

Rescue and Salvage Mission:

The CBS News Inquiry on the Warren Report

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During nine days in June, no less than three of the largest news media launched a frontal assault on criticism of the Warren Report. The American public endured a mammoth, coordinated inundation of propaganda, directed toward the rehabilitation of this decomposing document and the put-down of the researchers and critics whose efforts had contributed to the disrepute into which the Warren Commission had fallen.

The Associated Press issued a syndicated article, "The Lingering Shadow," written by Bernard Gavzer and Sid Moody and published in Sunday newspapers all over the country on June 25, 1967. The co-authors purported to show that the critics of the Warren Commission were themselves guilty of all the faults with which they had charged their adversaries. The AP article conceded several times that the Commission had, indeed, been guilty of this sin of omission or that sin of commission. Yet, the writers had the utmost tolerance ~~and understanding~~ for the official transgressions, while for the alleged transgressions of the critics they had only stern and snide disapproval. While disparaging the "standard of scholarship" of the critics, Gavzer and Moody revealed a great deal <sup>about</sup> ~~in~~ their own standards. For example, attempting to dismiss the low position of the bullet hole in the back of the President's coat, they argued that one merely needed to place

the garment on "any grown man with reasonably well-developed shoulders" to see that the bullet hole would actually touch the body at the base of the neck. Apparently, Messrs. Gavzer and Moody had never noticed the photographs of the stand-in for the President during the FBI reenactment tests of May 24, 1964, one of which appears on the inside cover of the Bantam/New York Times edition of the Warren Report. This photograph shows a chalk-mark on the stand-in's back, a good several inches below the bottom of the coat collar--a chalk mark described by the Warren Report as having been placed "at the point where the bullet entered." This amusing sample of AP research is typical of the whole article, the malice of which was only very slightly diluted by factual accuracy or logical argumentation.

NBC did not attempt a review of the whole range of questions raised about the Warren Report but contented itself with a one-hour television attack on the Garrison investigation in New Orleans, broadcast on Monday, June 19, 1967, at 8 p.m. The Garrison investigation was already strangling in grotesqueries, but NBC flogged this dying horse so savagely and crudely as to bestow some martyrdom on Garrison and prolong rather than destroy his credibility. The NBC program was based largely on investigations carried out by Walter Sheridan, a man who seems to have played a quite unsavory role in the Hoffa case. The best that can be said for the NBC effort is that it was a case of the black pot calling the kettle black.

The most interesting, expensive, and elaborate of the three mass media barrages was the four-hour CBS News Inquiry on the Warren Report, broadcast in one-hour segments on four successive nights beginning on June 25, 1967, from 10 to 11 p.m. The CBS inquiry had all the trappings of scientific impeccability and high-minded impartiality, but these were a facade for a propagandistic blockbuster, designed to restore public confidence in the

Report. If CBS failed in that, it succeeded at least in confusing and saturating its audience to the point where many viewers will not be interested in hearing another word on the subject, even ~~there~~ a signed confession by the Chief Justice that the Commission had accused an innocent man, to save the nation embarrassment.

The CBS inquiry was certainly not designed to provide critics with any new ammunition against the Warren Report. In this, it did succeed. We will come to that later.

The first two installments of the CBS inquiry went through the motions of an exposition and evaluation of evidence--both the known evidence originating with the Warren Commission and new evidence elicited by CBS in experiments it had commissioned and in expert opinions it had solicited. By the third

program, CBS, either bored or short of time, dispensed with the exposition of its fact-finding and merely announced its conclusions. Did Oswald have enough time to do everything attributed to him by the Warren Commission in the forty-five minute interval between the shooting of Kennedy and the shooting of Tippit? Yes, said the stentorian voice of Walter Kronkite, CBS has concluded that he did. But he gave no data to support this conclusion. Nor did he trouble to mention that a Warren Commission lawyer, reenacting Oswald's alleged walk from his rooming house to the Tippit murder scene, took over seventeen minutes--a time span which in Oswald's case would have brought the accused killer to the scene in time to notify the authorities that a dead policeman was lying in the street.

