

3 July 1967

Mr. Richard Salant  
President, CBS News  
518 West 57 Street  
New York City 10019

Dear Sir,

The CBS News Inquiry on the Warren Report was marred by serious error and fallacious reasoning which inevitably will have misled and confused a general audience. I feel obliged to comment on some of the evidentiary problems discussed in the News Inquiry.

The Time-Span of the Shots The blurring of some frames of the Zapruder film and their possible correlation with the sound of gunshots was discussed in an unpublished paper written by critic Ray Marcus in 1965 and in Harold Weisberg's book Whitewash (page 47), which has been in the hands of CBS for a year or more. That CBS seemed to claim credit for this "discovery" suggests a sense of fair play that is also blurred. In any event, CBS cited only three blurred frames (numbers 190, 227, and 318), suggesting that they indicated the sound of gunfire four or five frames earlier in each instance. There are two more frames, equally blurred, which CBS did not mention (numbers 195 and 203). If CBS wishes to argue that five blurred frames correlate with three rifle shots, it should at least have acknowledged that there were five, not three, such frames.

The speed of the five test cameras is absolutely irrelevant to the time-span of the shots. The only relevant camera is the one owned by Zapruder and used by him on the day of the assassination. CBS rejected the FBI finding that Zapruder's camera was operating at 18.3 frames per second, for reasons it did not trouble to explain. In fact, there are reasons for rejecting the FBI finding--that is, the FBI testimony that a segment of the Zapruder film that took 5.6 seconds in the original took only about 3.5 seconds in a reenactment film utilizing the same camera. In other words, the camera said by the FBI to have operated at 18.3 frames per second on November 22, 1963 was running at about 24 frames per second on May 24, 1964. The three-speed Zapruder camera can, in fact, be set to operate at 24 frames per second. At that speed, the alleged assassin would have had only 4.5 seconds in which to fire three shots, under the Warren Commission's reconstruction. Impartial examination of the evidence leads to a finding that the accused Oswald might have had a second less than estimated by the Commission, not as CBS postulated almost three seconds more.

Marksmanship Tests The CBS rifle tests achieved far greater verisimilitude with respect to physical conditions than did the tests on which the Warren Commission relied. But both sets of tests utilized expert and master riflemen in no way to be equated with the maladroit Oswald. CBS reported the scores of only four of the 11 participants in its tests, and one of these four missed two out of three shots. One might reasonably infer that the seven withheld scores may include three misses out of three tries. If marksmen of the highest order missed two shots out of three (or all three), the results of the rifle tests would seem to indicate that Oswald was not capable of the feat of marksmanship ascribed to him by both the Commission and CBS. I fail to understand how the non-normality of "shooting at a President" would endow a marksman with skill he had never acquired or manifested.

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The Wound Penetration Ballistics Tests The CBS tests again achieved far better simulation than did the Commission's tests. But that very fact makes it all the more astonishing that CBS drew from the test results conclusions flagrantly opposite to those warranted. Not one bullet in the CBS tests retained sufficient velocity to penetrate the simulated thigh--not one. That does not "corroborate" the single-bullet theory: that disqualifies it. Moreover, some bullets out of an unspecified total became spent and lodged in the simulated wrist. I should like to know the exact number or percentage of the total bullets that lodged in the simulated wrist. I should like to know if any of the lodged bullets pierced the masonite (simulated bone) before exhaustion. This essential data unfortunately was omitted.

In any case, it is not sufficient to prove a bullet could have caused all the wounds attached to the single-missile hypothesis (CBS did not prove that, it proved the opposite). It is necessary to prove also that one bullet could have caused all the wounds and emerged virtually intact and undeformed, without traces of tissue or fabric. Since this is an indispensable corollary, I am at a loss to understand why CBS did not display or describe a single one of the bullets recovered in its tests--not one. Is one to assume from this singular omission that some or any of the CBS test bullets emerged in the same pristine purity as the stretcher bullet? I think not. Nor does this seem to me a careless oversight. Pending elucidation or correction by CBS, I am compelled to infer that the test bullets were deliberately withheld because their condition upon recovery would decisively invalidate the contrived stretcher bullet-single missile hypothesis.

The Stretcher Bullet In his CBS interview, Darrell C. Tomlinson of Parkland Hospital completely reversed his sworn testimony before the Warren Commission with respect to the stretcher on which the bullet was discovered. This bullet had no blood, tissue or fabric traces on its surface. Just how significant this is may be judged from the fact that during the very week of the CBS News Inquiry, an Army corporal serving in the head of a court-martial acquitted of a charge of homicide because while the bullet recovered at the scene of the murder matched the corporal's gun, it carried no trace of blood or tissue. A police expert testified that that bullet could not have traveled through a human body and emerged clean; on this point alone, the corporal was exonerated.

The Autopsy Photographs and X-rays Captain Humes told CBS that a diagram executed during the autopsy, which placed the neck wound several inches below the neck, was merely a sketch, an aide-memoire, not intended to be accurate or precisely to scale; but that the schematic drawings executed some three months later under his direction (on the basis of recollection and such aide-memoires as were at his disposal) were both accurate and precise in depicting the wound at a site markedly higher than in the contemporaneous diagram. In any case, Captain Humes claimed, the measurements written in the margin of the diagram were correct, however inexact the positioning of the controversial "dot."

