

Breach of Trust

pr. blank

Breach of Trust

How the Warren Commission
Failed the Nation and Why

Gerald D. McKnight



University Press of Kansas

Best Copy

Final DE

Save Bill Jell

Preface to the Paperback Edition (Revised/best Copy)

Ken

Conspiracy was central to my *Breach of Trust*—but it is not a conspiracy tale about who killed President Kennedy but rather the ongoing conspiracy by the Warren Commission, the FBI, and other government agencies to hide the fact that Dallas was the work of more than one lone gunman. It was written as a countercheck to the official mythology, pseudo-historic, fictional whole cloth offering of the official account.

In *Breach* I attempted to expose some of the grave flaws in the Commission’s Report. Most of the 900 page report bears little or nothing on the evidence in the case. A fair and balanced view of the Report is that it deals largely with the life and times of Lee Harvey Oswald with only superficial and passing reference to the most basic scientific evidence in the case. The reason for this is simply because Oswald was not involved in any of the shooting on that fateful day. I will review some of the body of evidence that supports Oswald’s contention that he was just a “patsy”. And conclude with examples of newly emergent evidence that exonerates Oswald and further throws more revealing light on the official mythology of the JFK assassination.

For example, what is forensically critical in any murder is the official death certificate. President Kennedy’s White House physician, Dr. George G. Burkley, prepared the official death certificate back in Washington on Saturday, the day after the assassination, before the politics of Dallas took over control of the investigation. The report noted that Kennedy sustained a “posterior back wound at about the level of the third thoracic vertebrae.” ¹ During the course of the Commission’s deliberations it became imperative for the official

A.W. OK



solution of a single lone assassin to politically reposition JFK's back wound so it was high enough in the neck region to exit the President's throat and strike Governor Connally. All of this political manipulation was essential to support the so-called "single bullet theory" to validate the official construction that JFK was the victim of a lone assassin.

In time the "single bullet theory" became one of the prime examples of deception in the Commission's case against Lee Harvey Oswald. Dr. Burkley's death certificate was not mentioned in the Commission's 900-page report and was excluded from the 26 volumes of hearings and exhibits! Commission General Counsel J. Lee Rankin, almost certainly with Chief Justice Earl Warren's consent, sent the Kennedy death certificate to the U.S. Government Printing Office with other Commission records that were not to be published. ② → excluded note 2

Rankin's
BOT

President Johnson urged Burkley to stay on as White House physician and the doctor was promoted to Vice Admiral, the only other presidential physician to hold that rank served in Teddy Roosevelt's White House. It would not strain credulity to assume that the Burkley promotion was symptomatic of the well documented LBJ tactic of keeping friends close but keeping potential troublesome witnesses even closer. Burkley was never called as a Commission witness and no member of the Commission ever made it their business to question him about Kennedy's death certificate. He was finally permitted to enter a politically innocuous written statement about the November 22 events of Dallas but only after it was cleared through the FBI and the Commission's General Counsel Rankin. ③ 2 (New note 2) OK

Later, in 1967, Burkley agreed to take part in the Oral History Interview for the John F. Kennedy Library. When he was asked if he agreed with the Warren Report's description of the shooting, Burkley's terse response was "I would not care to be quoted on that."⁴ The bureaucratic internment of the Kennedy autopsy was just one example of the habitual misrepresentation, deep denial, and outright deception. While the White House, the FBI, Commission and most of the national press insisted that the investigation into President Kennedy's assassination was represented as a searching examination in reality it was an exercise intended to foreclose unwanted conclusions.

The above epitaph would have served equally well in describing the FBI's Commission Document One (CD1), the Hoover Bureau's 39 page report on the Kennedy assassination. When the Director told Walter Jenkins that the report would speak for itself he was being prophetic, but in a manner he never intended. For example, CD1 spent less than sixty words describing the assassination. Connally's wounds are not mentioned at all. Moreover, the FBI never requested a copy of Kennedy's Bethesda Naval Hospital autopsy protocol and rejected the Secret Service's initial offer of the Bethesda Naval Hospital's report while the Bureau was preparing its report.

The upshot that would have been untenable in any routine homicide by gun fire calcified into two mutually incompatible versions of the Kennedy assassination. For the Commission the "single-bullet theory" — an exercise in magical thinking-- served as an evidentiary passport for what was comfortable and essential for the official explanation of the crime. The Commission's version allowed for two

bullets hitting Kennedy with the one that allegedly exited his neck entering Governor Connally and the third bullet missing the limousine altogether.

