

off the cuff

CERTAINLY THE LONGEST ARTICLE the magazine has ever run is the 20,000-word piece, "The Warren Commission, the Truth, and Arlen Specter," which starts on page 38.

The article is also, without doubt, the most startling in both its facts and its implications. Essentially, it establishes that the Commission's conclusion that President Kennedy was felled by a single assassin was not supported by the evidence. It was, in fact, contradicted by it.

Philadelphia district attorney Arlen Specter, then a junior lawyer for the Commission, turned out to be the key man in the investigation and determination of how the assassination took place.

A series of detailed taped interviews with Mr. Specter by the magazine's Gaeton Fonzi disclosed that the district attorney is more than just cognizant of the vital discrepancies in the evidence which led to the Warren Commission's

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conclusions.

Possibly the most shocking aspect of the whole case is the way American journalists neglected to give the massive Warren Report, which detailed the crime of the century, the same professional scrutiny they give to a lovers' lane killing.

That these basic facts should sit gathering dust so long is a monumental indictment of the press.

We are coming into an age when almost any handout by a public official or agency is blithely reported without analysis or comment; an age where government officials have made a profession out of stretching, distorting or denying the truth about our public life. And the nation's reporters and editors make no effort to either determine the truth or inform their readers that they are passing on questionable information.

We need not fear that, as with Germany or Russia, a captive press is anesthetizing any objections to a state-controlled future. Because, without any outside control, our own free press, with a few notable exceptions, is leading us that way through default.

There will be all sorts of official denials when this article is discussed. And a lot of official double-talk. And many sections of the press will write more reassuring articles. But the discrepancies in the evidence will still stand. And they do not add up to the conclusions of the Report.

Arlen Specter was impelled by circumstances and his own view of life into fulfilling the role he played in the investigation. Specter is a bright person and has proved to be an extremely able district attorney. He is young and still has much to offer Philadelphia.

We do not pretend to know what would have been the consequences of an investigation of the Kennedy slaying which did not presuppose the results. We do know that the whole story has not been told. We think the American people are entitled to that story. We think the American press, for once, should not neglect its responsibilities and should force the Administration to take the necessary steps to get that story.

We would suggest that Arlen Specter take the lead in insisting that the case be immediately re-opened.

Herbert Lipman

The Warren Commission, The Truth, and Arlen Specter

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IT IS DIFFICULT TO BELIEVE the Warren Commission Report is the truth.

Arlen Specter knows it.

It is difficult to believe that "all the shots which caused President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository."

Arlen Specter knows it.

It is difficult to believe that "the same bullet which pierced the President's throat also caused Governor Connally's wounds."

Arlen Specter knows it.

It is difficult to believe that the "weight of the evidence indicates that there were three shots fired" and that the Commission "found no evidence that anyone assisted Oswald in planning or carrying out the assassination" and that any evidence which would indicate the possibility of others being involved with Oswald "has not come to the attention" of the Commission.

Arlen Specter knows it is difficult to believe some of the fundamental conclusions of the Warren Commission Report.

That is why he said he would be "delighted" to answer some of the disturbing questions raised by critics of the Report. That is why he took a good deal of time from his busy schedule as Philadelphia's district attorney to grant a series of in-depth interviews to *Greater Philadelphia Magazine* last month.

If anyone could clear up the main points of contradiction between the Report's conclusions and much of the evidence and testimony presented before it, it would be the Commission investigator responsible for ascertaining

the facts related to the actual moment of the assassination — the sequence of events, the number of shots fired, the source of the shots, the number of assassins. It would be Arlen Specter.

The interviews revealed that Arlen Specter is unequivocal in his support of the final conclusions of the Warren Commission Report. They also revealed that Specter displays an articulate confidence in discussing those findings of the Report based on postulations and theories deduced from the evidence and testimony.

In general, however, he could not explain satisfactorily certain basic inconsistencies which exist between the Commission's conclusions and the details of the hard-core evidence. In fact, he appeared at times evasive and, uncharacteristically, embarrassingly uncertain.

From the interviews, and from an extensive examination of the evidence and testimony both published and in the National Archives in Washington, have been drawn these important points:

■ The Commission early assumed that its implicit mission was to determine how Lee Harvey Oswald could have assassinated President Kennedy, and this assumption permeated its evaluation of the evidence.

■ The main focus of the investigation was based on testimony and exhibits which were accepted without question, despite the availability of conflicting evidence which questioned their very validity.

■ In attempting to ascertain the facts of what was perhaps the most shocking murder in American history, the Commission refused to "press" (Specter's word) for evidence that would be considered essential, vital and prerequisite to a finding in any court in the country with the least

unnoteworthy of homicide cases under consideration.

■ Much evidence which did not conform to the principal theory upon which the Commission based its conclusions was ignored, regarded as irrelevant or left unexplained.

■ The Commission repeatedly accepted "possibilities" over "probabilities" because the preponderance of the latter did not corroborate the conclusions it was reaching.

■ The most significant factor regarding the source and direction of the fatal bullet was not discussed or evaluated in the Report because it would have negated the Commission's final conclusions.



CRITICS OF THE WARREN COMMISSION were active even before its Report was made public on September 28th, 1964. Numerous books and articles purporting to reveal the "real" facts of the Kennedy assassination were rushed into print soon, perchance even hours, after the event. All were based on dark speculation. Any evidence that was touched upon was usually trammelled to fit a wild rationale. (Thomas Buchanan in *Who Killed Kennedy?* revealed that the "Dallas oligarchy" was behind the assassination.)

The issuance of the Report muffled a good many of the extremist-plot theorists. It appeared painstakingly thorough and, along with its 26 volumes of corresponding hearing notes and exhibits, chock full of corroborating facts. There were some dissenters (Oxford historian Hugh Trevor-Roper wrote: "Behind a smoke screen of often irrelevant material it has accepted impermissible axioms, constructed invalid arguments and failed to ask elementary and essential questions"), but the American public and press seemed satisfied to accept the Commission's explanation of what happened.

Only now are questions beginning to be asked. *Rush to Judgment* by Mark Lane, a New York lawyer retained for a time by Oswald's mother, is scheduled for publication this month and will undoubtedly receive much attention. But the book that seems to have sparked a new interest in a re-evaluation of the Warren Commission Report was *Inquest* by Edward Jay Epstein, published late in June by Viking Press. Based on a scholarly review of the evidence (it evolved from Epstein's master's thesis at Cornell), it was the first such assessment of the Commission's findings to receive national publicity.

Yet a strange thing happened. Where Epstein raised significant questions based on detailed points of evidence, the reviews and news reports of his book heavily favored the generally evasive answers and vague dismissals elicited from former members of the Commission. *Newsweek* closed its lengthy evaluation of the book by quoting an unnamed Commission staffer as saying "There is not one shred of evidence, not a single



hard fact, in the 26 volumes of the record or in the additional material at the Archives, that demonstrates there was more than one assassin." But in checking the evidence, it is difficult to believe that is the truth. *Look*, also, after paying Epstein a large sum of money for an exclusive interview, tore the book apart and accused Epstein of not checking with original sources, but it did not seek answers or explanations of the points raised in the book. It quoted Commission member Allen Dulles' indignant stand: "If they've found another assassin, let them name names . . ."

There have been other manifestations of this strange refusal to look clearly and coldly at the evidence and demand specific answers from those in a position to provide them. A UPI wire service report, carried here by the *Inquirer*, discussed Epstein' contentions thoroughly before nitpicking a few details to oblivion and generally dismissing the book. The *Bulletin's* respected political columnist John McCullough contended criticism of the Warren Report was just a "hopeless effort to seek rational explanations for irrational events." Having been in Texas at the time of the assassination, McCullough wrote, "To accept all that was unreal as real one had to perhaps see all of this. . . . The new books and those not so new, written as they are from a distance, cannot erase the impression that during those days in Dallas only the unbelievable could be believed. The questions being raised now were answered then in Dallas as well as by the Warren Commission."

The questions were *not* answered by the Warren Commission. In fact, its Report left so many questions unanswered — questions readily apparent in a probe of its own investigatory testimony and evidence — that its final conclusions seem highly incredible.

A GOOD DEAL of this doubt is based on research of the hard-core evidence originally done by a Philadelphia lawyer named Vincent Salandria. He has probably probed deeper into the Commission's investigation than anyone in the country, was consulted by both Epstein and Lane in their own research, and wrote a detailed analysis of the shot trajectories and wounds published in the *Legal Intelligencer*, the local law daily, shortly after the Commission Report was issued.

Vincent Salandria never believed the Warren Commission Report was the truth. A slim, crew-cut, 38-year-old Penn Law grad, ACLU legal consultant and center city resident, Salandria has become obsessed with the facts of the assassination and the details of the Commission's investigation. It is an obsession based on a sharp sense of history. The rise of dictatorships, he contends, has always corresponded to the abdication by the individual of his responsibility to take an

The details began on November 22nd 1963 about 12:30 p.m. Central Standard Time.

active interest in the function of government.

"I'm particularly sensitive to the possibilities of governments not being as diligent as they should in situations of this sort," he says. "Why am I particularly sensitive? I guess it comes from my Italian peasant background which always disputes governmental action and is inherently skeptical."

Before the Warren Commission even issued its Report, Salandria was disturbed by conflicting newspaper accounts of what it supposedly was coming up with. He did not like the idea of the secret hearings. When it was leaked that the Commission was probably going to conclude that a single bullet hit both Kennedy and Connally, he became even more concerned. "I thought you had to be objective about it," he says. "If this had happened in Smolensk or Minsk or Moscow, no American would have believed the story that was evolving about a single assassin, with all its built-in contradictions. But because it happened in Dallas, too many Americans were accepting it."

