

## CE 399 key to assassination truth

# 'Magic bullet' still

By HOWELL WECHSLER

Staff Writer

It sits in a plastic vial somewhere in the National Archives, a 1 1/8-inch long piece of copper and lead surrounded by the nation's greatest historical treasures. Its official name is Commission Exhibit (CE) 399, but most people call it "the magic bullet." It is the most famous piece of ammunition ever made.

In that bullet's story lies the truth behind the assassination of John F. Kennedy.

On Nov. 22, 1963, — 15 years and one day ago — CE 399 either ripped through the neck of the 35th President and then through the back of the Governor of Texas, or ...Or it played a crucial role in the most horrifying miscarriage of justice in American history.

Much of the House Select Committee on Assassinations' two-year study of the Kennedy murder has focused on whether CE 399 could have done what it is alleged to have done. Now, the committee's work is coming to an end, and, according to committee member and Indiana Second District Rep. Floyd Fithian, it has concluded that the same bullet did hit Kennedy and Gov. John Connally.

**BECAUSE OF THAT** conclusion, the committee believes the major finding of the Warren Commission, President Johnson's panel to investigate the assassination, was correct: Lee Harvey Oswald killed John Kennedy.

The committee has not found any evidence to prove Oswald was part of a conspiracy to kill the President, Fithian said.

The case against Oswald seems clearcut at first. A rifle, purchased by mail order with his handwriting, and with his palmprint on the barrel, was found on the sixth floor of the Texas School Book Depository shortly after the assassination. Oswald worked at the depository and was seen carrying a long thin package in a brown paper sack that day.

The sack and three empty cartridges were found next to a sixth floor depository window that offered a perfect view of the passing motorcade. Scientific tests proved Oswald's rifle fired the cartridges, two bullet fragments found in the presidential limousine and a nearly whole bullet — CE 399 — found at the hospital where the President and Connally were taken.

Finally, Oswald had no alibi. He was apparently alone at the time of the assassination and was seen on the second floor of the depository less than two minutes after the shooting.

**NEARLY EVERY SINGLE PIECE** of evidence in the case has been condemned by one critic of the Warren Commission or another. But the most crucial, and compelling, criticism has been leveled against CE 399. If the charges about the bullet are correct, the case against Oswald as a lone assassin falls apart.

The bullet's significance results from the Zapruder film, a home movie of the motorcade that became a vivid documentation of the President's death. The film shows President Kennedy waving to the crowds, until the camera's view was blocked by a street sign for about a second.

When the car emerged, Kennedy was grabbing for his

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throat. Then, Connally was hit, and about five seconds after the car passed the sign, the fatal blow struck the President's head.

With the speed of Zapruder's camera known, the Warren Commission was able to determine the time interval between the hits. It was clear that Gov. Connally was struck less than two seconds after the first hit against the President.

But FBI tests showed it would take Oswald at least 2.3 seconds to fire his gun again. So there were either two assassins or the same bullet that hit Kennedy also hit Connally. The Commission opted for the latter.

**THE SINGLE-BULLET THEORY** has been under fire since the day it was announced. How, the critics ask, could a bullet go through Kennedy's neck, through Connally's back shattering a rib, through the governor's wrist and then graze his thigh — how could it do all that and come out as undeformed as CE 399? The bullet is only slightly flattened at its base, with a mere 1.5 to 3.5 grains of its soft lead core missing.

"I challenge the committee to bring in one bullet that has gone through two human beings and emerged looking like this one," says Dr. Cyril Wecht, coroner of Allegheny County, Pa., and the lone dissenter on the committee's nine-member forensic pathology panel.

The eight other expert pathologists told the committee they could not state with certainty what may or may not happen to a bullet after it hits something. "They basically said that they have seen some strange things happen to bullets that don't seem possible," said John Kinan, Fithian aide and liaison to the committee.

Fithian stressed that the bullet's passage through the President's neck "hit nothing except tissue and then went through Connally's body without hitting bone until it hit the wrist."

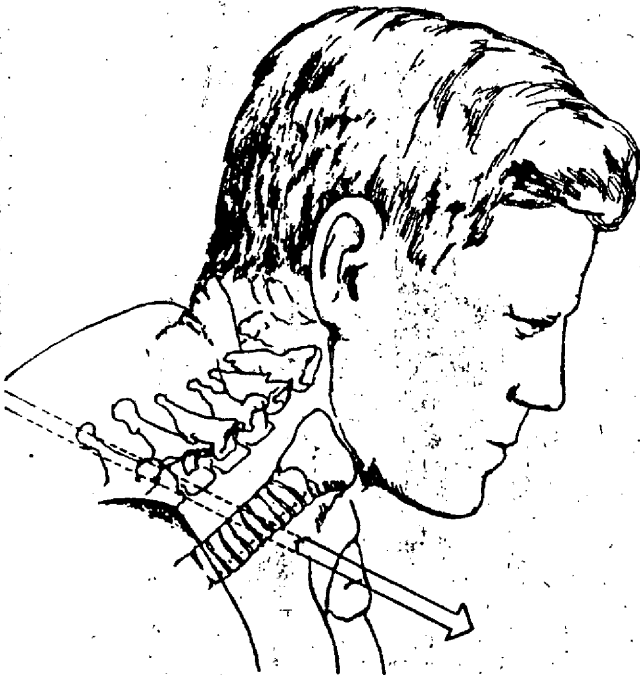
Why didn't the committee conduct tests to show that even one bullet in a million could escape with as few deformities as CE 399 supposedly did?

