stairs, search his pockets for coins, get a coke from the machine, open it, engage in some conversation with Mr. Truly and the policeman, make his way from the second floor out of the building, walk four blocks to the bus stop, board the bus and ride several blocks, and get off the bus and hail a taxi. And, of course, if we accept this version, we must allow, within the five minutes left to Oswald, the time necessary to walk the five blocks back to his rooming house from the corner to which the taxi took him.

VI. Conclusion

We are aware that under great pressure and in the midst of confusion, mistakes are easily made. No doubt many of the discrepancies presented above are of this nature. If so, physical evidence can be produced which will readily make this clear.

It is also true, however, that under great pressure and in the midst of confusion investigating agencies may be tempted to declare a case closed and to presume an innocent man guilty, especially when that man is dead and cannot be brought to trial.

Since the bulk of this analysis was written, the nation's leading news magazines -- Time, Life, Newsweek, and U.S. News and World Report -- have made public their versions of the assassination. They merely add to the confusion. For example, Time (Dec. 6) has Oswald buying rifle and sight for \$19.95, while according to Newsweek (Dec. 9) he paid \$12.78. All early accounts of the assassination put the speed of the President's limousine at about 25 miles per hour, but now it has slowed to 15 miles per hour (Life, Nov. 29), "no more than half the 25 miles per hour first estimated by authorities" (Newsweek, Dec. 9), and 12 miles per hour (U.S. News and World Report, Dec. 9). The latter magazine comments: "If President Kennedy's car had been moving even 20 miles an hour, the experts say, it might have made the lead time too difficult a problem for the sniper." Could this be why the car has slowed down since November 23?

The central problem -- the fact that the President was wounded in the front of the throat ("the mid-section of the front part of his neck," according to "staff doctors" at Parkland Hospital on November 23 [New York Times, Nov. 24]) -- remains. Life and Newsweek place the President's car 170 feet and 150 feet past the turn at the time of the first shot, a shorter distance than our estimate, but much too distant from the window for a shot through the front of the neck. Life (Dec. 6) recognizes the problem, but solves it by saying that the President was turning far to the right at the moment of impact. This explanation appears to fail for two reasons. First, Life's own pictures of the event in the issue of November 29 show the President looking straight ahead. Second, Elm Street curves left as it passes the warehouse building (see the picture on page 32H of Life, Nov. 29), in such a way that when the first bullet struck the President's back was to the window. In order for a bullet to have entered "the mid-section of the front part of his neck" the President would have had to turn completely around just before the shot was fired.

We believe there must be an investigation of the assassination which does not set out to prove that Oswald did it, but which works on the assumption that the identity of the killer or killers is unknown. It is disturbing that the purpose of investigating bodies set up by the state of Texas and by the new President has been described as the refutation of rumors that there was a conspiracy and the dispelling of all doubt that Oswald was the assassin.

If and when an objective investigation is conducted, we would not be surprised to find that Oswald was actually a minor figure in the affair, if he was involved at all.

More than this. We believe that the agencies which have thus far conducted the investigation should themselves be asked some questions. Among these are:

1. How was Jack Ruby permitted to shoot Lee Oswald?
2. Did the F.B.I. interview Oswald a few days before the assassination?
3. What is the reason Dallas police chief Curry, riding forty feet in front of the President's limousine, was able (in his own words) to "tell from the sound of the three shots that they had come from the book company's building"? (New York Times, Nov. 24).
4. Did the F.B.I. show Oswald's mother a picture of Ruby the night before Ruby killed Oswald?
5. Is it true as reported in the Washington Post, Dec. 1 (see also the New York Herald Tribune, Nov. 28), that "the F.B.I. seized an amateur photographer's movie film showing silhouettes of two men in the sniper window"?

It seems hardly too much to suggest that the Dallas police and the F.B.I. need to account for their own activities before, during and after the assassination. Until such an accounting is made, no version of the tragedy produced by the police or the F.B.I. can be accepted with confidence.

A note on the authors:

JACK MINNIS did his graduate work in Political Science at Tulane University. He is director of a Southside research project.

STAUGHTON LYND received his B.A. from Harvard College, and his M.A. and Ph.D. in History from Columbia University. His articles and reviews have appeared in Common Sense, Liberation, the Nation, the New Republic, the Political Science Quarterly, and the William and Mary Quarterly.

NAS:MS:jvm
129-11

DEC 5 1963

Files
Mr. Schlei
Mr. Siegel
Mrs. Copeland

[Redacted]

11-22
The Deputy Attorney General has asked me to thank you for your telegram of November 22, 1963, in which President Johnson designating himself Vice President as President and correcting Tyler's error.
WJ/S

In this connection you may recall what Professor Corwin has said on the subject in The President: Office and Powers 1787-1957 (Md. 1957) p. 34:

WJ
MSR
MSA

"That Tyler was wrong in his reading of the original intention of the Constitution is certain. It was clearly the expectation of the Framers that the Vice-President should whatever the occasion, a stopgap, a locum tenens, elected as such. Tyler's exploit, however, having been repeated six times, must today be regarded as having become law of the land for those instances in which the President, through death, resignation, removal, or other cause, has disappeared from the scene."