In contrast
On the other hand, the FBI's version of the shooting maintained that all three shots struck a body. Two bullets hit JFK. One was the fatal head shot and the other bullet exited his body, entered Connally's back, exiting under his right nipple before exiting his chest and shattering his left wrist. In April 1964 Governor Connally testified before the Warren Commission and insisted that he was hit directly by the second shot when the president slumped forward after being struck by the first shot. The third shot was the fatal blow to Kennedy's head.⁶ Three years later in an interview with Life Magazine Connally brushed aside all uncertainty and any theory. "There is my absolute knowledge," he asserted, "that one bullet caused the President's first wound and that an entirely separate shot struck me. It is a certainty, [sic] I will never change my mind." Director Hoover's marginalia on this FBI document centering on Connally's statement in Life noted: "We don't agree with the Commission as it says one shot missed entirely & we contend all 3 shots hit."⁷

The director's associating the FBI with Connally's version of the shooting was almost certainly based on the report that FBI agents James W. Sibert and Francis X. O'Neill, the two Bureau agents who were assigned to observe the Bethesda Naval Hospital autopsy. Their report to the Bureau stated, without equivocation, that a missile entered Kennedy's back at about six inches below the shoulder to the right of the spinal column at a 45-to-60 degree angle. When one of the

prosectors probed the back wound with his finger, he could not find an exit path.⁸ 7

If we can agree that the assassination of a president is the most subversive of all crimes in a political system of popular representation then the Kennedy assassination was the greatest crime of the American Twentieth Century. The Warren Commission, staffed by members for whom the term “eminent” was coined, were charged by the Oval Office to report to the American people on the crime of Dallas based almost exclusively, as it turned out, on the evidence gathered and reported upon by the Hoover FBI. Yet, in this most subversive of all crimes the Commission and the FBI were at loggerheads over, what I think can be described as the quintessential evidence in the case: the exact and agreed upon postmortem explanation of how the president met his death.

This unsettling imbroglio did not go unnoticed at the top levels of government; namely, the White House. In October 1966 President Johnson called on his old friend Supreme Court Justice Abraham “Abe” Fortas to approach the FBI Director to undertake a “series of lengthy articles or a book . . . concerning the captioned matter. “ The request was triggered by the national attention drawn to the mutually contradictory versions held by the Warren Report and the Federal Bureau of Investigation. Clyde Tolson, the Bureau’s Assistant Director, paraded out reasons why The Director could not oblige the White House. Fortas then advanced a more modest request: Would the Director consider writing one brief article “restricted solely to the controversy raised by critics with respect to the differences as shown in

the autopsy between FBI reports and the final conclusion of the Warren Commission." *However, decisive forensic investigation.*

As we approach the 50th anniversary of the assassination of the 35th president of the United States the irreconcilable conflict between the FBI and the Commission's versions of the most essential forensic medical facts and their criminal consequences in the case has never been resolved. What they do have in common is that neither version of the shooting in Dealey Plaza explains what happened on that dark day in Dallas on November 22, 1963.

To be clear, neither the FBI's nor the Commission's version of the shooting and the wounds the president sustained explain what actually took place in Dealey Plaza that fateful day. Both of these descriptions of the wounds to Kennedy's body were fashioned to satisfy political needs and did not address the politically unprejudiced version of Dr. Burkley's official death certificate that, as mentioned earlier, placed JFK's back wound at the third thoracic vertebrae. A back wound and not a neck wound. The significance of this is that during the Bethesda Naval Hospital autopsy the Navy prosecutors could not find an exit in Kennedy's body for this bullet track. Therefore, there was no legitimate forensic anatomical explanation for a bullet exiting Kennedy's body at the level of his neck and entering Governor Connally's which was essential for the official explanation that only three shots were fired.¹⁰

Over the years our political leaders and mass media have by default accepted the Warren Commission's deeply flawed and shamelessly politicized version of the assassination. They have displayed an inexhaustible talent for avoiding the threshold of any

dangerous thought, failing to grasp logical errors, and avoiding any train of thought that could lead into a “heretical” direction. This default gives a new meaning to “clear and present danger.”

In Appendix A of *Breach of Trust* I included an FBI damage control “tickler file” (marked “Secret”) that was mistakenly released to a Mark Allen in April 1985. This four-page internal document lays out what could be characterized as the controlling DNA of the Hoover Bureau’s thoroughly compromised pseudo-investigation into the Kennedy assassination and its unilateral adversarial relations with the Warren Commission.