Salandria made himself the most interested private citizen in the country on the workings of the Warren Commission. He spent his vacation with his wife and child in Texas checking the details of the assassination site. He began keeping a file of every news report dealing with the investigation and when he learned that it was having special problems wrestling with the question of shot trajectories and wounds, he assumed that it would be the key area and began a concentrated study of that part of the assassination. He did not know at the time that the Commission had assigned responsibility for that area to another Philadelphia lawyer.

Then, when the Report was finally issued, Salandria undertook an intensive study of it and all the evidence that was made public. "As a lawyer," he says, "I am sometimes not entirely sure that a client is telling the truth. What tells me whether he is or not are the minute aspects of the evidence, because if a person is fabricating he cannot think of all the details, and it is the details which give him away."

"My initial feeling was that if this was a simple assassination, as the Commission claimed, with one assassin firing three shots from one vantage point, the facts would come together very neatly. If there were more than one assassin the details would not fit."

THE DETAILS BEGIN ON November 22nd, 1963, about 12:30 p.m., Central Standard Time, on a complex of streets near what is known as Dealey Plaza in Dallas, Texas. The Presidential motorcade had just passed through downtown Dallas where a large crowd lined the streets and waved an enthusiastic greeting to Kennedy, his wife, Governor Connally and his wife, all of whom were riding in the third car of the motorcade, a specially-built open-topped Lincoln. At the end of Main Street, the principal east-west artery through downtown Dallas, the motorcade turned right onto Houston Street, traveled north for one block, then made a sharp left turn to the southwest onto Elm Street.

Elm Street is a slightly curving, downward sloping street which, after it goes under a railroad overpass, provides access to the Stemmons Freeway. On the northwest corner

of the intersection of Elm and Houston is the Texas School Book Depository, a seven-story, orange brick warehouse and office building. On the north side of Elm Street, between the Depository and the railroad overpass, is a rising grass slope, or knoll, atop of which is a semi-circular colonnade affair with low latticed white stone walls in front of it and steps leading down to Elm Street. The ridge of the knoll, from the colonnade to the railroad overpass, is heavy with trees and bushes. In back of the colonnade, between the Depository and the railroad tracks, is an unpaved parking area for railroad employees. On the south side of Elm Street, separating it from Main and Commerce Streets, is an open grassy plaza.

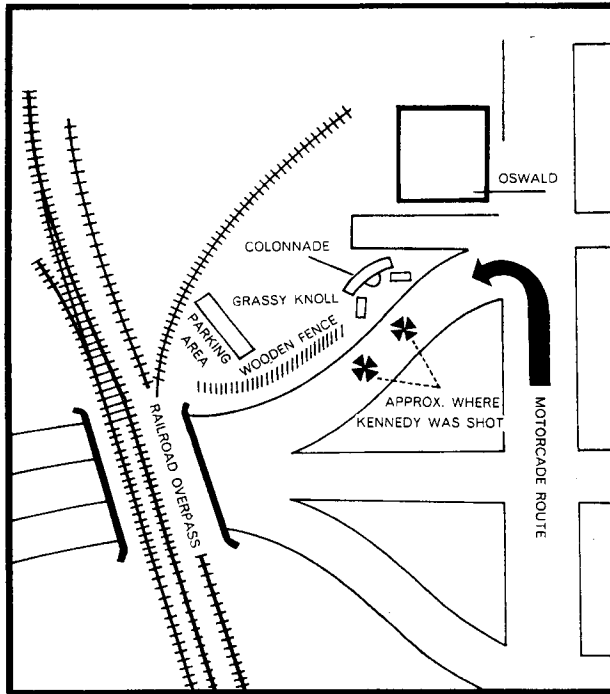
According to the Warren Commission Report, the President's car, traveling about 11 miles per hour, had just turned onto Elm Street:

Seconds later shots resounded in rapid succession. The President's hands moved to his neck. He appeared to stiffen momentarily and lurch slightly forward in his seat. A bullet had entered the base of the back of his neck slightly to the right of the spine. It traveled downward and exited from the front of the neck, causing a nick in the left lower portion of the knot in the President's necktie. Before the shooting started, Governor Connally had been facing toward the crowd on the right. He started to turn toward the left and suddenly felt a blow on his back. The Governor had been hit by a bullet which entered at the extreme right side of his back at a point below his right armpit. The bullet traveled through his chest in a downward and forward direction, exited below his right nipple, passed through his right wrist which had been in his lap, and then caused a wound to his left thigh. The force of the bullet's impact appeared to spin the Governor to his right, and Mrs. Connally pulled him down into her lap. Another bullet then struck President Kennedy in the rear portion of his head, causing a massive and fatal wound.

The President and Governor Connally were rushed to Parkland Memorial Hospital where a team of doctors made a desperate but futile effort to save Kennedy's life. He was pronounced dead at 1 p.m. The body was flown back to Washington and at 8 p.m., Eastern Standard Time, a three-hour autopsy was performed by Commander James J. Humes, senior pathologist, and a team of doctors at the Naval Medical Center in Bethesda, Maryland.

Less than two hours after the first shot was fired on Dealey Plaza, a 24-year-old ex-marine and employee of the Texas School Depository was arrested for the murder of Dallas policeman J.D. Tippit. According to the Report, Tippit had probably stopped Lee Harvey Oswald for questioning on the basis of a police radio message broadcast at 12:45 describing the suspected assassin. The description was obtained from a 45-year-old steamfitter named Howard L. Brennan who was sitting on a wall on the southwest corner of Houston and Elm watching the motorcade go by when, he testified, he noticed a man in the sixth-floor window of the Depository take aim and fire a rifle in the direction of the President.

For two days and through more than 12 hours of questioning, Lee Harvey Oswald maintained that he was



Overall view of assassination scene in Dallas.

completely innocent. Then, on the morning of November 24th, he was shot to death by Jack Ruby, a Dallas nightclub owner.

On November 29th, President Johnson created the Commission on the Assassination of President Kennedy "to evaluate all the facts and circumstances." He asked Supreme Court Chief Justice Earl Warren to be its chairman. According to *The New York Times*, Warren initially refused, but after an emotion-filled conference with Johnson, consented to serve.

Johnson then completed the Commission with two senior Senators, Democrat Richard Russell of Georgia and Republican John Sherman Cooper of Kentucky; two senior Representatives, Democrat Hale Boggs of Louisiana and Republican Gerald Ford of Michigan; former CIA director Allen Dulles; and former World Bank president John J. McCloy.

The Commission chose J. Lee Rankin, former U.S. Solicitor General, as its general counsel. Rankin, in turn, selected New York University professor and tax law expert Norman Redlich as his special assistant. Almost all communication between the working staff of lawyers and investigators and the Commission members was to pass through Redlich and Rankin.

As "senior counsel" to the Commission, a group of the most eminent and respected lawyers in the country were chosen, among them Philadelphia's William T. Coleman Jr., partner in Dilworth, Paxson, Kalish, Kohn and Dilks. These men, however, generally turned out to be such outstanding attorneys that, during the course of

the investigation, they could find little time to free themselves from their own busy law practices. As a result, the bulk of the work fell on what were called the "junior counsel," young lawyers with budding reputations for whom appointment to the Commission staff was a tremendous honor. Arlen Specter was one.

Specter, then a 33-year-old assistant district attorney, had recently been made chief of the litigation division after having achieved a notable success in sending local Teamster boss Ray Cohen to jail. A Yale Law grad, he had an excellent reputation as a hard, diligent worker and was known among his associates as a man of integrity and ambition — albeit, according to one civil lawyer friend, within the framework of what he termed a "prosecutor mentality."

Nevertheless, when Howard Willens, Specter's former co-editor of the *Yale Law Journal* who was acting as liaison between the Commission and the Justice Department, called him late in December and asked him to join the Commission staff, Specter initially refused. He says he didn't like the idea of leaving Philadelphia or of being away from his wife and family for a long period. But as he began to talk to more and more friends about it, to his associates and then-district attorney James Crumlish and his law partner Marvin Katz, they convinced him it was a unique opportunity. "They told me I'd be a damn fool if I didn't go," he says.

BASICALLY, THE TASK of the Warren Commission staff was to evaluate reports submitted by various government

agencies, chiefly the FBI and the Secret Service. (The FBI had quickly conducted its own investigation into the assassination and submitted more than 25,000 reports.) From the reports, the staff lawyers had to decide what witnesses would be questioned further, which should be brought to testify before the formal hearings of the Commission (only 94 of the 552 who provided testimony finally were), what questions needed further investigation and what details were relevant or irrelevant. There were no independent investigators. If something needed checking, the staff lawyers had to do it themselves or ask for an FBI or Secret Service report on the matter.

It had initially been decided that the Commission staff should be divided into senior counsel and junior counsel "teams" to look into various areas, resolve the minor problems and inconsistencies, and present before the Commission itself only the major questions. The team report for each area would serve as the basis for the principal chapters in the Commission's final Report.