DEC 3 1963

Since Tyler's action "must be regarded as having become law of the land" for those instances where the President has died, I do not think that "serious consideration" should be given to your proposal at this time in our history. Possibly the matter will be clarified in the future by a constitutional amendment or other appropriate means.

Sincerely,

Robert A. Sabat
Assistant Attorney General
Office of Legal Counsel

CLERK OF COURTS
I am sorry I do not think
I can do more for you
I am sorry I do not think
I can do more for you

TELEGRAM SPECIAL

RECEIVED
NOV 27 9 32 AM '63
OFFICE OF LEGAL COUNSEL
DEPARTMENT OF JUSTICE
TELEGRAPH OFFICE

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NICHOLAS KATZENBACH, DEPUTY ATTORNEY GENERAL DEPT OF JUSTICE
WASHDC

ALL HERE GRIEVED BY NEWS PLEASE ACCEPT OUR SINCERE SYMPATHY
IN VIEW OF MEMO TO PRESIDENT KENNEDY AUGUST 2ND 1961 SUGGEST
SERIOUS CONSIDERATION GIVEN TO PRESIDENT JOHNSON DESIGNATING
HIMSELF VICE PRESIDENT ACTING AS PRESIDENT AND CORRECTING TYLER'S
ERROR

[REDACTED]

(10).

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	NOV 28 1963
	RECORDS BRANCH
	DEPUTY ATTORNEY GENERAL

n.r.a.

TELEGRAM SPECIAL

DEPARTMENT OF JUSTICE
ADMIN. RECORDS BRANCH
TELEGRAPH OFFICE

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ROBERT, KENNEDY, ATTORNEY GENERAL

WASHDC

RESPECTFULLY REQUEST YOU , SPEAKING FOR YOUR FAMILY URGE THAT
AMERICANS RETURN TO NORMAL ACTIVITIES AS WE ARE SURE YOUR BROTHER
WOULD HAVE WISHED. THE EFFECT OF THIS SO CALLED PERIOD OF MOURNING,
PARTICULARLY AS IT IS NOW BEING HANDLED BY TELEVISION IS MOST
REPUGNANT TO ALL AMERICAN CONCEPTS OF LAW AND GOOD TASTE

[REDACTED]

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129-11

DEPARTMENT OF JUSTICE	R
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RECORDS BRANCH	C
ATTORNEY GENERAL	D

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The White House
Washington

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14	DEPARTMENT OF JUSTICE	
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	RECORDS BRANCH	
CRIMINAL-GEN. CRIME SEC.		

THE PRESIDENT

THE WHITE HOUSE.

DON WRATHER, CBS NEWS IN DALLAS INTERVIEWED MASTER CEREMONIES
CURRENTLY APPEARING AT RUBYS NIGHT CLUB, WHO SAID OSWALD WAS
SEEN IN RUBYS CLUB ABOUT A WEEK PRIOR TO THE ASSASSINATION
PLEASE SEE THAT THIS EMPLOYEE OF RUBY IS QUESTIONED FURTHER

[REDACTED]

FILE: WEE

UNION
AM

WESTERN UNION
TELEGRAM

WESTERN
TELEGRAM

ST. 30 01215
G. S. 1045 PD. 105
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1. 1000 MADDE MILL
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DEPARTMENT OF JUSTICE
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CRIMINAL-GEN. CRIME SECT.
DEC 3 1963 1:02

December 2, 1963

RECEIVED

DEC 11 1963

CRIMINAL DIVISION

12-18

Dear [REDACTED]

On behalf of President Johnson, I wish to acknowledge receipt of your message and to assure you that your comments have been fully noted. In view of the concern which you express, it is felt that you might be interested in the enclosed copy of the President's Executive Order of November 27, appointing a High Level Commission to investigate and report on recent tragic events.

Sincerely,

Ralph A. Dungan
Special Assistant
to the President

[REDACTED]

Enclosure: EO of 11/29/63

JUSTICE:

CPA

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129-11

DEPARTMENT OF JUSTICE	RECORDS SECTION
25	DEC 10 1963
CRIMINAL-GEN. CRIME SEC.	

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24

THE PRESIDENT

THE WHITE HOUSE

WE CANNOT AFFORD TO INTRUST A MYSTERY LYING AT THE HEART OF
A NATION TO A POLICE FORCE WHOSE BUNGLING INEFFECTENCY DISCREDITS
ALL PROFFERED EXPLANATIONS OUR SECURITY AND OUR OBLIGATION
TO JOHN F KENNEDY DEMAND THAT A THOROUGH AND PROPER INVESTIGATION
BE MADE

129-11
DEPARTMENT OF JUSTICE
DEC 10 1963
CRIMINAL-GEN. CRIME S...