Because, Kinias replied, all of the pathology experts, except Wecht, said they did not feel they could properly recreate the conditions of the assassination in a scientific test.

**THEN THERE'S THE PROBLEM** of CE 399's trajectory. Oswald was allegedly shooting from a sixth floor window at a distance of at least 177 feet in the right rear. Yet the entrance wound in the back of Kennedy's neck is anatomically below the exit wound in his throat.

"How could a bullet shot from six stories above have an upward trajectory?" Wecht asked.

It would be possible if the President were leaning forward, Kinias said. "The anatomical positions given to the wounds are based on the human body lying flat on its back. But people don't sit bolt upright in cars," he said.



### The first bullet

*This diagram from the House Assassinations Committee shows how trajectory experts say a bullet shot from a sixth-floor window to the rear could have exited the President's throat at a higher point than the entrance wound in the back of his neck. It was possible if Kennedy were leaning forward like this at the time of the shooting.*

Wecht argued that hundreds of people were watching the President when the Zapruder film was blocked by the sign and no one has said they saw him bending down. And, according to the Warren Commission, "The President wore a back brace that tended to make him sit up straight."

But, the committee's trajectory experts testified the President would only have been about a head's length forward. "It's not a position someone would likely characterize as leaning forward," Kinias said. "The trajectory experts traced the trajectory backwards from his wounds and, if he was sitting in that position, shots from the sixth floor window of the depository would have been consistent with the wounds."

The alleged horizontal path of CE 399 has also been ridiculed by the critics for years. Connally was sitting in front of the President. But, if the bullet came from the right rear, how did it go from Kennedy's neck to the extreme right of Connally's back?

**"NO BONES WERE STRUCK** in the President that could have deflected it," Wecht said. "But somehow it supposedly moved quite a bit to the right."

Fithian said the committee's photographic experts resolved this question by using the frame of the Zapruder film just before the view was blocked and a photograph taken at practically the same instant. The two pictures gave depth to the limousine, and although Connally was not visible in the pictures, they did show where he could not be, according to the experts.

"He was either walking on the sidewalk or he had to have leaned his body over to the left," Fithian said. That would have put him in line for the bullet going through the President's neck, he added.

Later frames of the Zapruder film corroborate this, since Connally is seen turning his head to the right, a move that would automatically shift his body to the left in the cramped jump seat, Fithian said.

Wecht called the photographic experts' conclusions "grossly inaccurate. I've seen the films hundreds of times and what he says is absolutely news to me. If only the congressmen and staff get to ask questions of these witnesses, these kinds of inaccuracies are bound to occur," he said.

**ONE THEORY OF SOME** Warren Commission critics is that CE 399 could have been planted during the confusion at the hospital as part of a plot to frame Oswald. But Fithian said this idea was demolished by a scientific test called neutron activation analysis (NAA) which proved that CE 399 was the bullet that hit Connally.

The FBI conducted the NAA test in 1964, and came up with inconclusive results because, Fithian said, the science was not very sophisticated then. But the committee's experts, with new methods of analysis, found that the FBI test and their own test show that bullet fragments taken from Connally's wrist came from CE 399.

However, the tiny fragments the expert tested did not weigh as much as the fragments known to have been taken from Connally's wrist, leading to an obvious question from the critics: How do we know they are the same fragments or that the FBI report has not been falsified?

Kinias said it takes a wild stretch of the imagination to believe someone could so successfully fake such highly complex data. Anyway, Fithian said, "It's my understanding that the chain of custody for the evidence is very tight."

But, if the chain of custody is tight, where are the missing fragments? And probably more important, where is the President's brain and the chest X-rays and tissue slides that are also missing? The committee has no answer.

The critics say the missing evidence taints the entire case against Oswald. "I would bet my life, my wife, my home and my four children," Wecht said, "that if it ever

went to trial and I could pick the defense attorney, this case would go right down the drain. No jury would convict."

Kinias replied that the committee could point out it obtained independent verification of the authenticity of the evidence brought before it.

**IF THE BULLET** were not planted, some critics say, there had to have been a second assassin to make one of the hits ascribed to CE 399.

Their case was certainly not weakened by the testimony of the committee's audio experts. A Dallas



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police tape for the day had the sounds of the assassination on it, apparently from a motorcycle policeman near the scene who accidentally left his microphone on.