Page one under the second entry beginning with Jenkins memo of November 24; Hoover says “Oswald alone did it. Bureau must “convince the public Oswald is real assassin.” This was one day after Hoover told LBJ that the case against Oswald was “not very, very strong.” What had changed was not the discovery of new incriminating evidence but Oswald’s own murder in the basement of the Dallas Police Department. Now that the alleged assassin of the president was dead there was no case to answer that needed to be brought before a jury. Alex Rosen, the FBI’s Assistant Director of the General Investigative Division, in a stunning admission, described the Bureau’s investigative approach in the case as “standing with pockets open waiting for evidence to drop in.”¹¹

Rosen’s assertion came up a little short in that when it came to mustering evidence in the case the FBI’s standard fallback policy was non-accountability. For example, the Bureau never bothered to collect Connally’s clothes as essential forensic evidence in the case. The

Governor's bloody clothes found their way back to Mrs. Connally. She kept them for four months and when the FBI failed to collect them she had them dry cleaned thereby compromising their forensic value.¹²

The FBI displayed the same kind of Dogberry-like performance when it came to the shooting of Dallas policeman J.D. Tippit. Oswald was his accused killer. But the first slug removed from the officer and sent to the FBI was so severely mutilated that the Bureau could not determine if it came from Oswald's handgun. The FBI never bothered to collect the other three bullets that were removed by Dr. Earl F. Rose, the Dallas County medical examiner. It was not until four months later that the FBI, at the prompting of the Warren Commission, bothered to collect the three slugs removed by Dr. Rose. When the Bureau's crime lab examined these previously neglected empty .38 caliber hulls from the Tippit crime scene its report concluded, "No conclusion could be reached as to whether or not they were fired from the same weapon or whether or not they were fired from C15." C15 was alleged to be Oswald's revolver that was wrested from him in Texas Theatre by Dallas police.¹³

Pages three and four of the tickler file reveal the FBI's poisonous adversarial relations with the Warren Commission. For example, the Bureau prepared dossiers on the Commission members and the staff. What prompted Hoover's relentless campaign was the Warren Report's even handed criticisms of the FBI's critical shortcomings in preventative intelligence work prior to the assassination.¹⁴ Under Assistance to the Commission on p. 4 of the tickler most of the entries reflect the opposite: foot dragging and resistance to any semblance of

cooperation. It concludes with the revelations that the FBI's public pledge that despite Oswald's death an FBI spokesman declared the case will remain open "until we have obtained all the evidence we can." The secret internal files on the case were declared "closed."¹⁵

I began this Preface asserting that Oswald did not fire a weapon that dark day in Dallas. On his way to an interrogation session that Friday he hollered out to the press corps that "I never killed anybody."¹⁶ What follows are a few documented examples that prove Oswald was telling the truth when he asserted his innocence.

When approached with an open mind what cannot fail but to raise skepticism about the official account of Dallas is how quickly Oswald was in the frame for assassinating President Kennedy. For example Kennedy Cabinet members board SAM 86972 en route to Tokyo learned of the attempt on Kennedy's life at 12:45 CST from the White House's Situation Room that "Three shots were fired at President Kennedy's motorcade in Downtown Dallas." State Department's Robert Manning accompanying Rusk to Tokyo recalled that after the initial news came of the shooting there was an interlude before the devastating follow up that "Lancer" was dead. Manning notes they then learned that "someone named Oswald was the suspect in the case and he "had been in the Soviet Union. . .The news caused great alarm."¹⁷

In Dallas the president was declared dead just minutes after 1:00 P.M. At 1:40 P.M. the Dallas police had Oswald in hand and were citing him as the lone assassin of the president, the prime suspect in the killing of office J.D. Tippit and for the wounding of Governor John Connally.¹⁸ Suspicion that Oswald was being railroaded is strengthened by

Assistant Chief Don Stringfellow, of the Dallas Police Department Intelligence Section, when he notified 112th Military Intelligence Corps Group in San Antonio, that “Oswald confessed to shooting of President Kennedy and Police Officer Tibbets (sic.) and that Oswald “defected to Cuba in 1959” and “was a card carrying member of the Communist Party.” None of which had any basis in fact.¹⁹

The burden the authorities had from the outset was to come up with a credible explanation of how Oswald was identified so quickly as the gunman responsible for this nightmare in Dallas. The official account that is still held by defenders of the Warren Report is that Oswald became the virtual immediate person of interest because he was the only employee of the Texas School Book Depository (TSBD), the alleged site where the shots originated, who left the building without first reporting to the authorities. The documented reality is that the government’s own records reveal that *at least* 18 employees who were at work that day at the TSBD left work without first checking in with the police.²⁰