December 2, 1963

~~11-15-63~~ B

Ruby

Dear [REDACTED]

The President has received your telegram. Your comments have been fully noted, and he appreciates your interest in wiring.

Sincerely,

Ralph A. Dungan
Special Assistant
to the President

RECEIVED
DEC 11 1963
CRIMINAL DIVISION

[REDACTED]

JUSTICE:

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FILE: WEF

129-11

2	DEPT. OF JUSTICE	R
	DEC 9 1963	C
	RECORDS BRANCH	C.C.S.
		D

URGENT CRIME SEC.

REPORTS

ST. LOUIS, MO. 11/22/1963
PRESIDENT J. EDGAR HOOVER

WHITE HOUSE WASH DC

PLEASE HELP THIS MAN WHO SHOT THE GUN WHO ASSASSINATED PRESIDENT
KENNEDY AND PLEASE SEE TO IT HE GETS OUT OF THIS TROUBLE HE'S

IN YOU SHOULD GIVE HIM THE CONGRESSIONAL MEDAL OF HONOR FOR

THE HEROIC ACT HE DID FOR STOPPING THE ASSASSINATION OF PRESIDENT

THANK YOU

December 2, 1963

RE
DEC
CRIMINAL

Dear [redacted]

On behalf of President Johnson, I wish to acknowledge receipt of your message and to assure you that your comments have been fully noted. In view of the concerns which you express, it is felt that you might be interested in the enclosed copy of the President's Executive Order of November 29, appointing a High Level Commission to investigate and report on recent tragic events.

Sincerely,

Ralph A. Dungan
Special Assistant
to the President

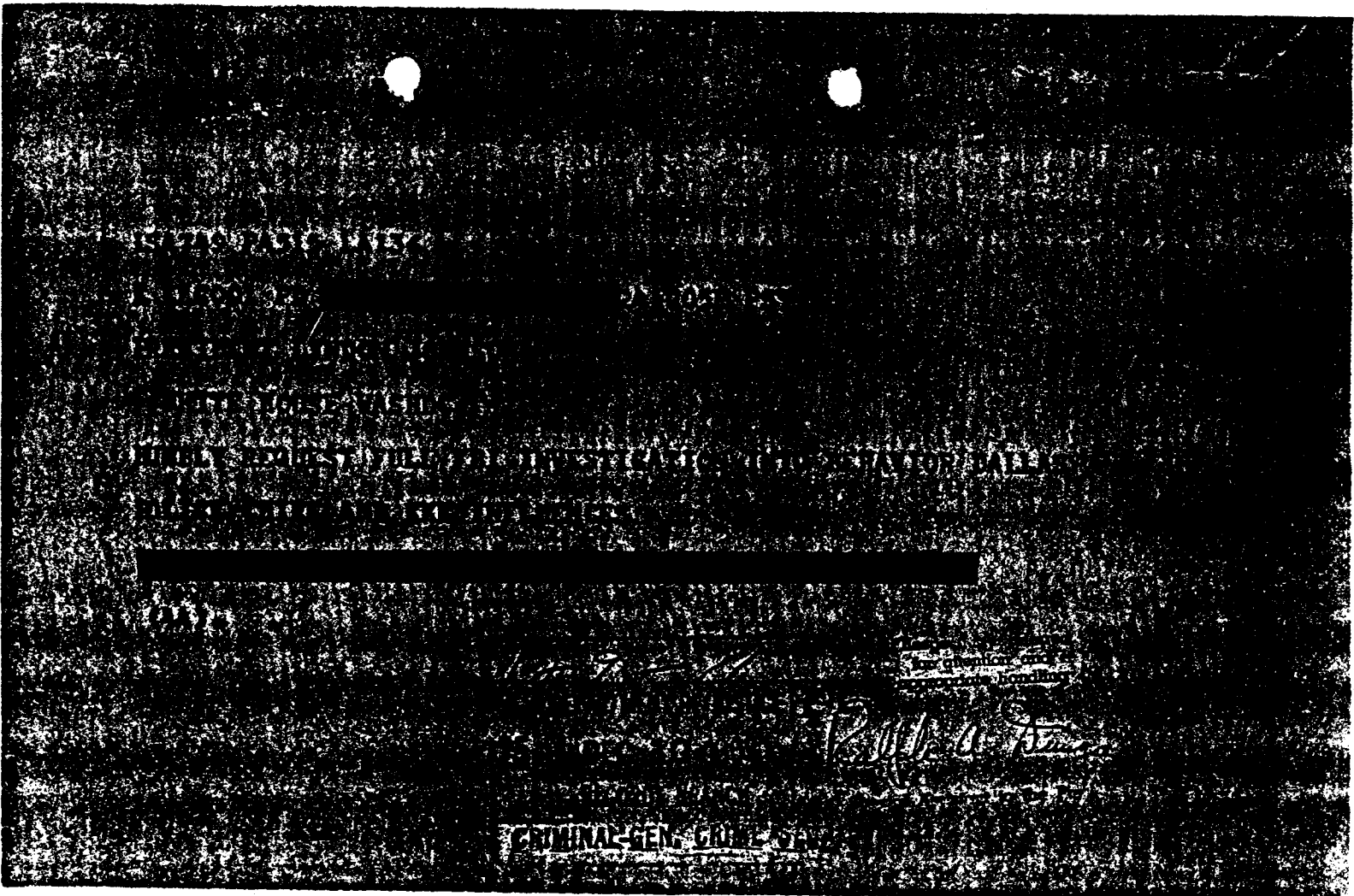
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Enclosure: Po of 11/29/63
JUSTICE

