file- Oswald as Sole Suspect

NEW

#10

REENACTMENT - PRESIDENTIAL CAR - ELM STREET

Testimony - Secret Service Inspector Thomas J. KELLEY
June 4, 1964, 5 H 129-34

This aspect of Kelley's testimony deals with the reconstruction and by Federal agencies/with the comparison of the original Presidential car and the followup car which is used instead of it in the reconstruction.

The test car is a 1956 specially built Cadillac convertible, 7 passenger. During the motorcade in Dallas, it was the followup car. Asked if there was a special reason the Presidential car wasn't used, Kelley gave this no-reason in response: "Yes; the car in which the President rode has been modified by a body builder in Cincinnati, the Hess & Eisenhardt Co. of Cincinnati."

Whether or not the car was usable, of course, depends upon the modifications. They are neither described nor indicated at this point.

Perhaps the car is no longer a convertible; but in any event, so far as the record is concerned, this is no reason.

The Presidential car is a 7-passenger Lincoln convertible. No further description appears.

A chart of the followup car, Exhibit 871, and the Presidential car, Exhibit 872, appears in Vol. XVII, p.867. It is significant to me, although the point is not addressed in the testimony, that the chart of the Presidental car is dated as having been made the day of the assassination, whereas that of the followup car was dated March 2, 1964. It is difficult but not completely impossible to read the distances and spaces between objects in the two different cars. For a reason known only to the reconstructors, the point-to-point measurements are not represented in the same fashion in the two charts.

It does certainly seem strange the chart of the Presidential car would have or could have been made exactly the same day as the assassination. If it wasn't, the chart is mislabeled. (p.132) 17 H 867?

Then 2 photographs of the interior of the Presidential car, Exhibit 873 and 874, (17 H 868-9) are offered for the record. The stated purpose is to show the seating arrangements.

Asked by McCloy when the photographs were taken, Kelley apologized for not knowing, but says, "They were taken sometime in the last 2 years." Specter at this point asked "do they accurately depict the condition of the President's car as of November 22, 1963?" and Kelley responds, "They do, sir."

Why old pictures would be used is a mystery to me. There were photographs taken immediately following the assassination. Or do they reveal something not on the old pictures?

The followup car does not have the arrangement in the Presidential car that permitted the President to raise his seat. (p.131)

In the Presidential car, Specter asks for "the relative position of the jump seat to the rear seat on the Presidential automobile" and is told "There is 8-1/2 inches between the back of the jump seat and the front of the back seat of the President's car, the rear seat."

That, of course, is not the important measurement in the reconstruction. The important measurement is that between the President's back and the Governor's back. There is a difference in the height of the two seats, the jump seat being 3 inches lower than the back seat, in the position it was in at the time of the assassination.

This is not the significant measurement. Are both seats upholstered and sprung the same? Obviously not. The jump seat is relatively hard, having little upholstery. The back seat, without doubt, depresses considerably with the weight of a body. This is not taken into consideration. It is not asked by the Commission or its staff, nor is it offered by Mr. Kelley.

When Dulles wants to know how Kelley can be certain the seat was in its lowest position, Kelley explains his information came from the drivers of the Presidential car who indicated "there was nobody who touched the car until it got back to the White House garage. It was in his custody (one of the drivers) all the time. And he did not move it." What he didn't move here refers to the seat.

The President's position was taken by a Secret Service agent of exactly the same height, 72-1/2 inches, James W. Anderton. Gov. Connally's position was occupied by Doyle Williams, 6 foot 4, whereas Gov. Connally is 6 foot 2. The officials at the Hess/ Eisenhardt Company conducted tests, according to Kelley, to ascertain the height from the ground of a person 72-1/2 inches when seated, prior to modification. The figure given is 52.78 inches, allowing for the flexing of the tires and seat. (p.132)

Kelley said that Anderton, sitting in the President's position in the followup car, measured 62 inches from the ground which adjusted for the 3 inches difference in the height of the rear and jump seats.

While Specter is half explaining and half justifying this, Chief Justice Warren interrupts to say, "Wouldn't the height of these men depend upon the length of their torso?" Kelley only gets to say, "Well -" when Warren again interrupts to say, some people are shortwaisted and some people are longwaisted. He didn't know which of the two was what.

Kelley brushes it off and Specter ignores it. And Warren lets it drop. Kelley's explanation is that "the relative positions are apparent from the films that were taken at the time of the assassination". He said that, based upon these films, the reenactment is a fair representation.

Specter then shows Kelley Exhibit 697 (17 H 354; R 104), referring

to it as "depicting the President and the Governor as they rode in the motorcade on teh day of the assassination, and I ask you if the stand-insfor the President and the Governor were seated in approximately the same relative positions on the reconstruction of Msy 24." Kelley's response is, "very close."