Oswald was in custody of the authorities for almost 45 hours before he was the victim of an assassin’s bullet. During that time from Friday until Sunday he was interrogated for a combined 11 hours by Captain Will J. Fritz. FBI and Secret Service agents sat in on these sessions and asked their own questions. Neither the FBI, SS or the Warren Commission exhibited any incredulity when Fritz announced that there was no record of what transpired during these eleven hours of intense questioning of the lone suspect in the case. Fritz’s explanation was that he had requested for the past two years funds so

the Department could purchase a tape recorder only to be denied! Apparently, it never occurred to him to have a court stenographer sit in on these sessions and take notes. So the American people were asked to believe that the only suspect in the Kennedy assassination—perhaps the most horrendous and seditious act of the American Twentieth Century-- who was himself silenced, left no record explaining his alleged actions.

The reality was something very different. Oswald was himself assassinated by Jack Ruby in the basement of the Dallas Police Department surrounded by 98 policemen and 150 reporters. This was after the Dallas authorities, the FBI and the Dallas Sheriff's office had been alerted in the early hours of Sunday morning that there would be an attempt on Oswald's life. As soon as the news broke about Oswald's own assassination the Secret Service swept up Marina Oswald and her children, Oswald's mother, and Robert Oswald, Lee's brother, and took them to the Inn of the Six Flags outside of Arlington, Texas. After dinner two SS agents grilled Marina for almost 8 hours. All of the interrogation was on tape and sent in the early hours of Monday morning post haste to Secret Service Headquarters in Washington, D.C. To assume that the SS, the FBI, and Captain Fritz grilled Oswald, the only suspect in the case for eleven hours and made no permanent record of the interrogation offers no more truth than Alice's Looking-Glass. Over the past 50 years these tape recordings have never surfaced. Presumably, they were quietly deposited down the Memory Hole along with the recorded interrogation of President Kennedy's alleged assassin.²¹

The official assertion that the early evidence uncovered against Oswald over the assassination weekend was irrefutably convincing was really so removed from reality as to defy caricature. One noteworthy example: In September 1964, just weeks before the Warren Commission Report was made available to the public, Alan Belmont, Assistant to the Director, told Clyde Tolson, the Bureau's number two man, that Oswald's paraffin tests that allegedly linked him to the shooting of President Kennedy was "erroneous as the results were essentially negative. . . and in addition highly technical examinations made by the Atomic Energy Commission and our Laboratory of these paraffin tests could not connect Oswald with the rifle." ²²

As we approach November 22, 2013, the 50th anniversary of the assassination of President John F. Kennedy we find the politics of this national trauma will remain a shadow cast on our society by big government and powerful interests determined to bury the truth. Fifty years after Kennedy's assassination conspiracy theories and charges of an official cover-up resonate with the American public. Some 75 to 80 % of respondents remain suspicious about the Warren Commission's conclusions. ²³ The Obama administration, on the other hand, has officially targeted "Conspiracy Theories," that is any political opinion which does not concur with the establishment view, to be anathema and should be taxed or even banned. JFK conspiracy theories according to the White House's information czar, Cass Sunstein, fall into that suspect category.²⁴

As the nation moves ahead to the 50th anniversary of President Kennedy's assassination we are confronted with two major and starkly

different and competing versions of the crime. For example, in January of this year Robert F. Kennedy, Jr. along with Rory Kennedy appeared with Charlie Rose at a Friday night event at the Winspear Opera House. During the course of the evening Kennedy stunned the audience when he announced that his father, Robert Kennedy, never privately accepted the Warren Commission version of the president's assassination and believed that the president was the victim of a conspiracy. He noted that Bobby Kennedy believed the Warren Report was "a shoddy piece of craftsmanship."²⁵

The other contemporary major actor in the national tragedy of Dallas was Lyndon B. Johnson. During a November 25 phone conversation with FBI Director Hoover the new president was extremely exercised by news that a lawyer in the Justice Department was lobbying *The Washington Post* to come out in support of a presidential commission. LBJ was livid. He and Hoover had agreed after Oswald's own assassination that the way to proceed was for the Hoover Bureau to write up its report on the Kennedy assassination and have it sent over to the Justice Department and have Attorney General Robert Kennedy release it to the public. For President Johnson, the marplot in the Justice Department infuriated LBJ and he snapped at Hoover, noting that "We can't be checking on every shooting scrape in the country." It would be to the great disgrace of the country if Lyndon Johnson ends having the last word on the most corrosive political event of the American Twentieth Century. ²⁶