CBS failed to pursue or challenge this explanation, as in conscience it should have done, by pointing out no marginal notations giving precise measurements for any other wound, cut-down, or physical characteristic appear on the diagram; that every other entry in the diagram appears to be accurate, as opposed to the crucial bullet wound in the back; that the clothing bullet holes match the diagram, not the schematic drawings; that a Secret Service agent saw a bullet hit the President four inches below the neck; and that another Secret Service agent, summoned to the autopsy chamber expressly to witness the wounds, testified that this wound was six inches below the neck.

At the close of the interview, CBS asked Captain Humes how many autopsies he had performed, and accepted his estimate of a thousand without further comment. CBS failed to ask how many of those autopsies, if any, were forensic; and how many involved death by gunshot. A pathologist can perform a hundred thousand autopsies on victims of cancer or other diseases (which contribute to medical knowledge), without acquiring the slightest competence to perform a forensic autopsy. The question and answer, as they stand, were grossly misleading to the viewer.

In another segment of the CBS News Inquiry, CBS criticized the Warren Commission for accepting the self-vindication of the FBI with respect to its alleged clandestine relationship with Oswald. Is Captain Humes to be permitted to vindicate his autopsy report and his testimony, by himself "authenticating" the autopsy photographs and X-rays? The very least that CBS should have done was to inform its audience that Representative Theodore R. Kupferman requested permission for Drs. Milton Halpern and Cyril H. Wecht to examine the photographs and X-rays, and that the request was denied. One can better evaluate Captain Humes' authentication in the light of the knowledge that two such outstanding forensic pathologists were barred from looking at this evidence.

The Head Shot CBS asserted that the Zapruder film reveals that the fatal shot "appears to move the President's head back." In fact, the film shows that the head was slammed back with great force by the impact of the head bullet. CBS said that experts disagreed in their interpretations of this phenomenon, while the critics regard it as proof that the fatal shot was fired from a position in front of the car and not from the Book Depository.

After showing an interview by Dan Rather of Dr. Charles Wyckoff, Walter Kronkite said that we had heard "one explanation as to how a head could move backward after being struck from behind."

That is a flat lie. Dr. Wyckoff gave no such explanation, since Mr. Rather had completely misstated the problem. Neither in Mr. Rather's question nor in Dr. Wyckoff's reply was there any mention whatever of the backward thrust of the head upon bullet impact. Mr. Rather had said that "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. Both he and Mr. Kronkite have falsely stated the position of the critics and the import of Dr. Wyckoff's opinion on this decisive question of evidence on the direction of the fatal shot. The misrepresentation is so grave that I cannot imagine that you will wish to permit it to stand uncorrected.

Dr. Cyril Wecht found it quite unlikely and difficult to accept the backward recoil as a response to a bullet from behind the head. Physicist R. A. J. Riddle, who was neither consulted nor mentioned by CBS, wrote in the January 1967 Rapports,

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.

The Warren Commission concealed from the American people the very fact of the backward thrust of the President's body in reaction to the head bullet, which no one who views the Zapruder film can fail to see. CBS did disclose this crucial evidence, perhaps because it could no longer be disregarded as a result of the information which critics of the Warren Report have been able to bring before the public. But in discussing and attempting to neutralize the import of this evidence, CBS engaged in blatant misrepresentation of an exceedingly ugly nature. Unless there is an early and specific rectification, it will be impossible to avoid the conclusion that CBS has attempted to whitewash the fraudulent Warren Report and to engage in a massive propaganda effort to confuse or convert public opinion, while pretending to do the honorable work of a free press.

Finally, I refer to the CBS interview of Murray Jackson, Dallas Police radio dispatcher, an important witness in the Tippit murder who was never questioned by the Warren Commission or its investigators. Jackson's statements to CBS were false. Central Oak Cliff was not unmanned by police officers when Jackson allegedly instructed No.78 (Tippit) and No.87 (Nelson) to proceed there. Some <sup>seven</sup> police patrols are normally assigned to central Oak Cliff. Only two of them had been redeployed to the scene of the assassination. The others were present in their assigned districts, including the officer responsible for the district in which Tippit was shot. It was Tippit's own district that was left unpoliced when he departed from his assigned location, not the district in which he was murdered.

Moreover, Jackson claimed that he had reacted to a report of disturbance on 10th and Patton by signaling Tippit because he knew that "J.D. was the only one that should have been in Oak Cliff." Even CBS should have noticed that this explanation collides with the so-called simultaneous instruction issued by Jackson at 12:45 p.m. to Tippit and Nelson. Having dispatched Nelson to central Oak Cliff, how could Jackson "know" that Tippit was the only one who should have been there?

During its review of the Tippit case, CBS played selected excerpts from the sound record of the police radio--for example, the actual sound of the citizen reporting a shooting, which is not in dispute. I cannot understand why the actual sound record of Jackson's instruction to Tippit and Nelson at 12:45 p.m. was not played, since it is in dispute, nor why CBS preferred to rest on Jackson's unsworn, self-contradictory statements to a CBS interviewer after a passage of more than three years.

Time does not permit me to deal with other inadequacies in the CBS News Inquiry, many of which are no less serious than the examples I have discussed. No student of the assassination can fail to notice that the defects of the CBS Inquiry, like those of the Warren Report, whether errors of commission or errors of omission, are characterized by one constant: they invariably work to the disadvantage of the accused assassin. The significance of this phenomenon is self-evident. I am distributing copies of this letter to the press and other interested parties.

Yours very truly,

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