

(See Berkley questionnaire at end of enclosure)

12 September 1977

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U. S. House of Representatives
3331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Blakey,

In your letter of 8 September 1977 you suggested that I should submit as early as possible a list identifying principal areas for investigation and of unanswered questions in each area.

Your request confronts me with some difficulty. In general terms, I believe that my book Accessories After the Fact in itself consists precisely of a review of the principal areas of investigation and of the unanswered questions, not in the JFK assassination alone but also in the murders of Tippit and of Oswald himself. At the same time, it is true that important new information has emerged since Accessories was published in 1967.

Since it is not realistic in the time available to prepare a comprehensive outline of the principal areas and the unanswered questions, I have attempted to prepare in highly condensed form a list of a few of the principal areas and have included some of the new evidence which has come to light in recent years. This list, which I enclose herewith, is highly condensed and merely illustrative and by no means comprehensive.

Yours sincerely,



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Enclosure:
Outline of Principal Areas
and Unanswered Questions

Sylvia Meagher
September 1977

Principal Area for Investigation:

The integrity and authenticity of the undated autopsy report by Humes et al

There is a substantial body of evidence that suggests that the autopsy report published by the Warren Commission differs crucially from one or more earlier autopsy reports. Much of that evidence is detailed in Accessories After the Fact (Vintage edition), pages 134-139. In 1975, important new evidence bearing on the authenticity of the official autopsy report became available in the transcript of a closed meeting of the Warren Commission held on 27 January 1964, about a month after the Commission had ostensibly received the autopsy report published in Commission Exhibit 387. In that transcript, J. Lee Rankin, the General Counsel, stated:

There is a great range of material in regard to the wounds, and the autopsy and this point of exit or entrance of the bullet in the front of the neck...We have an explanation there in the autopsy that probably a fragment came out the front of the neck...we have the picture of where the bullet entered the back, that the bullet entered below the shoulder blade...(Emphasis added.)

That description by Rankin is irreconcilible with the autopsy report and testimony which categorically identifies the wound at the Adam's apple as a point of exit and which places the entrance wound in the back at a much higher point than "below the shoulder blade".

It is suggested that the Select Committee should conduct an intensive investigation to determine what autopsy report was in the Warren Commission's possession on 27 January 1964 and formed the basis for Rankin's description quoted above, whether there were preceding and/or subsequent autopsy reports, and when the undated autopsy report published in CE 387 was actually written.

Principal Area for Investigation:

The nature and the location of the bullet wounds

The contradictory evidence on the nature and location of the wounds is detailed in Accessories, pages 139-178. Since the book was originally published in 1967, new contradictions have emerged. Of major importance is the finding of the Russell Fisher panel that the bullet entrance wound in the head is some four inches higher than described by Humes et al in the undated autopsy report and by eyewitnesses present at the postmortem examination. This major discrepancy further raises the question of the integrity and authenticity of the autopsy photographs and X-rays.

The Fisher panel also described metallic fragments in the neck, in contradiction to Humes et al, who testified that no such fragments were present. The Select Committee should seek to resolve that major conflict in the evidence.

A collateral matter of significance is the testimony of Dr. Pierre Finck at the trial of Clay Shaw that high-ranking military officials present during the autopsy procedure ordered him not to ^{do} required sectioning of the neck to determine the path of a presumed missile.

A further recent discovery bearing on the site of the bullet wound in the back is the death certificate written by Admiral George Berkeley, which places the wound "at about the level of the third thoracic vertebra" --again, lower than the site described by Humes et al and essential to the Warren Commission's single missile/lone assassin findings. Admiral Berkeley was not among the witnesses who gave testimony to the Warren Commission but all of his activities related to the medical and autopsy findings require full elucidation, since Berkeley was the only physician present both at the Parkland Hospital emergency room and at the Bethesda Hospital autopsy examination. Among the questions which should be put to Berkeley is why he did not inform the autopsy surgeons that there was a bullet wound in the anterior neck at the site of the tracheotomy.^{1/}

The fatal head shot requires thorough reevaluation in the light of

- (1) the contradictions as to the site of the entrance wound in the head
- (2) the dramatic movement backward and to the left of the President's body, upon impact of the head bullet, as seen in the Zapruder film
- (3) the unpublished research of Dick Bernabei on the distribution of the bullet fragments in the head, on the basis of which a bullet entering from the right and the front is postulated.

Principal Area for Investigation:
Ballistics and related evidence

Despite the sworn testimony of the autopsy surgeons that no bullet was found in the body, there exists a receipt signed by two FBI agents dated 22 November 1963 for "a missile removed by Commander James J. Humes, MC, USN on this date" (see Post Mortem by Harold Weisberg, page 266). That conflict in the evidence must be resolved.