What new evidence, if any, did CBS produce? It purported to have established that Oswald had as much as 8.35 seconds to fire three shots at the motorcade, instead of the 5.5 seconds specified in the Warren Report.

### The Time-Span of the Shots

The 5.5 seconds cited by the Warren Commission derived from measurement of the Zapruder film, whose frames 210 through 313 were believed to encompass the interval from the first to the third and last shot fired. Since Zapruder's camera had been timed by the FBI and found to be operating at a speed of 18.3 ~~mm~~ frames per second, somewhat faster than the normal speed of 16 fps, the time span of the shots came to ~~5.5~~ 5.6 seconds.

Because the alleged assassination rifle required 4.6 seconds merely to operate the bolt twice (after the first shot), without including aiming time, students of the Warren Report had argued that 5.6 seconds could not have been sufficient for a lackluster marksman like Oswald to fire three shots, much less to get two or even three hits.

CBS claimed that the time period of 5.6 seconds was actually erroneous and might have been longer by almost three seconds, arguing that the first shot was some 20 frames earlier than frame 210 and that the Zapruder camera was running at a slower speed than 18.3 frames per second. Experts consulted by CBS had pointed out that frames 190, 227, and 318 were blurred. The blurring was attributed to the sound of gunfire three or four frames earlier in each case, which had startled Zapruder and caused him to jerk the camera.

Although this "new discovery" was heralded proudly, it was neither new nor a CBS discovery. The blurring of some frames of the Zapruder film and their possible correlation with shots had been under discussion among the critics for more than two years. Ray Marcus first called this to my attention in 1965, and Harold Weisberg independently published the theory of the blurred frames in his book Whitewash (page 47), which has been in the hands of CBS for a year or more.

In any event, there is a flaw in the CBS postulate. In addition to the three frames it cited, there are two more frames (195 and 203) which are equally blurred. Three shots between frames 190 and 203 (or two-thirds of a second) are manifestly impossible, unless three weapons were being fired.

The CBS argument with respect to the camera speed is even more vulnerable. CBS tested five cameras like Zapruder's and found that they operated at ~~var~~ speeds ranging from 15.3 to 20.6 frames per seconds. Utilizing the slowest speed, and a segment of 128 instead of 108 frames of the Zapruder film, CBS came up with 8.35 seconds for the three shots. But the speeds of the five test cameras are absolutely irrelevant. The only camera that is relevant is the one Zapruder used on the day of the assassination. The FBI had determined that Zapruder's camera was operating at 18.3 frames per second, a finding that CBS has rejected for reasons which it did not trouble to explain.

As it happens, there are reasons for rejecting the FBI finding, as critic Harold Weisberg has pointed out. The FBI had conducted reenactment tests at Dealey Plaza on May 24, 1964, using the Zapruder camera to film the reenacted events. According to the testimony of the FBI photographic expert who appeared before the Warren Commission, the same segment of the

Zapruder film that took ~~5.6~~ 5.6 seconds in the original took only 3.5 seconds in the reenactment film. In other words, the camera said by the FBI to have operated at 18.3 fps on November 22, 1963 was running at about 24 fps on May 24, 1964. At that speed, the accused assassin would have had only 4.5 seconds to fire three shots, under the Warren Commission's reconstruction, and only 5.3 seconds under CBS's.

The Zapruder camera can, in fact, be set to run at 24 frames per second. It is a three-speed camera with a lever that can be pushed up for animation or individual exposures, down to operate at the normal speed of 16 fps, and pushed down a little more for slow motion at 24 fps. Zapruder easily could have pushed the lever down further than he intended, in the ~~maximum~~ excitement and emotion of the ~~1963~~ Presidential visit.