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29
DEPARTMENT OF JUSTICE
DEC 10 1963
RECORDS SECTION
CRIMINAL-GEN. CRIME SEC.

CPD



12-1
December 2, 1963

Bundy

12-24

Dear [REDACTED] — 7C

The President has received your telegram. Your comments have been fully noted, and he appreciates your interest in wiring.

Sincerely,

Ralph A. Dungan
Special Assistant
to the President

[REDACTED]

[REDACTED] — 7C

JUSTICE:

lm

FILE: WEF

129-11

2	DEPARTMENT OF JUSTICE	RECORDED
	DEC 9 1963	
RECORDS BRANCH		
CRIM. GEN. CRIME SEC.		

REGARDING THE ASSASSINATION
OF PRESIDENT LINDON BAINES
JOHNSON

CRIMINAL DIVISION

DEC 11 1963

RECEIVED

Washington

Dear Sir: The following information was received from the Dallas office of the FBI on December 10, 1963:

On December 10, 1963, a

December 11, 1963

WESTERN UNION TELEGRAM
WESTERN UNION TELEGRAM

LSHAGY SACGTS

ENAGSI PD WFL

PRESIDENT LINDON BAINES JOHNSON
WASHINGTON

A MAN IS INNOCENT UNTIL PROVEN GUILTY. THE SHOOTING AND ASSASSINATION
OF MY FELLOW AMERICAN CITIZEN, LINDON BAINES JOHNSON, IN DALLAS, TEXAS, ON
11/22/63, WAS A TRAGIC AND MISERABLE EVENT. THE PROTECTION GIVEN TO THE
SUSPECTED ASSASSIN, JAMES EARL RAY, IN DALLAS, TEXAS, IS A DISGRACE
TO THE POLICE AND THE PROSECUTOR. THE PROTECTION GIVEN TO THE
SUSPECTED ASSASSIN, JAMES EARL RAY, IN DALLAS, TEXAS, IS A DISGRACE
TO THE POLICE AND THE PROSECUTOR. THE PROTECTION GIVEN TO THE
SUSPECTED ASSASSIN, JAMES EARL RAY, IN DALLAS, TEXAS, IS A DISGRACE
TO THE POLICE AND THE PROSECUTOR.

END

December 2, 1963

Dear [REDACTED] — 7C

The President has received your telegram. He asked me to assure you that your interest in wiring is appreciated and that your comments have been fully noted.

Sincerely,

Ralph A. Dungan
Special Assistant
to the President

RECEIVED
DEC 10 1963
CRIMINAL DIVISION

[REDACTED] — 7C
JUSTICE:

gms

FILE WEE

129-11
2 DEPARTMENT OF JUSTICE
DEC 9 1963
RECORDS SECTION M. E.
CRIM-GEN. CRIME SEC.

WESTERN UNION
TELEGRAM

WESTERN UNION
TELEGRAM

Specimen #1.
Dear Mr. C...
The President has received your letter of the 10th and is pleased to hear that you are interested in the...
Sincerely yours,
[Signature]

Received by Mr. C...
1933

LEWIS Q. BENTLEY
DEAR SIR

1933
[Handwritten initials]

LONDON JAMES JOHNSON, PRESIDENT UNITED STATES
WITH HOUSE WASH DC
IN SENATE OPINION THAT AS THE AMERICAN TITLE IS AS IMPORTANT
THAT PRESIDENT OF THE UNITED STATES THAT THE COMMUNIST
WILL BE IMMEDIATELY OUTLINED IN AN ACTIVITY BY ANY COMMUNIST
PAYMENT OF HIS AFFILIATES IN ANY ACTIVITY AT ALL IN HER
THEREBY WILL BE REPORTED TO THE UNITED STATES FOR ARREST
SINCERELY YOURS