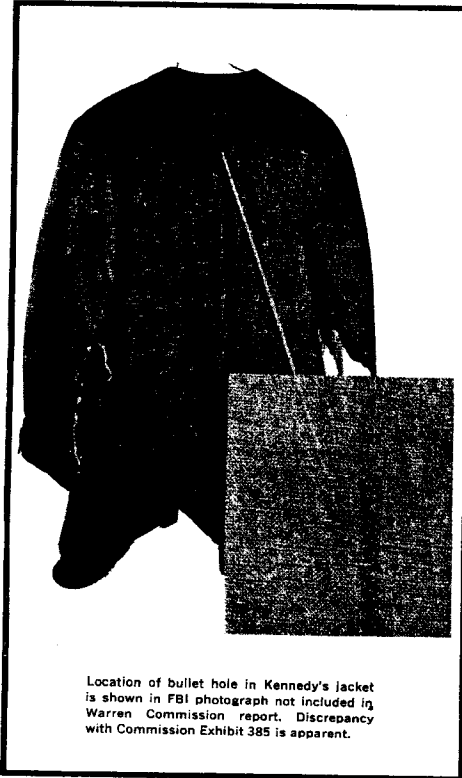
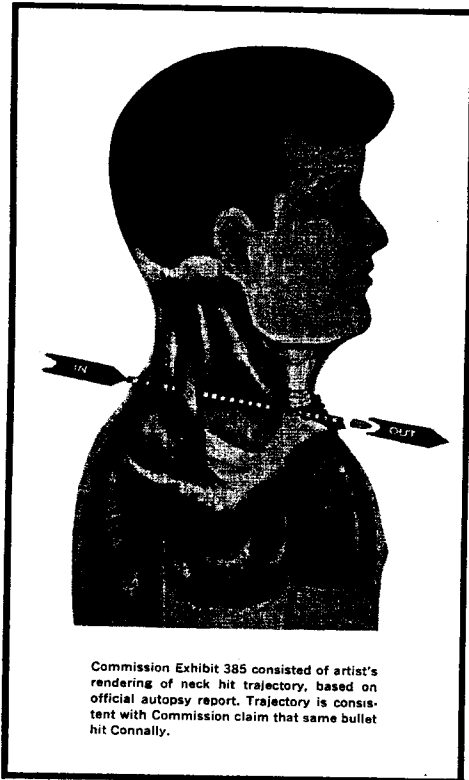
Arlen Specter was assigned as junior counsel to Area I, "the basic facts of the assassination." Senior counsel in the area was to have been Francis W. H. Adams, a former New York City police commissioner. But because Adams was so wrapped up in a major case with his own law firm, he wound up spending only a few days working on the Commission investigation. Practically the entire workload for the most important area of the assassination fell on Arlen Specter alone.

The rest of the Commission staff worked on five other areas. Area II was concerned with the identity of the assassin. Chapter IV of the Report, which evolved from it, was entitled "The Assassin" and concerned itself with evidence which indicated that it was Oswald who fired from the sixth-floor window of the Texas School Book Depository. Area III of the investigation was devoted to Oswald's background. Area IV looked into the question of whether Oswald was connected with any conspiracy and investigated his movements outside the country. Area V dealt with Oswald's death, including the possibility of a prior connection with Jack Ruby. A sixth area, which was added later at the request of the Commission, studied Presidential protection in general.

Thus, before an objective evaluation of the facts concerning the assassination of President Kennedy ever got under way, it was decided that four of the six areas of investigation should concern themselves with Lee Harvey Oswald.

Arlen Specter knew it.

CRITIC DWIGHT MACDONALD wrote in *Esquire*: "The American legal mind is often subtle and complex, but its 'adversary' training pushes it toward an Either/Or solution which treats Facts not as ever-changing pointers toward an ever-changing hypothesis, but as uniformed troops to be strategically massed so as to overwhelm the enemy by sheer numbers . . . lawyers are always out for



total victory — I attribute the Commission's 'adversary' bias against Oswald simply to the fact that the prima-facie case against him was so strong."

Arlen Specter began working for the Warren Commission early in January, 1964. A deadline of June 1st had been set for the first draft of reports from each of the area teams. Specter was the only staff lawyer to meet that deadline. In his report he concluded that all the shots fired on Dealey Plaza on November 22nd came from the sixth-floor window of the Texas School Book Depository.

Based on Specter's investigation, these were the main points in the final version of the Report:

- Witnesses, principal among them steamfitter Brennan, saw what they took to be a rifle in an upper-story window of the Depository.
- Three employees on the fifth floor of the Depository heard shots and shells dropping on the floor above them.
- Two large bullet fragments found in the front of the Presidential car as well as a nearly whole bullet said to be found on Governor's Connally's stretcher at Parkland Hospital were definitely fired from the 6.5-mm Mannlicher-Carcano rifle which Oswald ordered from a Chicago mail-order house and which was found on the sixth floor of the Depository.
- Three shots were fired. One hit Kennedy near the top of his back, came out the front of his neck, went through Connally's back, came out his chest, smashed his right

wrist and caused a puncture wound in his left thigh. Another went in the back of Kennedy's head and blew out the right front part of his head. A third missed. The Commission decided that the order of the hits and the miss was irrelevant and made no determination of the sequence.

Specter based these conclusions on a number of principal pieces of evidence: The autopsy report from Bethesda; motion pictures of the assassination taken by amateur photographer Abraham Zapruder; a re-construction of the event based on the films; and ballistic tests of bullet velocity and wound characteristics.

The crux of Specter's contention — and the Commission's Report — is what has come to be called the "single-bullet theory." That is, the same bullet which went through Kennedy's neck caused all of Governor Connally's wounds. Specter claims that one of the principal factors that led him to the theory was that there was no other way to explain what happened to the bullet which emerged from the front of the President's neck — unless it also hit Connally. There was no indication that it hit anywhere else in the car. There was a crack on the inside of the front windshield and a mark on the chrome above it, but much more damage would have been done if they had been caused by a whole bullet.

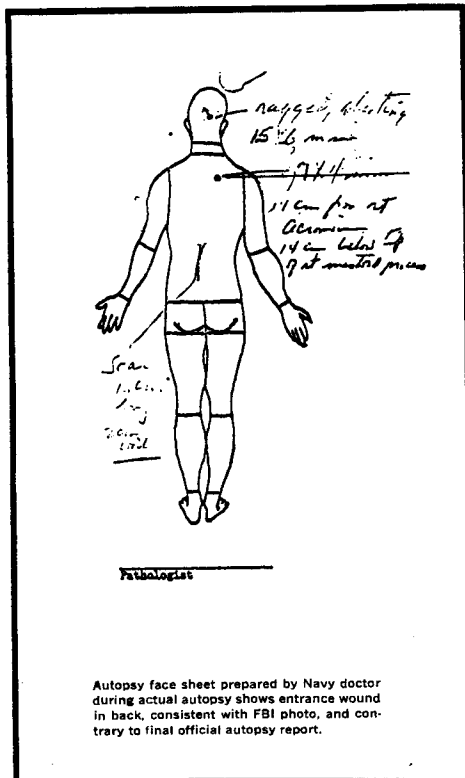
There was also the question of timing. Tests showed that the fastest the Mannlicher-Carcano rifle could be fired twice was 2.3 seconds (based on the time required just to open and close the bolt, not aiming). The Zapruder films, taken at 18.3 frames per second, indicated that all the shots were fired in less than six seconds. If three shots were fired, they would have had to be fired very rapidly and accurately.

It is far more complicated than that, however, given the details of the evidence. In fact, the key question is this: Was it possible for a lone gunman to have accomplished the assassination if President Kennedy and Governor Connally were *not* hit by the same bullet?

Specter maintains that the answer is not "central" to the Commission's conclusion. He does so in the face of the very evidence which the Commission used to conclude that it was. In fact, Edward Epstein in *Inquest* quotes a Commission lawyer as stating bluntly: "To say that they were hit by separate bullets is synonymous with saying that there were two assassins."

The Commission Report contends that "the President was probably shot through the neck between frames 210 and 225" of the Zapruder film. (Each frame was made into a slide and numbered, so that there was a time lapse of about 1/18th of a second between frames.) This finding was based on the fact that the President was definitely reacting to the neck hit — both hands were grasping for his throat — by frame 225, and on the evidence that the re-enactment showed that Oswald's aim would have been obstructed by an oak tree before frame 210. The Report also concludes (albeit, through not very conclusive evidence) that the last occasion when Connally could have received his injuries was "at some point between frames 235 and 240." Since the Zapruder camera was operating at 18.3 frames per second, Oswald would not have had time to fire the Mannlicher-Carcano twice in the time span the Commission said both Kennedy and Connally were hit.

The Commission concluded that three shots were fired: Two were hits, one a complete miss. The number of shots reportedly heard by witnesses ranged from two to more than eight. The Commission based its conclusion chiefly on the fact that three empty shells were found on the sixth floor of the Depository. Given this assumption and the timing of the shots — the fatal head hit was definitely recorded on Zapruder film frame 313 — evidence of more than three shots or of bullets coming from a direction



Autopsy face sheet prepared by Navy doctor during actual autopsy shows entrance wound in back, consistent with FBI photo, and contrary to final official autopsy report.

have shot at him with a view obstructed by the oak tree. . . ." The assassin's view, of course, was from that sixth-floor window.

The Zapruder films also show that *there is no evidence of Connally being hit before frame 292* and that by frame 297 he is clearly grimacing and falling back onto his wife's lap. But, says the Commission Report, Connally couldn't have been hit after frame 240 because "he remained turned too far to his right." "Too far" for what? To have been hit by a bullet coming from the sixth-floor window of the Depository.

Connally's right wrist wound was another problem for the Commission. His forearm would have had to be in a position below his right nipple and his body twisted so that the puncture wound in his left leg could be accounted for. The films give no evidence he was in such a position until he began to turn "too far" to his right.