Whatever the camera speed or the time-span of the shots, there is still the problem of Oswald's poor marksmanship. CBS did not shrink from tackling this. It set up rifle tests of considerably greater comparability than the tests on which the Commission had relied, using moving targets instead of the stationary ones used in the Commission's tests. Eleven volunteer riflemen took part in the tests. One (a State Trooper) got two hits and one "near-miss" (as good as a mile) in 5 seconds; one (also a State Trooper) got one hit and two near-misses in 5.4 seconds; one (a weapons engineer) got 3 hits in 5.2 seconds; and one (a technician) got one hit and two misses in 4.1 seconds. CBS did not give the scores achieved by the other seven volunteers. Presumably their scores were not the best, but the worst, of the test series. But CBS did acknowledge that out of 37 tries, 17 were no good because of trouble with the rifle (a 6.5 Carcano like the one found in the Depository, but probably in better condition than the original, which suffered from a defective bolt, a defective trigger, and a defective scope). It appears from this statistic that there may be a 45 per cent risk of malfunction when the Carcano rifle is fired. One of Oswald's boyhood friends, ~~interviewed~~

interviewed in New Orleans in November 1963, told the Secret Service that he owned a Carcano rifle like the one found in the Depository but had stopped using it because he was afraid it would explode in his face. Yet CBS found no reason to doubt that such a rifle would work with exemplary efficiency in the hands of a marksman as undistinguished as Oswald.

Moreover, both CBS and the Warren Commission utilized riflemen of a very high order who were in no way comparable to the maladroit Oswald, as CBS more or less acknowledged. Addressing itself only to the speed with which the rifle could be fired, but not to the skill and accuracy of the rifleman, CBS concluded that Oswald probably could have fired fast enough, because he was "shooting at a President." I fail to see how that could suddenly endow Oswald with a skill he had never acquired or manifested. When rifle experts and masters got only one or two hits in three tries, it is preposterous to argue that Oswald was equally or more proficient.

#### The Single-Bullet Theory

The most ambitious gambit undertaken by CBS was its attempt to authenticate the single-bullet theory, which is rejected by all the critics and a good number of apologists for the Warren Report. The Commission handled this weak and contrived link in its chain of evidence by purporting to "prove" separately two elements of the theory which are, in fact, inseparable and interdependent. It asked some expert witnesses if one bullet could have caused the President's non-fatal wound and all the Governor's wounds, and cited their affirmative opinions; it asked other expert witnesses if the stretcher bullet could have inflicted all these wounds (and emerged virtually intact and undeformed). Although it got mainly negative or very doubtful replies, the Commission nevertheless stated in its Report that all the evidence indicated that the stretcher bullet was guilty. The folly of asking

both questions of a single witness was demonstrated in the case of Dr. Robert Shaw. In a deposition of March 1964, Dr. Shaw testified that one bullet could have caused all the Governor's wounds and probably did. But upon being shown the stretcher bullet in April 1964, Dr. Shaw retracted his original opinion and said that it could have been two or even three bullets, now manifesting the most serious doubts about the stretcher bullet. The Commission got around this difficulty by reflecting only Dr. Shaw's first opinion in the Report, never even mentioning that he had later modified it.

CBS, like the Commission, also separated the two problems. It interviewed two experts--one who thought the stretcher bullet could have made all the wounds, and another who was reluctant ~~enough~~ to say that anything was "impossible" but who thought it was very highly improbable that the stretcher bullet could have done everything and emerged virtually pristine. CBS found the first expert more persuasive, ~~ready as always to give the benefit of doubt to the accused and to the accusers.~~ <sup>A</sup> Missing from ~~its~~ the script was any mention of the singular fact that the stretcher bullet when discovered had no blood or human tissue on its surface. Just how significant this is may be judged from the fact that during the very week of the CBS marathon, an Army corporal serving in Southeast Asia was acquitted of a charge of homicide, because while the bullet recovered at the scene of the murder matched the corporal's gun, it had no trace of blood or tissue. According to a police laboratory expert, that bullet could not have gone through a human body and emerged clean; on this point alone, the corporal was exonerated.