The results of the spectrographic tests and the neutron activation analysis of the bullets and bullet fragments must be obtained and evaluated in order to determine how many weapons were actually fired in the assassination.

The stretcher bullet, CE 399, demands intensive reevaluation. The weight of the evidence is against the finding of the Warren Commission that this bullet produced all of the non-fatal wounds sustained by the President and by Governor Connally. The possibility that this bullet was deliberately planted or substituted in order to incriminate the accused must be actively explored.

On the related question of the number of shots actually fired on Dealey Plaza, a search should be made for recorded tapes which may include the sounds of shots. The Dallas police radio tapes should be studied for that purpose. A determination should be made of whether other recordings were made--by the Secret Service, the news media, or other agencies or parties involved in the motorcade. The objective evidence (the number and the nature of the wounds sustained by the primary victims and also by the bystander, James Tague, the mark or marks of bullets on the curb and the pavement, and the recollection of some eyewitnesses) suggest that more than three shots were fired, and that they were fired from more than one location.

^{1/} See Annex A, "Burkley as a Pivotal Witness"

Principal Area for Investigation:

Evidence suggesting perjury, collusion, fabrication, and destruction of evidence by official agencies and investigators

(1) The testimony of Charles Givens: In its original version, it was exonerative of Oswald. In its later version, told for the first time in April 1964, it sought to incriminate Oswald by placing him on the sixth floor near the so-called sniper's window. The matter is discussed in detail in Accessories, pages 64-69, and in The Assassinations edited by Peter Dale Scott et al, pages 243-250.

(2) The alleged arraignment of Oswald for the murder of the President: The testimony of Dallas officials and the account of the arraignment in the Warren Report are contradicted by internal evidence (see Accessories, pages 305-309) and by an FBI report (CD 5 page 400) which states categorically that "No arraignment on the murder charges in connection with the death of President Kennedy was held inasmuch as such arraignment was not necessary in view of the previous charges filed against Oswald and for which he was arraigned."

(3) The alleged discovery of the gray zipper jacket by Captain Westbrook: It is clear from the police radio log that neither Westbrook's testimony that he was present when the jacket was found, nor the assertion in the Warren Report that Westbrook himself found the jacket, is true. See Accessories, pages 274-280.

(4) When did Captain Fritz learn that Oswald had been apprehended? The testimony of Fritz and Sergeant Gerald Hill comes into direct conflict with the testimony of Sheriff Decker and police officer C. W. Brown (see Accessories, pages 85-87) and raises the possibility of perjury and collusion.

(5) Oswald's visit to the FBI office in Dallas: It is now acknowledged by the FBI that Oswald visited the FBI office in Dallas and left a note there for FBI agent Hosty. The fact of the visit was concealed; the note was destroyed. Testimony on the destruction of the note is conflicting, raising the possibility of perjury. The suppression and destruction of evidence by the FBI should be viewed in the light of the fact that the FBI from the outset tried to pressure the Warren Commission into a finding of no conspiracy and of a lone assassin, as is clear from the transcript of the executive session of the Warren Commission held on 22 January 1964. These facts must cast doubt on the totality of the FBI's investigation on behalf of the Warren Commission, including its laboratory findings.

(6) The authenticity of the photographs of Oswald holding a rifle: The Dallas Police claimed that they had found photographs of Oswald holding a rifle during a search of the Paine garage on 23 November 1963 but the list of items seized during that search does not include those photographs. Their omission from the list is inconceivable if they were actually recovered during that search. Moreover, they do not appear in a photograph of Oswald's possessions recovered from the Paine's home (see JFK Assassination File by Jesse Curry, page 111). The work of Fred Newcomb provides further evidence that those incriminating photographs were fabrications.

(7) The palmprint on the rifle: This item of evidence demands full reinvestigation and reevaluation in the light of the peculiar circumstances surrounding it (see Accessories, pages 120-127). The possibility of fabrication has not been ruled out.

(8) Oswald's travel to Helsinki: Why did the Warren Commission in its Report falsely assert that Oswald had departed London for Helsinki on 9 October 1959 when Oswald's passport is clearly stamped by the immigration officer at London Airport "Embarked 10 Oct 1959"?

The above list of questions is illustrative and far from comprehensive. Numerous similar questions can be raised. Individually and in the aggregate, they raise the issue of the probity and integrity of the Dallas Police, the FBI, and the Warren Commission itself in the context of the investigation of the JFK assassination. In turn, that raises the issue of whether any of the findings or conclusions of those authorities should be permitted to have force when parts of the evidence are tainted and the motives of the authorities have come under question.

This list has not attempted to deal with the performance of the CIA, which requires intensive separate treatment, or of the Secret Service.