Nevertheless, the Commission concluded that Kennedy reacted immediately to a bullet which went cleanly through his neck without hitting bone, while Connally did not react immediately to the same bullet penetrating his chest, smashing a rib, shattering his wrist and puncturing his thigh. This despite the fact that Dr. Robert Shaw of Parkland Hospital, who treated Connally, described his wound as "painful and shocking . . . a sucking wound of the chest" which would not allow him to breathe if he hadn't instinctively covered it with his arm.

More than anything else, it is the question of the nature and characteristics of both Kennedy's and Connally's wounds which raises the gravest doubts about the Warren Commission's findings.

The principal conclusions of the Report — in fact, every assumption made in Specter's area that eventually leads to the sixth-floor window of the Depository — was based on a *description* of the wounds in the final autopsy report submitted by the doctors at the Naval Medical Center in Bethesda.

Every Commission exhibit regarding the location and nature of the wounds suffered by Kennedy and Connally — including the key charts and drawings showing the direction and path of the bullets — were produced by artists solely on the basis of the description in the autopsy report or from verbal directions from Dr. James Humes, the senior pathologist at the Medical Center who performed the autopsy.

Neither the Commission nor Specter ever saw any photographs or x-rays which would have corroborated the autopsy report.

This despite the fact that they existed and that they would have been considered essential, vital and prime evidence in any court in the country.

This despite the fact that evaluation of *all* other evidence concerning the assassination had to be considered in relation to the specific characteristics of the wounds.

This despite the fact that there was a good deal of hard-core evidence which *directly contradicted* the final autopsy report.

Arlen Specter never saw the most important pieces of evidence directly related to his area of investigation.

THIS IS AN IMPORTANT POINT and Arlen Specter knows it. When questioned about it he appeared visibly disturbed and made an apparent effort to retain his composure, uncharacteristic for a competent prosecutor who normally exudes self-confidence. He admitted he never saw the x-rays and photo-

graphs. "Did I *ask* to see the x-rays and photographs?" he said, putting his head down, rubbing his chin and pausing for a long period to phrase his answer. "Aaaaah . . . that question was considered by me," he finally said, "and . . . aaaaah . . . the Commission decided not to press for the x-rays and photographs."

He looked up.

"Have I dodged your question? . . . Yes, I've dodged your question."

He got up and paced behind his desk. Finally, he said quietly, "I don't want to dodge your questions."

He stopped, paused again and said, "As the assistant counsel in that area I was interested in seeing the photographs and x-rays. I was interested in every conceivable bit of evidence which would have any line on the issue of direction of the bullet. The Commission considered whether the x-rays and photographs should be put into the record and should be examined by the Commission's staff and the Commission reached the conclusion that it was not necessary. The reasons for the Commission's decision were based on testimony and on the considerations of taste and respect for the dead President. I specifically leave out my personal attitude on the subject because I don't think it's really a main factor."

Not a main factor? That is doubtful. In fact, the question arises as to whether or not Specter considered resigning.

"Absolutely not," he says. "I would say absolutely not. The decision of the Commission was not an egregious use of their discretion. The President of the United States didn't want Arlen Specter to do the investigation of the assassination of President Kennedy. The President of the United States appointed the Commission to do that job."

Specter puts up a good front now, but at the time, according to other sources, he was extremely disturbed at the Commission's decision not to "press" for the x-rays and photographs. In fact, he argued his case strongly and was very upset over the refusal. Another young Commission lawyer reportedly confided that Specter was actually in tears when his argument was rejected.

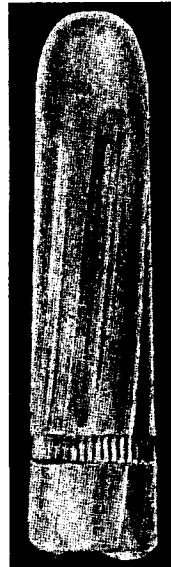
That Specter went on with his assignment is an indication of his character. He is not the type of guy who picks up his marbles and quits. His position at the time must also be understood. He was a junior lawyer working with perhaps the most eminent and respected collection of attorneys in the country on one of the most important investigations in history. Certainly he must have considered the significance and consequences both to his career and to the Commission's task had any violent dissention been made known.

What happened to the x-rays and photographs and why were they so important?

In the early evening of November 22nd an ambulance carrying the body of President Kennedy stopped at the front entrance of the Naval Medical Center in Bethesda. Mrs. Kennedy and Attorney General Robert Kennedy got out and entered the building. The ambulance was then driven around to the rear entrance where the body was removed and taken into the autopsy room. Present in the autopsy room, besides medical personnel, were FBI agents Francis X. O'Neill Jr. and James W. Sibert, and Secret Service agents Roy Kellerman, William Greer and William O'Leary. Kellerman was assistant agent in charge of the White House detail.

According to the FBI report, after the

continued on page 79



Commission Exhibit 399 is bullet which Report claims passed through Kennedy's back, smashed Connally's rib, shattered his wrist and punctured his thigh.

Warren Commission

continued from page 45

body was unwrapped and before Dr. Humes began the autopsy, all personnel except those who were to take the photographs and x-rays of the body were requested to leave the autopsy room. The following were then reportedly taken: 11 x-rays; 22 4x5 color photographs; 18 4x5 black-and-white photographs; and five exposures on a roll of 120 film. The x-rays were developed at the hospital and Secret Service agent Kellerman was later to testify he viewed one of the President's skull. However, all the x-rays as well as all the undeveloped photographs were turned over to Kellerman. Whether or not they were eventually turned over to Robert Kennedy or President Johnson is not known.

What is known is that the x-rays and photographs later became tremendously important in view of the serious points of conflicting evidence which questioned the accuracy of the autopsy report Dr. Humes filed.

The Commission never resolved the remarkable questions which that evidence raised — principally because Arlen Specter never saw those x-rays and photographs.

THE AUTOPSY REPORT was sent to the Commission, through the Secret Service, on December 20th. The Commission based its conclusions about the characteristics of Kennedy's wounds on it when it wrote its final Report and deduced from it that all the shots had to come from above and to the rear. There was a small hole, measuring 6-mm by 15-mm, in the rear of the President's head which was termed a wound of entry: "The dimensions of that wound were consistent with having been caused by a 6.5-millimeter bullet fired from behind and above which struck at a tangent or at an angle causing a 15-millimeter cut." This bullet entered the rear of the head and blew out the right front side of his skull, according to the autopsy.

Another wound "provides further enlightenment as to the source of the shots," claims the Report. A hole "near the base of the neck" was located "approximately 5½ inches from the tip of the right shoulder joint and approximately the same distance below the tip of the right mastoid process, the bony point immediately behind the ear."

The autopsy examination further disclosed that, after entering the President, the bullet passed between two large muscles, produced a contusion on the upper part of the pleural cavity (without penetrating that cav-

ity), bruised the top portion of the right lung and ripped the windpipe (trachea) in its path through the President's neck. The examining surgeons concluded that the wounds were caused by the bullet rather than the tracheotomy performed at Parkland Hospital. . . . No bone was struck by the bullet which passed through the President's body. By projecting from a point of entry on the rear of the neck and proceeding at a slight downward angle through the bruised interior portions, the doctors concluded that the bullet exited from the front portion of the President's neck that had been cut away by the tracheotomy.

The bullet which caused this wound, it was later decided, was the one that hit Governor Connally. "The clothing worn by President Kennedy," adds the Report, "had holes and tears which showed that a missile entered the back of his clothing in the vicinity of his lower neck and exited through the front of his shirt immediately behind his tie, nicking the knot of his tie in its forward flight." The fact that the bullet exited through Kennedy's throat was, according to Specter, the prime factor which led to the double-hit theory. The bullet had to have hit Connally because there was no indication that it hit anywhere else in the car. "That was the single, most persuasive piece of evidence," says Specter.

In accepting the accuracy of what was termed the official autopsy report, the Commission had to ignore a good deal of evidence which contradicted it.

On December 9th, the FBI had submitted a summary report of its own investigation into the assassination. The Commission based most of its own inquiry on information contained in the volumes of this report. Yet it ignored that part of the report which dealt with the autopsy findings, an account written by agents O'Neill and Sibert, who were present when the autopsy was performed.

According to this FBI report, a bullet hole was found below the shoulder and two inches to the right 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 45 to 60 degrees. Further probing determined that the distance travelled by this missile was a short distance inasmuch as the end of the opening could

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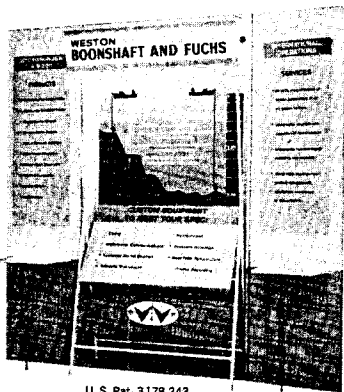
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Warren Commission

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be felt with the finger.

The fact that the bullet had not exited and yet could not be found on the body initially concerned Dr. Humes. However, as the autopsy continued the FBI agents were notified by the FBI Laboratory that a nearly whole copper-jacketed bullet had been found on a stretcher in Parkland Hospital.

Immediately following receipt of this information, this was made available to Dr. Humes who advised that in his opinion this 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.

If the bullet which hit Kennedy in the back went only a short distance into his body, it could not have emerged from the front of his throat. "Further exploration during the autopsy disproved that theory," says the Commission Report and goes on to explain how on the morning after the autopsy Dr. Humes called Dr. Malcolm Perry at Parkland who confirmed that he had used a wound hole in the front of Kennedy's throat as a point to make the tracheotomy incision.