### The Wound Ballistics Tests

Apart from offering two opposed opinions on the stretcher bullet, CBS set out to demonstrate that a bullet fired from a 6.5 Carcano rifle had sufficient ~~penetration~~ penetration power to have traversed a human neck, a torso (shattering a rib), a wrist (fracturing the bone), and then lodged superficially in a thigh. The Warren Commission had utilized tests of the



individual parts, or some of them. CBS, to its credit, arranged for a series of tests which better simulated the actual conditions. Blocks of gelatin simulating the neck, the chest, the wrist, and the thigh were lined up at appropriate distances each from the others; ~~a plywood board~~ <sup>masonite</sup> was placed in the wrist block, approximating the bone, but ~~no board~~ <sup>masonite</sup> corresponding with the rib was provided in the simulated chest.

Even so, not a single bullet fired in the experiments retained sufficient energy to penetrate the simulated thigh. Some bullets became spent and never even emerged from the simulated wrist (Mr. Kronkite, who kindly explained the whole test, did not specify whether ~~whether~~ these bullets had lodged in the gelatin before or after breaking the simulated bone).

Earlier I said that CBS, against its plans and wishes, had managed to provide the critics with new ammunition against the Warren Report. That statement had in mind these very tests, for although CBS perversely concluded that the results corroborated the single-bullet theory, the ~~results~~ results in fact disqualify and invalidate the hypothesis. The CBS tests showed that not one of the test bullets could duplicate the feat ascribed to the stretcher bullet--not one. What is even more significant is that CBS did not display to its audience a single recovered test bullet, nor give any descriptions. For the single-bullet theory to be viable, it must be shown not only that a bullet could have made all the wounds, but that it could do so and still emerge, like the stretcher bullet, practically intact and undeformed.

If the CBS tests had yielded a single bullet that resembled the one found on a stretcher at Parkland Hospital (which of two stretchers remains uncertain, despite the CBS interview with Darrell Tomlinson in which he completely reversed his sworn testimony before the Commission), why was it not shown? It would have been a triumph for CBS and a vindication for

the embarrassed Warren Commission. From the failure to display or describe the CBS test bullets, it is easy to draw the necessary and logical conclusion. Just the same, I wrote to the producer of this CBS news inquiry two days after it was televised and requested that I be provided, for purposes of this review, with photographs or detailed descriptions of the test bullets.

They had not been received at press time.

Autopsy Photographs "Authenticated"

The piece de resistance of the whole production, or so it seemed from the pride in Mr. Kronkite's stentorian tones, was an exclusive interview with Captain J. J. Humes (formerly Commander), the autopsy surgeon, in which for the first time Humes broke his silence of three and a half years. Asked to comment on discrepancies in the evidence with respect to the position of the wound in the back of the neck, Dr. Humes explained. The face-sheet diagram executed during the autopsy, which showed the wound several inches below the neck, was merely a sketch, an aide-memoire, not intended to be accurate or precisely to scale; but the schematic drawings executed by a medical artist some three months later on the basis of Dr. Humes' recollections of the cadaver, which showed the wound many inches higher, in the neck, these were both accurate and precise.

Moreover, said Dr. Humes, he had seen the autopsy photographs and X-rays deposited in the National Archives, and they completely corroborated his testimony and his autopsy report. Clearly reassured, Mr. Kronkite ended the interview by asking Dr. Humes how many autopsies he had performed; one thousand, replied the doctor. Mr. Kronkite neglected to ask how many of those autopsies were forensic, or how many ~~was~~ involved gunshot wounds, if any. Dr. Cyril H. Wecht, who was permitted to contribute his opinion to the CBS study in two or three excerpts from a two-hour interview, has done 2,500 autopsies, most of them forensic (medical-legal), and he views the autopsy findings in this case with utmost reserve.