The picture was taken very possibly immediately before the assassination. But this picture has no way of representing any lateral movement of Gov. Connally in the car. It, therefore, can show only that the Governor sat in front of the President. Any other use and any other interpretation based upon it would seem to be entirely invalid.

Then Specter leads Kelley into an explanation of the markings placed on the back of the stand-insfor the President and Governor. Kelley was asked to explain how the mark representing "the point of entry" was "fixed or determined". Kelley's response: "That was fixed from the photographs of a medical drawing that was made by the physicians and the people at Parkland and an examination of the coat which the President was wearing at the time." Specter corrects Kelley on the Parkland Hospital, asking was it not Bethesda Naval, and Kelley said it was.

Note the mark was placed using a fiction as a basis. The actual original autopsy diagram was ignored. This shows a bullet wound, whether of entry or exit, considerably lower than the artist's conception.

The drawing was not made by "physicians"; it was made from a description provided by the pathologist and is knowingly inaccurate. The President's wound was much lower. On this point, if no other, the entire reconstruction crumbles.

To make certain there is no question about it, Specter again shows Exhibit 386, describes it as showing "the wound on the back of the Presi-

dent's neck" and asks Kelley if "that is the drawing that you were shown ..." (p.133) Kelley says it was.

Then Specter tells a knowing lie in saying, "And the record will show ... that this was made by the autopsy surgeons at Bethesda." This was not the case. It was made by a "technician" from instructions provided by Dr. Humes, and the two things are not the same. Note also the contrast between this representation on the back of the stand-in of the President's wound and what happened with Governor Connally. In Governor Connally's case, the stand-in wore the coat the Governor wore and in which the hole appeared.

Now unless the Governor's stand-in had exactly the same proportions wearing the coat that the Governor wore could result in still further distortion. For example, if the man were slimmer, the wound would have been farther from the center of the Governor's back. If he were stouter, then it would have been closer to the center of the Governor's back. And then there is the question raised by the Chief Justice about whether he was longwaisted or short waisted, which may apply, and perhaps his neck was longer or shorter.

The Commission may have felt this manner a fair one. There is no reason to presume it was accurate. In any event, the same method was not used with both stand-ins.

Two weeks after the assassination, Dec. 5, 1963, the Secret Service took photographs of the scene from the sixth floor window and from the street. These are entered as Exhibits 875 (17 H 870-95). Then:

"Mr. Specter. Does a photograph in that group show the condition of the foliage of the trees in the vicinity where the assassination occurred?

Mr. Kelley. Yes.

Mr. Specter. And is there -

Mr. Dulles. One question. This photograph was taken, though, several weeks later, wasn't it?

Mr. Kelley. On December 5.

Mr. Dulles. That was 2 weeks later.

Mr. Kelley. Two weeks later; yes, sir.

Mr. Dulles. So the foliage would presumably be somewhat less in that picture, would it not, than it was on November 22?

Mr. Kelley. No; actually, the foliage hadn't changed very much even in the latest tests we are making.

The Chairman. It was an evergreen?

Mr. Kelley. It was an oak tree, Mr. Chief Justice, I have been told the foliage doesn't change much during the year. They call it pine oak. Some people call it a life oak. But the people down there I talked to said it was called a pine oak.

Mr. Specter. And did you observe the foliage on the tree on May 24?

Mr. Kelley. I did, sir.

Mr. Specter. And would you state the relative condition of that foliage, as contrasted with the photographs you have before you taken on December 5?

Mr. Kelley. It was very similar, practically the same." (p.134)

There are several things I want to point out. First, Specter restricts himself to the foliage of the tree. Whether or not this is true, it is not true of the other foliage, expecially the hedge-like shrubbery planted in the Dealey Plaza area and appearing in the background of the Zapruder film. These definitely were pruned prior to the reenactment, and they, as a consequence, destroy identifying landmarks in the background of each frame of the film. It would also appear to be untrue of one tree on the southwest corner of Elm and Houston, seeming to appear

in the Zapruder film but not in the reenactment. This tree does not seem to be present anyplace in the reenactment. There is another shrub on this corner which likewise was pruned, and severely pruned, prior to the reenactment. This shrub may or may not have an effect upon the reconstruction, but it most certainly was not true on May 24th, that its foliage was approximately the same as it had been on either Nov. 22 or Dec. 5.

Every other landmark that could possibly be moved in that area seeming to have been either moved or eliminated, I would be unwilling to assume the foliage of the tree was identical or the same in the absence of persuasive photographic evidence.