Principal Area for Investigation:
Oswald's alibi

This area should be thoroughly reevaluated in the light of the critical literature and in particular Presumed Guilty by Howard Roffman, pages 175-224 and Accessories, pages 36-93.

BURKLEY AS A PIVOTAL WITNESS

Dr. George G. Burkley, the President's personal White House physician and a Navy Admiral, is doubly distinguished as the one medical doctor who was with John F. Kennedy throughout the day and night of November 22, 1963. Burkley is the only physician who was close to the pre- and post-mortem treatment of the President but he was never called to testify before the Warren Commission. The following are among the questions that should be put to Dr. Burkley.

- (1) Who assigned Dr. Burkley to his place in the motorcade? Why did he allow himself to be placed so far back from the President?
- (2) Did Burkley administer or cause to be administered to the President at Parkland Hospital 300 cc of Solu-Cortef (hydrocortisone)?
- (3) Did Burkley observe the bullet wound in the President's anterior neck during the emergency treatment at Parkland Hospital? If not, was he informed of that wound by the attending physicians in the emergency room?
- (4) Did Burkley consult with Dr. Malcolm O. Perry of Parkland Hospital prior to the departure from the Hospital of the presidential party? If not, was he aware (from press reports or any other sources) of Perry's identification of the throat wound as one of entrance at the Perry-Clark news conference on the afternoon of the assassination? (See transcript of Perry-Clark news conference on file at the Lyndon B. Johnson Library in Austin, Texas.)
- (5) Did Burkley visit the operating room in which Governor Connally underwent surgery following the shooting? What does he know about the Governor's wounds?
- (6) What was Burkley's role in the decision to remove the President's body from Dallas and to take it to Washington?
- (7) During the flight of Air Force One from Dallas to Washington was Burkley in a position to observe the body and to prevent any interference with it?
- (8) What role did Burkley play in the decision to select Bethesda over Walter Reed Army Hospital as the location for the autopsy, and what were the mechanics for effectuating that decision? What was his participation, if any, in the selection of the autopsy surgeons?
- (9) Upon arrival at Bethesda Naval Medical Center, did Burkley apprise the autopsy surgeons of the events of the motorcade? of the treatment at Parkland; and, specifically, of the wounds sustained by the President? In particular, did he inform any or all of the autopsy surgeons or anyone else of the bullet wound in the anterior neck?
- (10) Did Burkley become aware at any time during the night of November 22-23 that the autopsy surgeons wished to dissect the organs of the President's neck? Did he consult the Kennedy family about that? Was he aware that any high-ranking military official or officials ordered the autopsy surgeons not to section the neck on the alleged ground that the Kennedy family did not wish it done?

- (11) Did Burkley observe the President's wounds at the time of the autopsy?
- (12) Did he participate in the actual post-mortem examination, other than as a witness?
- (13) On what authority, and on what basis, did he certify the Boswell face sheet and other original records of the autopsy as authentic and accurate?
- (14) How long did the autopsy last?
- (15) What does Burkley know about the Humes-Perry telephone conversation? When did it occur? Was Burkley present at the time?
- (16) When did Burkley last observe the body of the President?
- (17) Why did Burkley prepare his own death certificate for the President when he had already received a death certificate from Dr. Kemp Clark of Parkland Hospital? Why was Burkley's death certificate never filed with any probate court or health agency? Why did Burkley include in his death certificate a description of the wounds which reached beyond the mere cause of death?
- (18) What is the source for the statement in the Burkley death certificate that there was a wound in the President's back at about the level of the third thoracic vertebra?
- (19) Where is the President's brain? Can Burkley provide information on any other autopsy records and materials which are missing from the Archives collection?
- (20) What does Burkley know about the destruction of a roll of photographs at the autopsy?
- (21) With reference to Commission Exhibit 1126, at whose request or order did Burkley compose the statement of his activities in the events surrounding the assassination, and to whom did he transmit that statement? Where are the original and all draft copies of that statement? Does he have any original notes made on November 22-25, 1963, or did he destroy such notes?
- (22) Was he ever interviewed by representatives of the Secret Service, the FBI, or the Warren Commission? If so, what are the dates of the interviews?
- (23) Did he have occasion at any time after November 22, 1963 to confer with the autopsy surgeons and/or the Parkland Hospital physicians?
- (24) Was Burkley ever asked to testify before the Warren Commission, or did he volunteer to do so? Was he asked by anyone to comment on the Warren Report's medical findings prior to publication of the Report?
- (25) When did he receive an autopsy report by Dr. Humes? Did he receive or read any subsequent versions of the autopsy report? On what date did he first receive or read the autopsy report which is reproduced in the Warren Report?