Since Dr. Humes is suspected even by the most pusillanimous of the critics of having falsified the autopsy findings, his self-vindication scarcely closes the chapter—especially when Dr. Milton Helpert, the eminent Medical Examiner of New York, and Dr. Wecht, a forensic pathologist of considerable prominence, have been ~~not~~ denied the opportunity to examine the autopsy photographs and X-rays although a member of Congress made the request.

#### The Head Shot

During the second of the four CBS programs, Walter Cronkite explained that in the Zapruder film, the fatal shot "appears to move the President's head back" (in fact, it shows the head being slammed back with great force) and that the critics regard this as proof that the shot came from the front of the car, not from the Depository. Cronkite ~~said~~ that the experts differ in their interpretation of this phenomenon.

The camera then switched to Dr. Charles Wyckoff, a photo analyst and physicist, who proceeded to discuss the explosive impact of the bullet at the front of the head as seen in stills from the Zapruder film, without ever mentioning the backward thrust of the head seen in the moving picture. Dr. Wyckoff is not to blame for this, since Dan Rather of CBS, who interviewed him, completely misstated the problem, saying, "Some critics say that by the very fact that you can clearly see the explosion of the bullet on the front side of the President, that that certainly indicates the bullet came from the front." (I know of no critic who has ever said such a thing, nor do I think Mr. Rather knows of one.) Dr. Wyckoff replied that, on the contrary, "a rather violent explosion (would) occur on the exiting side."

After that dialogue, in which there was not one word about the backward recoil, Mr. Cronkite announced that we had heard "one explanation as to how a head could move backward after being struck from behind." We had heard nothing of the kind, as CBS well knows, but its chutzpah is unmitigated.

The second expert, Dr. Wecht, was questioned next about the head movement. He was reluctant to say that any biological or physical variation was impossible, but he found it quite unlikely that the President's body "could have moved in that direction after having been struck by a bullet in the back of the head," difficult to accept.

CBS had obtained only one opinion, not two, on the head movement, and that opinion was negative. Dr. Wyckoff addressed himself to quite a different point and did not discuss the backward thrust of the body. But a third expert not mentioned by CBS has expressed his views, in the January 1967 Ramparts.

Physicist Dr. R. A. J. Riddle of the University of California wrote that "The motion of Kennedy's body in frames 313-323 is totally inconsistent with the impact of a bullet from above and behind. Thus, the only reasonable conclusion consistent with the laws of physics is that the bullet was fired from a position forward and to the right of the President."

We have, then, two expert opinions suggesting that the head thrust backward indicates a bullet fired from in front of the car, not from behind, and no opinion from anyone that in spite of the backward recoil the bullet came from behind. ~~Similarly,~~ Although CBS did not choose to comment on it, the Warren Commission never mentioned the existence of this problem nor requested any of its expert witnesses to give an opinion on it. How, one wonders, does CBS evaluate this example of the Commission's honesty and competence?

#### The Anterior Neck Wound

On another controversial medical question, that of the original description of the bullet wound at the Adam's apple, CBS did correct the record. The Warren Report (pp. 90-91) falsely suggests that the Parkland Hospital doctors formed no opinion on whether this was a wound of entrance or of exit, and that press reports that the wound had been described as an entrance hole were inaccurate. CBS said flatly that Dr. Perry did tell reporters that the neck wound looked like an entry wound and that "there's no doubt that Dr. Perry made it sound as if he had a firm opinion." That is exactly what the critics (whom CBS holds in such contempt) have always said.

#### Tippit's "Redeployment"

To dispose of questions raised persistently about Tippit's departure from his assigned district and his presence at the location where he was shot, CBS interviewed the Dallas police radio dispatcher, Murray Jackson--an important witness who was never questioned by the Commission or its investigators. Jackson said that there was no mystery at all, he himself had sent Tippit to central Oak Cliff because it had been left without police protection when the assigned officers were redeployed to the assassination scene.