If there was a bullet hole in the front of the neck, Dr. Humes concluded, it was obviously an exit wound caused by the bullet which went in the back. The Commission accepted that conclusion, again ignoring the FBI report's contention that the angle of the back wound was 45 to 60 degrees downward.

Yet no doctor at Parkland Hospital who worked on Kennedy initially described the hole in the front of his neck as a wound of exit. Some said it would more resemble a wound of entry. Later, under questioning by Specter who asked them to consider it hypothetically in view of the back wound, most decided it could have been either an entrance or exit wound. However, one doctor — Ronald Coy Jones — maintained that if it were an exit wound it would have had to be inflicted by a bullet of very low velocity, "to the point that you might think that this bullet barely made it through the soft tissues and just enough to drop out of the skin on the opposite side." Certainly it would not have had enough force left to smash through Connally.

Perhaps the FBI was mistaken about

the back wound. That's what it reportedly claims today. It simply made a gross error in one of the biggest cases it ever handled. Besides, when its summary report was prepared, the normally thorough FBI had supposedly not bothered to check with the doctors or asked to see the autopsy report.

Yet the FBI submitted a supplement to its summary on January 13th. By that time it had seen the official autopsy report. Nevertheless, it not only stuck to its original finding but repeated a key point:

Medical examination of the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger length.

The final autopsy report does not corroborate this. In fact, it makes no mention of a wound in the back, only one at the base of the neck. And that, of course, was described as being higher than the hole in the front of the neck where the bullet was supposed to have come out, making it consistent with a shot fired from the sixth-floor of the Depository.

The Commission Report does not explain or discuss the discrepancy between the FBI version of the autopsy and the final submitted report signed by Dr. Humes. In fact, it did not even publish the FBI reports in the volumes of evidence.

Today Dr. Humes, who has since been promoted to the rank of captain, also refuses to discuss the discrepancies. "I'm not concerned with what was in the FBI report," he says. "We did our job and we signed the report and it was very straightforward and unequivocal. We don't feel we should discuss the matter any more. That is the position we are taking and that is the position we have been instructed to take by our superiors."

One of the principal Commission exhibits is 385. This is a profile drawing of Kennedy's head and shoulders showing the path of the bullet through the neck. The angle of the bullet is consistent with a shot coming in from above and to the rear and it is obvious, from the drawing, that such a shot would have struck Connally. The entrance of the bullet is placed above the shoulders at the base of the back of the neck. The drawing was prepared by a medical illustrator at the Naval Medical School solely on the basis of a verbal description given by Dr. Humes (see page 42).

Yet the FBI report said a bullet hole was found "below the shoulders."

Specter says it's possible that the whole thing is just a matter of seman-

tics. "It's a question of whether you call this point shoulder, base of neck or back. I would say it sure isn't the shoulder, though I can see how somebody might call it the shoulder."

Secret Service agent Roy Kellerman called it the shoulder. He was standing beside Dr. Pierre Finck, an Army lieutenant colonel who was assisting Humes, at the autopsy. Kellerman testified:

"There were three gentlemen who were performing this autopsy. A Colonel Finck — during the examination of the President, from the hole that was in his shoulder, and with a probe, and 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.'"

Secret Service agent Glen Bennett called it the shoulder. He was right behind Kennedy in the follow-up car when he heard a sound like a firecracker: "I looked at the back of the President. I heard another firecracker noise and saw that shot hit the President about four inches down from the right shoulder."

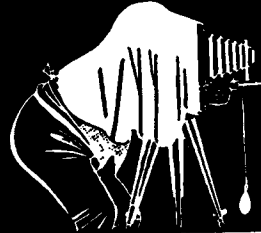
Secret Service agent William Greer, who was also at the autopsy, described it as being in "the soft part of that shoulder," and agent Clinton Hill, who saw the President's body at the morgue, was positive the wound was not in the neck. "I saw an opening in the back, about six inches below the neckline to the right-hand side of the spinal column," he testified.

This, as a matter of fact, was just where Humes himself placed the wound on the diagram of the face sheet to the autopsy notes made during the autopsy (see page 43). So although Humes was to later testify that the entrance wound in the back was above the throat wound, at the time of the autopsy he marked it below the throat wound.

Whether or not Humes' marking of the face sheet diagram to the autopsy notes is consistent with the original notes themselves is a question that was never really answered. It couldn't be. Humes burned the original notes. According to Specter, without any authorization other than his own.

Yet Specter had to accept the final autopsy report as unquestionable in regards to the location and character of Kennedy's wounds — despite the fact that a good deal of evidence made it very questionable. Not that Specter had any reason to question the integrity or intentions of Humes himself,

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Warren Commission
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a career Navy officer. "I went to see him at Bethesda," says Specter, "and you should see his whole demeanor, his whole approach to the problem. You just wouldn't think for a minute that the guy's fudging anything. You wouldn't think for a minute." Specter, as a matter of fact, spent a good deal of time with Humes working out the single-bullet theory. "I was very impressed with Specter," says Humes. "He was a very intelligent young man."

The x-rays and photographs would have definitely confirmed what was in the final autopsy report — or in the FBI report. Nothing was confirmed. The Commission just accepted the final autopsy report.

The Commission, of course, had a problem. If the FBI was correct, then Kennedy and Connally were hit by separate bullets and since the time interval was too short for both to have been fired from Oswald's rifle, the whole direction of its investigation would have had to change.

The direction did not change. This despite the fact that there was even more evidence which weighed heavily in favor of the FBI report.

The Warren Commission Report says the entrance wound caused by the bullet which came out Kennedy's throat was "approximately 5½ inches" below the back of the right ear. Yet photographs of the President's jacket and shirt, which were part of that FBI supplemental report of January 13th, make it difficult to believe that is the truth.

These photographs were not part of the Warren Commission Report and were left out of the 26 volumes of supporting evidence. Although a description of Kennedy's clothing was in the Report, the discrepancy between the location of the bullet holes in them and the reported location of the wounds was never discussed or explained.

And there was a very obvious discrepancy: The hole in the back of the jacket was 5¾ inches below the top of the collar and 1¾ inches to the right of the center back seam of the coat. Traces of copper were found in the margins of the hole and the cloth fibers were pushed inward. "Although the precise size of the bullet could not be determined from the hole, it was consistent with having been made by a 6.5-millimeter bullet," said the Report.

The shirt worn by the President also contained a hole in the back about 5¾ inches below the top of the collar and 1½ inches to the right of the middle. It, too, had the characteristics of a bullet entrance hole.

Both these holes are in locations that seem obviously inconsistent with the wound described in the Commission's autopsy report — placed below the back of the right ear — and illustrated in exhibit 385, which Dr. Humes had prepared.

"Well," said Specter, when asked about this in his City Hall office last month, "that difference is accounted for because the President was waving his arm." He got up from his desk and attempted to have his explanation demonstrated. "Wave your arm a few times," he said, "wave at the crowd. Well, see if the bullet goes in here, the jacket gets hunched up. If you take this point right here and then you strip the coat down, it comes out at a lower point. Well, not too much lower on your example, but the jacket rides up."

If the jacket were "hunched up," wouldn't there have been two holes as a result of the doubling over of the cloth?

"No, not necessarily. It . . . it wouldn't be doubled over. When you sit in the car it could be doubled over at most any point, but the probabilities are that . . . aaah . . . that it gets . . . that . . . aaah . . . this . . . this is about the way a jacket rides up. You sit back . . . sit back now . . . all right now . . . if . . . usually, as your jacket lies there, the doubling is right up here, but if . . . but if you have a bullet hit you right about here, which is where I had it, where your jacket sits . . . it's not . . . it's not . . . it ordinarily doesn't crease that far back."

What about the shirt?

"Same thing."

So there is no real inconsistency between the Commission's location of the wound and the holes in the clothing?

"No, not at all. That gave us a lot of concern. First time we lined up the shirt . . . after all, we lined up the shirt . . . and the hole in the shirt is right about, right about the knot of the tie, came right about here in a slit in the front . . ."

But where did it go in the back?

"Well, the back hole, when the shirt is laid down, comes . . . aah . . . well, I forget exactly where it came, but it certainly wasn't higher, enough higher to . . . aaah . . . understand the . . . aah . . . the angle of decline which . . ."

Was it lower? Was it lower than the slit in the front?

"Well, I think that . . . that if you took the shirt without allowing for it's being pulled up, that it would either have been in line or somewhat

lower."

Somewhat lower?

"Perhaps. I . . . I don't want to say because I don't really remember. I got to take a look at that shirt."

IT IS DIFFICULT to believe that Arlen Specter didn't take a very close look at that shirt — and that jacket — at the time of the investigation and that these factors didn't indelibly stick in his mind: Kennedy was one of the best-tailored presidents ever to occupy the White House, and if it is possible — but not probable — that he was wearing a suit jacket baggy enough to ride up five or six inches in the back when he waved his arm, it is inconceivable that a tightly-buttoned shirt could have done the same thing.

And the Zapruder films show he wasn't waving his hand higher than the level of his forehead before he was shot.

THE COMMISSION discounted such factors. If Kennedy were shot in the back the bullet would have come out his chest, where there was no wound, and would have struck the back of Connally's seat, where there was no indication of damage. So the bullet had to go in higher, come out Kennedy's throat, smash through Connally's chest, shatter his wrist and hit his left femur.

That, says the Commission, is what exhibit 399 did.