Kelley was recalled briefly (pp.175-6) to testify that on May 24 he accompanied Redlich and Specter to observe what kind of a target the Presidential stand-in made from the overpass. Kelley said he was never at any time obstructed by the windshield. Also; "However, never at any time was he in a position to take a wound in the throat which from the drawings that have been given me, that I have been shown by the Commission, would be take a wound in the throat which would have exited higher than the throat or in the shoulder. From the evidence that has been shown previously, the wound in the throat was lower on the President's body than the wound in the shoulder, and -

Mr. Specter. By the wound in the shoulder, do you mean the wound in the back of the President's neck, the base of his neck?

Mr. Kelley. Yes.

Mr. Specter. So, could a shot have been fired from the top of the triple underpass which would have passed through the President's neck, disregarding the medical evidence on point of entry, which traveled in an upward direction from the front of his neck upward to the

back of his neck?

Mr. Kelley. In my judgment, no." (p.175)

As Cong. Ford points out, there were a number of people, including at least one policeman, on the overpass. Nonetheless, the posterior wound was not where represented to Kelley, but was considerably lower, and this does not address itself to the other and much more likely locations for the shot to have originated, in the area of the trees or the arcade on the north side of Elm St., not the triple overpass. Asked what the railroad employees were doing on the overpass, Kelley said they were working and indicates the great number of tracks on the overpass.

It is my recollection these are not people who were working, they were spectators.

Kelley supplied the Commission with two affidavits.

Under date of June 1, 1964 (7 H 403), he said he attended a total of 4 "interviews" with Oswald in Capt. Fritz's office, 3 on the 23rd and 1 on the 24th. Subsequently, he says, "I dictated summaries from my notes of the subject matter discussed and these dictated summaries were transmitted to Chief James J. Rowley on November 29, and December 1, 1963.

"Copies of these written summaries are attached to this affidavit as exhibit A and incorporated by reference herein and made a part hereof. The summary of my last interview with Oswald which occurred on Sunday, November 24, 1963, was the first portion of a four-page memorandum which included in addition to the report of the interview, my report on the circumstances immediately following the murder of Lee Harvey Oswald.

"I hereby certify that the attached memoranda constitute my total written memoranda of the interviews with Lee Harvey Oswald at which I

was present. I havw no additional recollection at this time which I can add to the attached memoranda. I further certify that these memoranda accurately summarize my notes and recollections from these interviews." (p.403)

Unless Kelley is going to hold that notes are not memoranda ~~and~~ or unless he is going to swear that he destroyed his notes, then it cannot possibly be true that thememoranda are his "total written memoranda".

Note that there is no way of determining whether the several Kelley memoranda in the appendix of the Report on pp.626-32 are exactly the ones to which he refers here. He does not in his affidavit say how many summaries he dictated.

Note also that except for the third one, on p.629, they are undated, and theone on p.629 is entitled "Preliminary Special Dallas Report No. 3." If this is only a preliminary report, what about any subsequent reports? Or did circumstances persuade them to have no further reports? In writing that is.

The failure of the Commission to call Kelley is a conspicuous exception to its general practice. It has all people for all sorts of nonsense. It has wasted hours and hours of time on meaningless questions about unimportant aspects of the case. I believe Kelley was not recalled for one very simple reason. It is the reason that impelled him, as he said in his report dated November 29, to draw Oswald aside. In this report he declared Oswald had talked about most everything except the assassination itself and had told Kelley, after being drawn aside, that when he had a lawyer, either the lawyer or Oswald would talk to Kelley and answer his questions about this.

The Commission has studiously avoided this aspect of Kelley's report. Not recalling Kelley can serve to be only another aspect of the same suppression.

Kelley's second affidavit is dated July 30, (7 H 590).

It may accurately represent Kelley's recollection, but it does not accurately represent what happened. He said that "during this interrogation, Oswald was not asked aboutnor did he speak of a trip that he took to Mexico or plans that he had to go to Cuba." (p.590)

The other interrogation report makes it abundantly clear that Oswald was, in fact, asked, and the police and Inspector Holmes went into some detail about Oswald's replies about going to the Cuban and Soviet Consulates in Mexico City, with details about Oswald's anger at his failure, and, of course, even Capt. Fritz quotes Hosty as having interrogated Oswald about his trip to Mexico City (R 601), although Fritz represents Oswald as having denied it.

What was so important about this I just cannot see. The Commission certainly knows that the FBI was keeping close tabs on Oswald, that Oswald had been shadowed during his visit to Mexico, that Hosty at the time of Oswald's arrest knew Oswald had been in touch with the Russian Embassy, and all of that. They know that at the very best all they can do is contradict other witnesses, and thus cast doubt upon both sets of witnesses. I just don't see any reason why issue should be made of whether or not Oswald was asked or whether or not he spoke about the trip to Mexico or plans to go to Cuba.