During this discussion of the Tippit case, CBS several times interpolated brief excerpts from the sound recording of the police radio--for example, the actual sound of a citizen reporting a shooting, over Tippit's car radio (a point that is not in dispute). But CBS did not play the part of the sound recording in which Jackson instructed Tippit to proceed to central Oak Cliff, a point that is in dispute. Apparently CBS was perfectly satisfied

with Jackson's explanation in his televised interview.

If CBS was satisfied, that only betrays the inadequacy of its research and its unfamiliarity with the evidence in the Tippit shooting, to make the most charitable interpretation. Jackson's explanation that central Oak Cliff had been left unmanned appears to be an invention. According to the Dallas Police Radio Patrol District Map, central Oak Cliff consists of some ten numbered districts (22-23, 91-96, and 108-109). In several instances, two adjoining districts are assigned to one police officer or one pair of officers. Thus, seven patrolmen normally cover the ten districts. On the day of the assassination, two men had been reassigned to duties connected with the Presidential visit (one to the Sheraton-Dallas Hotel, and the other to the Dealey Plaza area). The other five men were at their assigned stations and while three of them were ultimately redeployed to the triple underpass, it was only after Tippit allegedly was instructed to move into central Oak Cliff that they were removed. It was Tippit's own district (number 78) that was left unmanned when for reasons still unknown he departed from his assigned location.

Jackson also tried to explain why he had responded to a citizen's report of a disturbance in district 91 by signaling J. D. Tippit. Jackson said, "Knowing that J. D. was the only one that should have been in Oak Cliff, my reaction was to call 78." But Jackson supposedly had assigned two men simultaneously to proceed to central Oak Cliff--number 78 (Tippit) and number 87 (Nelson)--and the man regularly assigned to district 91 (Mentzel) was on duty there. Apparently Jackson did not think his story through very carefully before his CBS interview.

#### Why the Big Guns?

Walter Kronkite, who can be unbearably pompous, said in one of his summations that "it is too much to expect that the critics of the Warren Report will be satisfied with the conclusions CBS News has reached, any more than they were satisfied with the conclusions the Commission reached."

Since the conclusions are exactly the same, and the "evidence" essentially unchanged, I cannot imagine why in the world the critics should be "satisfied." If they were inclined to have their brains washed by arguments that are fatuous, inaccurate, and knowingly deceptive, they would have accepted the Warren Report even before CBS sprinkled more holy water on it.

The question that the critics are asking, and that the public should ponder, is why three of the super-media, commanding audiences in the many millions, have launched this synchronized effort to confuse or convert public opinion. ~~Is it~~ a response to pressure from high Governmental

places? I doubt that very much. ~~That~~ <sup>That</sup> is a speculation founded on a complete misunderstanding of the real nature of the American press, ~~This is~~ an institution which, more often than not, would resent and resist overt pressure or attempted control by the Government. The press prefers, of its own volition and enterprise, to serve as the handmaiden and propagandist for the Government, on such issues as the Warren Report. Such a press, even more than a fascist press openly serving a fascist regime, readily becomes a crusader against the truth when the truth is a disadvantage or a threat to the power structure. When seven out of ten Americans doubt or repudiate the Warren Report, it is time for the "free press" to spring into action, as did NBC, AP, and CBS, and no one has to prod them. With one or another degree of subtlety (CBS was the most subtle and made the best ~~substantive~~ pretense of impartiality), each of the three media belittled and maligned the critics, each argued that the Warren Report was gospel truth (even if it had a failing here and there).

Before this veritable troika tried to pull the public back into the morass of the rather dirty lies they had begun to reject, seven out of ten Americans were sceptical. Now that the news media have had their day, the ratio may well have risen to nine out of ten. The American people, after all is said and done, ~~often~~ sometimes do have a very keen sense of smell.

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