Exhibit 399 is a copper-jacketed bullet, seemingly in excellent shape and with clearly defined rifle markings. It was positively identified as having been fired from the Mannlicher-Carcano found in the Depository.

Where 399 itself was found has become an important question. "A nearly whole bullet was found on Governor Connally's stretcher at Parkland Hospital after the assassination," says the Commission Report. This was consistent with the contention that Connally was the last person 399 hit. If it had been found on Kennedy's stretcher, it obviously couldn't have passed through his body. So the Commission concluded it was found on Connally's stretcher.

But there was no factual basis for such a conclusion. The bullet was found by a hospital engineer, Darrell Tomlinson, when it fell off one of two stretchers he was adjusting which were blocking an entrance to a men's room. The Commission Report contends that after Kennedy's body was removed from his stretcher, the linen was taken off and placed in a hamper and the stretcher was pushed into

trauma room number 2, "a completely different location from the site where the nearly whole bullet was found."

Edward Epstein points out in *Inquest*: "The fact that Kennedy's stretcher was moved into trauma room number 2 . . . in no way precluded the possibility that the stretcher was later wheeled into this corridor. Since all stretchers were eventually returned to this area to be remade, the key question was: Was Kennedy's stretcher returned before or after the bullet was found?"

A Secret Service report had earlier said the bullet probably came from Kennedy's stretcher, but when Specter questioned Tomlinson he said he just did not know which stretcher the bullet came from and refused to guess. It could be that *neither* of the stretchers which Tomlinson adjusted ever carried Kennedy or Connally, but the Commission did not track down what happened to the ones that did. It simply concluded that 399 came from Connally's stretcher.

Exhibit 399 is a remarkable specimen, a virtually intact, un mutilated bullet. Yet the Commission said: "All the evidence indicated that the bullet found on the Governor's stretcher could have caused all his wounds." It is difficult to believe that is the truth.

It is difficult to believe that 399 did the job it was supposed to have done and came out in the shape that it did (see page 45). In fact, it appears to be exactly similar to Commission exhibit 572, which are two bullets test fired by ballistic experts from the Mannlicher-Carcano, probably into cotton or other soft substance, to get the rifling characteristics. A whole 6.5-mm bullet weighs about 160 grains. Exhibit 399 weighed 158.9.

FBI firearms expert Robert Frazier was asked whether it would have been possible for the bullet to pass through both Kennedy and Connally: "I myself don't have any technical evidence which would permit me to say one way or the other," he said.

Even Dr. Humes, who examined x-rays of Connally's thigh taken at Parkland Hospital and noticed the metallic fragments in his thigh, said, "I can't conceive of where they came from this missile."

His associate, Dr. Finck, when asked whether 399 could have caused Connally's wrist wound, said: "No; for the reason that there are too many [metal] fragments described in that wrist."

Specter also questioned Parkland's Dr. Shaw about it. Dr. Shaw said he found it "difficult to believe" that the

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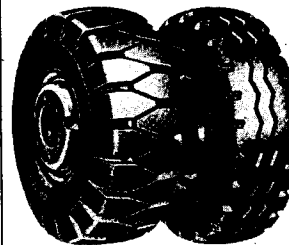
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same missile could have caused all of Connally's wounds.

Another strange thing about 399: FBI expert Frazier said there was no trace of blood or tissue on it, he did not even have to clean it for examination. It might never have been dirty or soiled.

THE COMMISSION WENT through a great deal of effort to attempt to prove that a bullet of the velocity fired by the Mannlicher-Carcano was capable of doing the damage it was supposed to have done. Army ballistic experts performed a series of tests using a variety of objects to simulate parts of Kennedy and Connally. The velocity of the bullet passing through Kennedy's neck was determined by firing through blocks of gelatin. An anesthetized goat's body was supposed to represent Connally's chest. Cadaver wrists were used to compare the damage done on Connally's wrist.

"Of course," Bethesda's Dr. Finck had testified, "to reach precise figures we would need experiments and similar circumstances with the same type ammunition at the same distance through two human cadavers."

In no test was a single bullet fired through two objects. Specter said that would have been "impossible." So what the tests showed was that a bullet fired through a gelatin block at 2000 feet per second, lost 82 feet per second from its original velocity. Bullets fired through a goat's chest lost 265 feet per second. Then arbitrarily adding a 50% loss of velocity to compensate for the disparity in width between Connally's chest and the goat's, it was concluded that a bullet would still have had enough force to cause damage similar to Connally's wrist wound.

However, the most conclusive results of the tests was the determination that the bullet which struck Connally's wrist was not a pristine bullet; that is, it had gone through something else first. The Commission used a good many words in its Report to explain how tests with the cadaver wrists indicated this. But not one word was devoted to the question of whether or not the bullet which hit Connally's back was a pristine bullet.

"I know we considered it very carefully," says Specter. "I'd probably have to read the Report to focus in on that precise question again, but it is probable that the characteristics of the bullet — I know this is so — the characteristics of a bullet exiting through the neck would have lost none of the characteristics of a pristine bullet."

Experts say that infra-red spectroscopy might have revealed whether or not the bullet which hit Connally in the back was pristine by powder burns on his jacket or shirt. However, before Specter could get his hands on Connally's clothes, they had been dry-cleaned and laundered.

"We had a terrible time finding where his clothes were," Specter recalls. "You know what happened to his clothes? His clothes were taken off in the hospital, were put in a bag, were given to the Secret Service, were taken back and were left in somebody's closet in Washington. Finally somebody started to look for them on Connally's staff and they were brought back to Austin. It was decided his clothes would look good in the Texas Museum and they dry-cleaned them. We were astonished."

At any rate, it was determined that it was not a pristine bullet which smashed Connally's right wrist. Thus it was decided that 399 must have gone through his chest first. The tests on the cadaver wrists proved that. Bullets fired at full velocity produced a wound of a different character.

And, Specter admitted, every one of the test bullets themselves was smashed or flattened.

How then had 399 emerged unscathed?

"The way the bullet went through the Governor's wrist," explains Specter, "it really tumbled through his wrist."

Were any tests made to determine the results of a bullet tumbling through a cadaver wrist?

"You can't fire a bullet to make it tumble," says Specter.

Wouldn't a tumbling bullet be more likely to be deformed than one hitting at a higher velocity on its streamlined nose?

"I think it was unusual for the bullet to come out in such perfect shape," Specter says, "but very plausible."

Did any of the test bullets come out in such shape?

"No."

IN ITS OCTOBER 2nd, 1964 issue — which was obviously in preparation much before that date — *Life* magazine published large color photographs of the key Zapruder frames. *Life* had reportedly paid Zapruder, a Dallas dress manufacturer, \$25,000 for his film, and because it initially wouldn't let the original out of its possession, the Commission at first had to work from less clear copies. (Later it did permit excellent slides to be made from each frame.) The October 2nd

issue of *Life* was on the newsstand on September 28th, the day the Warren Report was made public. Along with the color photographs of the assassination, *Life* had an exclusive article by Commission member Gerald Ford, the Michigan Congressman.

Yet, for an unexplained reason, *Life* made some significant changes in the middle of its press run for that issue. It pulled one of the Zapruder frames and substituted another. Then it changed the caption that described what was happening in that frame.

Eight color photographs of the Zapruder frames were reproduced on four pages. On one edition of the issue the frame designated "6" was what the Commission called 313. It showed the exact instant of the head hit, with the President's skull being blown violently apart. Accompanying the photograph was this caption:

"6. The assassin's shot struck the right rear portion of the President's skull, causing a massive wound and snapping his head to one side."

The caption was consistent in part with the finding of the Warren Commission: "Another bullet then struck President Kennedy in the rear portion of his head, causing a massive and fatal wound. The President fell to the left into Mrs. Kennedy's lap." The Report did not say anything about his head snapping to one side.

Another edition of the same issue of *Life* appeared. The same photograph was designated "6" but this time the caption was different:

"6. The direction from which shots came was established by this picture taken at instant bullet struck the rear of the President's head and, passing through, caused the front part of the skull to explode forward."

That was more in keeping with what the Commission said happened and, according to the photograph, it did look as if the front part of the President's head was exploding. Yet *Life* made still another change. In another edition, along with the caption explaining how the direction of the shots was established, there appears not the frame showing the instant of the hit, but a subsequent frame which shows the President falling to his left toward Mrs. Kennedy.

Life offered no explanation for the changes.

THE WARREN COMMISSION used the autopsy and location of Kennedy's head wounds as a basis for concluding that the fatal shot also came from the rear and above. The report said

that there was a small hole in the rear of the President's skull which was the point of entry, and a large opening on the right side of his head was the wound of exit.

Specter had tests conducted on reconstructed inert human skulls to prove that this could happen. The series of tests, said the Report, "demonstrated that the President's head wound could have been caused by the rifle and bullets fired by the assassin from the sixth-floor window."

"... could have ...?" There, again, it's that *prima facie* case against Oswald steering the investigation. The ballistic tests were conducted to determine if the wounds in Kennedy's head, as described in the autopsy report, "could have" been the result of someone firing from the Depository. (Earlier tests, by the way, showed that FBI experts could not duplicate Oswald's alleged feat of two out of three hits in 5.6 seconds, even though they were shooting at a stationary target only 15 yards away, had partially corrected for the inaccuracy of Oswald's telescopic sight, and had unlimited time to aim the first shot. Subsequent tests eventually turned up one Army rifle expert who finally got two out of three hits on silhouette targets.)

Yet a major question on which no tests were conducted — and about which there was no explanation or discussion in the Report — was hinted at in those series of Zapruder frames reproduced in *Life*: Kennedy's actual reaction to the head hit.

What happens is very clear on a viewing of the Zapruder films. It is unmistakable that the head hit occurs exactly at frame 313. Prior to it, the President has clutched at his throat, raised up as in a huge gasp for breath, and begun to fall forward. His chin is on his chest and his face is inclined slightly downward when the shot hit. Then in one dramatic, shocking convulsion, his head is lifted violently *backward and to the left* with such force that his whole body twists in that direction and his skull explodes.

Further corroboration of this reactions comes from a close examination and comparison of the individual frames of the Zapruder film at the National Archives. With the excellent cooperation of the Archives' staff, two slide projectors can be set up and, from one, frame 313 projected on a screen. From the other, frames 314, 315 and 316 can be individually superimposed over the image of 313. (Each frame represents a time lapse of only about 1/48th of a second.) It then becomes clearly evident that the

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hit produced *no forward motion of the head or body at all*. Kennedy's head flew back and to the left, his shoulders and torso spun to the left, his whole body was slammed against the back seat of the car (see page 44). The right top of his head was blown apart.

Yet, says the Commission, the fatal bullet hit the President low on the back of his head. It has to be assumed, therefore, that Kennedy's reaction violated an inviolable law of physics. The Commission says he wore a back brace which kept him from going forward. It is difficult to believe, however, that a bullet slamming into the back of his head would not produce some forward motion of the head or drive his body frontwards, if only on initial impact, regardless of a back brace. It is difficult to believe that Kennedy's reaction was not the result of a bullet impacting on the right front part of his head with tremendous force.

Secret Service agent Samuel Kinney, who drove the follow-up car, said, "I saw one shot strike the President in the right side of the head. The President then fell to the seat to the left toward Mrs. Kennedy."

Agent George Hickey, also directly behind the President, said, "I heard what appeared to be two shots and it seemed as if the right side of his head was hit and his hair flew forward."

Agent Emory Roberts, in the front seat of the follow-up car, said, "I saw what appeared to be a small explosion on the right side of the President's head, saw blood, at which time the President fell further to his left. . . . I could not determine from what direction the shots came, but felt they had come from the right side."

Agent Clinton Hill said he saw the President slump "noticeably to his left."

Another amateur photographer, Orville Nix, also filmed the assassination. Although viewing of this film by researchers is still restricted, an FBI report of what the film shows describes the head hit: ". . . when the President's head suddenly snaps to the left and the car picks up speed as a man jumps on the left foot-hold."

The Commission, of course, had to discard such evidence in view of the assumption that Oswald was firing not from the right front, but from the rear of the Presidential limousine. And he was firing, as exhibit 399 shows, copper-jacketed bullets.

Yet the reports of Agent Hickey ("I heard what appeared to be two shots. . .") and Agent Roberts ("I saw . . . a small explosion on the right side of the President's head . . .")

might indicate that what struck Kennedy was a special type of bullet which exploded and fragmented tremendously on impact.

Mr. Specter: Now, did you observe during the course of the autopsy, bullet fragments which you might describe as little stars?

Mr. Kellerman: Yes, of the numerous x-rays that were taken mainly of the skull, the head. The reason for it was that through all the probing which these gentlemen were trying to pick up little pieces of evidence in the form of shell fragments, they were unable to locate any. From the x-rays upon the light the whole head looked like a little mass of stars, there must have been 30, 40 lights where these pieces were so minute they couldn't be reached.

The Commission eventually came to disregard almost all evidence that was based on auditory perception, mostly because most of it did not corroborate the conclusions it eventually reached. But Secret Service agent Clinton Hill, whose perceptions and quick reactions probably saved Mrs. Kennedy's life as she dazedly tried to climb out the rear of the car, also noted something special about that fatal head hit: ". . . it had a different sound, first of all, than the first sound that I heard. The second one had almost a double sound . . ."

Agent Roy Kellerman described the second sound he heard as "a flurry," definitely more than the sound of one shot. He was in the front seat of the Presidential car, directly in front of Governor Connally.

This is what Governor Connally said: ". . . I heard the shot very clearly. I heard it hit him. I heard the shot hit something, and I assumed again — it never entered my mind that it ever hit anybody but the President. I heard it hit. It was a very loud noise, just that audible, very clear."

Kennedy was shot, according to the Commission, with a 6.5-mm copper-jacketed bullet. The entrance hole in the back of his suit jacket had traces of copper around it. There were no traces of copper in his head wound.

NONE OF THESE factors were explained in the final conclusions of the Warren Commission Report. The assertion that the fatal shot came from the sixth-floor window of the Depository was based, like the conclusions about the other shots, solely on the description of the wound in the official autopsy report.

"It is perfectly plain without any doubt as to where the bullet entered

and where it exited," says Specter.

It is "perfectly plain" according to the autopsy report. Specter never saw the x-rays and photographs that would have without question removed any doubt.

And that is important because, as with other findings of the autopsy report, there is evidence that *does* raise questions about it.

The autopsy report said there was a small hole in the rear of the President's skull, "the point of entry." Nowhere in the FBI report of the autopsy is there mention of that small hole. And of the 10 doctors who worked on the President at Parkland Hospital, *not one reported seeing a small hole in the back of his head.*

Specter says the doctors at Parkland never saw the entry hole in the back of Kennedy's head because they were too busy working on the front of him and never turned him over.

"Everybody thought that was incredible that they didn't know he had a hole in the back of his head," he says. "Well, we sit here and say, 'Why in the devil didn't they turn him over?' Talk to Dr. Perry about that, or Clark, the head doctor, and it was just incomprehensible that anybody should think. . . . They had so much to do in the front of him . . . and after he was dead . . . well, John Kennedy had died in front of them and they just walked out of the place."

It is not inconceivable that the doctors at Parkland did not turn Kennedy over, but there *is* evidence that the back of his head was examined, and the only wound testified to in that area was a large gaping one in the right rear part.

Dr. Malcolm Perry said: "I saw no injuries other than the one which I noted to you, which was a large avulsive injury to the right occipitoparietal area."

Dr. Gene Akin said: "The back of the right occipital parietal portion of his head was shattered, with brain substance protruding."

Dr. William Clark said: "I then examined the wound in the back of the President's head. This was a large, gaping wound in the right posterior part, with cerebral and cerebellar tissue being damaged and exposed."

Every Parkland doctor who testified described a large wound in the right rear part of Kennedy's head, and Specter specifically questioned each one about the small hole which the autopsy report said was also there. Not one of them saw it. In fact, one nurse, Patricia Hutton, testified: "Mr. Kennedy was bleeding profusely from a wound on the back of his head and

was lying there unresponsive. . . . A doctor asked me to place a pressure dressing on the head wound. This was of no use, however, because of the massive opening on the back of the head."

The fact that the autopsy report says there is a small wound in the back of the President's head is less significant than its contention that it is a wound of entry. An exploding bullet impacting on the top of the skull could very well have produced, besides a gaping wound at its impact point, any number of holes. And there is, as a matter of fact, some evidence that Kennedy might have suffered a wound on the left side of his head.

Father Oscar Huber, the priest who administered the last rites to the President, said he noticed a "terrible wound" over his left eye. *The New York Times* carried a report on November 23rd of a Canadian visitor to Dallas named Norman Similas who said he was standing near the President's car at the time of shooting. "I could see a hole in the President's left temple and his head and hair were bathed in blood," he said. Associated Press photographer James Altgens, also standing on the south side of Elm Street and to the left of Kennedy at the time of the head shot, testified: "There was flesh particles that flew out of the side of his head in my direction from where I was standing, so much that it indicated to me that the shot came out of the left side of head."

And Dr. Robert McClelland of Parkland, who attended the President, wrote a report dated November 22nd, 1963 at 4:45 p.m. It said: "The cause of death was due to massive head and brain injury from a gunshot wound of the left temple."

What all of this points to, however, is a direction away from the Commission's basic assumption that all of the shots were fired from the sixth-floor window of the Texas School Book Depository. Any evidence which did that was eventually discarded by the Commission and, for the most part, left unexplained or held to be "inconclusive."

That is what happened to all of the evidence related to the President's fatal head hit which contradicted the Commission's final conclusions. Yet all of this evidence, besides having the basic characteristic of being contrary to the Commission's prima facie case against Oswald, also possessed another common indicator: It all pointed to the grassy knoll area as a possible direction from which the shot



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could have come (see page 41).

The grassy knoll area, with its colonnade, trees, bushes and picket fence, was to the right front of the passing Presidential motorcade. A bullet from that direction would conform to all the medical evidence and Kennedy's reaction to a hit as observed in the Zapruder films. It would also be consistent with the fact that the only persons splattered with blood outside the Presidential limousine were two Dallas motorcycle policemen riding to the left rear of it. It would also explain the wounding of James Tague.

Tague, who had gotten out of his car to watch the passing motorcade, was standing across from the grassy knoll and across the grassy plaza south of Elm Street. He was in a position between Commerce and Main Streets and, it was later determined, some 260 feet from the point of the President's fatal head hit. Just as the President's car went by and the shots rang out, Tague was wounded on the cheek. The Commission later said it was by a fragment of a bullet which glanced up from the south curb of Main Street. It did not explain how a fragment from the head hit could travel 260 feet with enough force to bounce off a curb and inflict a wound. An analysis of where it supposedly hit on the curb showed only traces of lead and antimony, no copper.

Specter says evidence concerning the Tague hit is "inconclusive." Of course it is. If it were conclusive there would immediately emerge a fourth shot — and another gunman firing from the grassy knoll area.

The majority of witnesses with an opinion about the direction of the shots thought the shots came from the grassy knoll area. All eight witnesses standing across the street from the knoll thought they came from the knoll. Nine of ten witnesses standing between the knoll and the motorcade thought the shots emanated from directly behind them — and this included amateur photographer Abraham Zapruder. Six out of seven witnesses standing on the railroad overpass, when questioned about the shots, said they came from the grassy knoll — and five out of this six said they had also seen smoke rise from the knoll. One, S.M. Holland, a signal supervisor, testified: "I immediately ran around to where I could see behind the arcade and did not see anyone running from there. But the puff of smoke I saw definitely came from behind the arcade to the trees."

Immediately after the shooting, everyone's attention was focused on the grassy knoll, even before it shifted

to the Depository. Signal supervisor Holland, one of the first to check back there, noticed nothing unusual except a lot of footprints in the mud around a station wagon and sedan. The tracks led no where. "I imagine it would have been a hundred tracks just in that one location," he said. He didn't think much about it at the time "because there was so many people out there, and there was law enforcement officers and I thought, well, if there is anything to that they would pick that up."

Last month, a UPI report quoted Holland as saying, "I've often wondered if a man could have climbed into the trunk of that car and pulled the lid shut on himself, then someone else have driven it away later."

There was, however, another strange occurrence on the knoll after the shooting.

This is from the testimony of Seymour Weitzman, a Dallas deputy constable, being questioned by Commission counsel Joseph Ball:

Mr. Weitzman: I immediately ran toward the President's car. Of course, it was speeding away and somebody said the shots or the firecrackers, whatever it was at that time, we still didn't know the President was shot, came from the wall. I immediately scaled that wall.

Mr. Ball: What is the location of that wall?

Mr. Weitzman: It would be between the railroad overpass and . . . what do you call it — the monument section? . . .

Mr. Ball: What did you notice in the railroad yards?

Mr. Weitzman: We noticed numerous kinds of footprints that did not make sense because they were going different directions.

Mr. Ball: Were there other people there besides you?

Mr. Weitzman: Yes, sir; other officers, Secret Service as well.

And this from the testimony of Dallas patrolman Joe Marshall Smith, taken by Commission counsel Wesley Liebler:

Mr. Liebler: You proceeded up to an area immediately behind the concrete structure here . . . is that right?

Mr. Smith: I was checking all the bushes and I checked all the cars in the parking lot.

Mr. Liebler: There is a parking lot behind this grassy area back from Elm Street toward the railroad tracks, and you went down to the parking lot and looked around?

Mr. Smith: Yes, sir; I checked all the cars. I looked into all the cars and checked around the

bushes. Of course, I wasn't alone. There was some deputy sheriff with me, and I believe one Secret Service man when I got there.

I got to make this statement, too. I felt awfully silly, but after the shot and this woman (screaming 'They are shooting the President from the bushes') I pulled my pistol from my holster, and I thought, this is silly, I don't know who I am looking for, and I put it back. Just as I did, he showed me that he was a Secret Service agent.

Mr. Liebler: Did you accost this man?

Mr. Smith: Well, he saw me coming with my pistol and right away he showed me who he was.

Mr. Liebler: Do you remember who it was?

Mr. Smith: No, sir, I don't. . .

Thus, two reliable witnesses, law enforcement officers, testified to the Commission that they saw "Secret Service" men on the grassy knoll immediately after the shooting.

Yet in the National Archives there is a Secret Service report which says: "All the Secret Service agents assigned to the motorcade stayed with the motorcade all the way to the hospital. *None remained at the scene of the shooting . . .*"

EDWARD EPSTEIN writes in *Inquest*: "If there was no evidence of more than one assassin, there was also no evidence that precluded the possibility. The conclusion that 'Oswald acted alone' was predicated on two assumptions: first, that all the pertinent evidence was brought *before* the Commission for its evaluation; and second, that the staff's investigation had tested all possibilities after making an exhaustive analysis of all evidence and reports that might possibly have indicated the presence of a second assassin."

Arlen Specter asks: "What did we fail to do to develop information on the second assassin? What concrete thing did we fail to do? If there was anything else that could have been done we would have done them. If I wanted to take up other questions I had plenty of time. Were we under pressure? You bet we were under pressure. If you turn back the clock two years ago, you'll recall what an enormous concern there was in this country and all over the world to have this report out, and we were battling one deadline after another. But if there had been any productive investigative work to do along any other line, I would have done it."

That is Specter's attitude today. He

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says he firmly believes that all the important questions about the assassination have been resolved satisfactorily. "They have been," he asserts, "in a very comprehensible way."

Yet a close study of the evidence which the Warren Commission itself turned up makes the conclusions drawn in its final Report seem, in part, implausible; in part, improbable; and, in part, impossible.

Too many questions are *not* answered, both in and out of Specter's area of investigation. Why, for instance, didn't anyone bother to check to see if Oswald's rifle had been fired on the day of the assassination? Why, as the FBI report showed, did the three shells found near the sixth-floor window indicate they had been loaded twice, and possibly once in another rifle? Why didn't any evidence turn up about anyone, anywhere, selling Oswald ammunition? Why weren't Oswald's fingerprints found on the surface of the rifle, on the shells, or on the remaining bullet in the rifle, and how come the print that was found was an old one and on a part of the rifle only exposed when disassembled? Finally, what could account for the numerous cases of seemingly reliable and objective witnesses seeing Oswald, in the weeks before the killing, in one spot when the Commission had evidence he was somewhere else? These are questions the Report never answers.

Yet Specter says, "The basic factor of Oswald being the assassin is established beyond any question."

Sylvia Meagher, an independent researcher, in her review of Epstein's book in the current *Minority of One* magazine, contends: "There are no heroes in this piece, only men who collaborated actively or passively — wilfully or self-deludedly — in dirty work that does violence to the elementary concept of justice and affronts normal intelligence."

That's harsh. A critical evaluation of the Report need not lead to the conclusion that the members of the Commission and their staff consciously deceived the public as to what they really thought the bulk of the evidence pointed to. It is difficult to believe that would be the truth.

As Specter points out, the investigation was led by seven "smart guys," the Commissioners, who scoured the country for 14 of the most respected lawyers in their fields and a group of junior lawyers who came out of the top of their law school classes. "Was there some guiding hand to keep us in the dark?" he asks facetiously. "Was I kept in the dark? Very hard to believe," he chuckles. "Did I have

any interest in \$75 a day? Absolutely not. Absolutely not. Was I prepared to walk off that job at any time and come back to the D.A.'s office or go to private practice? You bet your life. I wasn't about to subvert my integrity for the Commission."

In evaluating the Report, Dwight Macdonald wrote: "So now we have the Warren Commissioners, neither heroes nor villains, putting their trust in a saturation barrage of factual ammunition. Now Facts are all very well but they have their little weaknesses. Americans often assume that Facts are solid, concrete (and discrete) objects like marbles, but they are very much not. Rather are they subtle essences, full of mystery and metaphysics, that change their color and shape, their meaning, according to the context in which they are presented. They



must always be treated with skepticism, and the standard of judgment should be not how many Facts one can mobilize in support of a position but how skillfully one discriminates between them, how objectively one uses them to arrive at Truth, which is something different from, though not unrelated to, the Facts."

Arlen Specter, when questioned and re-questioned about the basic factors which led him, along with the Commission, to believe that Oswald alone was Kennedy's assassin "beyond any question," always goes back to the facts that established the *prima facie* case against Oswald: Witnesses who testified to his presence on the sixth-floor of the Depository, the fact that he was seen carrying a package that could have been a rifle to work that

day, the proof that he ordered the Mannlicher-Carcano from a Chicago mail-order house, the testimony of his wife that he did, in fact, own that rifle, the ballistic evidence which showed positively that bullet 399 came from that rifle, Oswald's flight from the scene and the subsequent testimony concerning the murder of Tippit.

Such evidence, says Specter, proves "beyond any question that Oswald was the man who pulled that trigger three times on that floor."

Specter's attitude is revealing. After a number of fumbling failures to provide adequate explanations for basic contradictions in key pieces of evidence, he confidently and unequivocally asserts conclusions based on facts that are not at all conclusive. And when Specter is confronted with evidence which conflicts with his conclusions, he uses — as the Commission Report often did — a form of reverse logic to refute it. For instance: "Talk about the grassy knoll and shots?" he says. "The bullets didn't enter from that direction."

Columnist Murray Kempton has said: "The case against Oswald badly needs an unimpeachable eyewitness."

WHEN THE Warren Report was first issued, its conclusions were generally accepted not only because the 26 volumes of supporting evidence seemed so imposing and impenetrable, but also because of the stature and reputation of the Commission members and its counsel. In addition, the public seemed to have a desire — perhaps, even, a need — for its finding. It was a satisfying confirmation that an event which was initially frighteningly beyond belief could, after all, be explained logically and convincingly and with what appeared to be verified finality.

The Warren Commission obviously anticipated that need and from the outset the irresistible premise of the investigators — all of whom were lawyers — was based on the *prima facie* case against Oswald. If the investigation by its staff was not conducted within formal restrictions and guidelines, its direction, nevertheless, seemed inexorably set. As Arlen Specter says, "The President of the United States didn't want Arlen Specter to do the investigation of the assassination of President Kennedy. The President of the United States appointed the Commission to do that job."

Well, the Commission did that job. It is just difficult to believe that what it came up with is the truth.

And it is difficult to believe that Arlen Specter doesn't know it. ■ ■