In extraordinarily complex testimony, the leader of the expert team that examined the tape, told the committee there was a 50-50 chance that a fourth shot was fired, with three coming from the depository and one from a grassy knoll area in front of the limousine.

The audio expert said he could not get more specific because his projection was merely a statistical probability.

There may be lingering doubt about a possible fourth shot, but the committee found no evidence a shot was fired from any area besides the depository, Fithian said.

The findings of the audio experts, however, created a new problem for the committee. The tape clearly indicated that two of the shots were fired in less than two seconds — something the FBI said Oswald couldn't possibly do.

**NOW, THE COMMITTEE** believes the FBI was wrong: Oswald could have fired in under two seconds, not fast enough to hit Kennedy and Connally with separate shots, but in time to synchronize with the tape.

The committee's reasoning, according to Fithian, is that the FBI was wrong in assuming Oswald needed to use the rifle's scope to hit his targets. The committee's firearms panel said Oswald had an easy shot at the limousine, which moved at about 11 mph, and that they would have shot without the scope, Kinan said.

Some critics have asserted a shot had to hit the President from the front because the Zapruder film shows his head jerking backwards violently around the time of the fatal shot.

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### *The alleged conspiracy to kill Kennedy and some of the questions that remain.*

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But, after examining X-rays, autopsy pictures and eyewitness medical reports, the committee's pathology panel unanimously agreed that all the wounds in Kennedy came from the rear. The head movement was probably caused by some kind of neuromuscular reaction, according to the panel.

Some critics argue that, with key pieces of evidence missing, the authenticity of the X-rays and autopsy pictures examined by the pathology panel must be questioned. "What assurances does the public have that whoever removed key evidence didn't also replace evidence?" asks the Assassination Information Bureau, a non-profit organization devoted to public education on what it considers to be the suppression of the truth behind America's recent political murders. Only a few of the X-rays were identified by experts, through details such as dental work, as positively coming from the President, AIB states.

**BUT KINAN SAID** only X-rays and autopsy pictures that experts identified as positively being of the President were given to the pathology panel for examination.

Much of the debate over the medical evidence stems from the numerous errors made at the autopsy. The autopsy doctors failed to fully probe the path of the neck wound and section the President's brain for microscopic examination, procedures that probably would have

resolved much of the controversy.

"It is inconceivable that such gross deficiencies by the autopsy team was due to incompetence, inexperience or accident," the AIB states, pointing to one of the doctors' testimony that he was told not to dissect the neck wound.

Kinans said the chief autopsist — a high-ranking naval officer conducting his first legal autopsy — told the committee that he was influenced by considerations of the President's family and wanted to disfigure the body as little as possible.

The autopsy doctors located the President's head wound four inches lower than where later medical panels placed it from the X-rays and autopsy pictures. If the autopsy doctors were right, the fatal shot could not have come from the sixth floor of the depository. Fithian said the problem was resolved when the chief autopsist admitted to the committee for the first time that he may have been mistaken.

**THE AUTOPSY DOCTORS** also located the neck wound about four or five inches higher than where eyewitnesses to the autopsy and shooting placed it. If the eyewitnesses were right, the bullet could not have gone on to hit Connally, thus destroying the Warren Commission's case.

After viewing the X-rays and autopsy pictures, medical panels have, more or less, endorsed the autopsy's finding on the neck wound.

However, the bullet holes in the President's shirt and jacket are more than 5 1/2 inches below the top of the collar, much closer to the eyewitness testimony than the autopsy findings.

Fithian said the holes in the President's clothes were probably raised because he was waving to the crowds when he was hit.

"That should not make a five-inch difference," Wecht said. "And if it did, there would have been bunching of the clothes which is not indicated by the evidence."

Fithian replied that the crucial evidence — the authenticated X-rays and autopsy pictures — clearly prove the location of the neck wound. This, in turn, brings us back to the critics who challenge the authenticity of the medical evidence.

If there was a great cover-up, why would the congressmen, the committee staff and nearly all the experts who testified fail to get at the truth? Wecht says it could be because they lack courage.

**"I DON'T THINK THESE** congressmen had anything to do with a conspiracy," he said. "But this case is too hot for them to handle. They probably think America has enough problems, that John Kennedy is dead and this can't bring him back to life. They don't want to believe that political assassinations can happen in America."

But if the Warren Commission's main findings were right, why would a man like Wecht risk his professional reputation by condemning them so strongly? "Wecht is a fine fellow," Fithian said, "but if he really sat down and looked at the evidence, he'd have to deflate his own ego and say he's been wrong for years, and that would be impossible."

Fithian said the scientific evidence the committee gathered proves its case overwhelmingly. "The scientific teams we had were just the best I have ever seen in any discipline and I've been around a lot of experts. Without a doubt, that's where we've made the real contribution to history. The techniques they utilized simply were not available 14 years ago for the Warren Commission."

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**"THERE WILL ALWAYS** be unbelievers," Fithian said. "But for the serious-minded American who wants to know what happened in the assassination of John Kennedy, a very comprehensive answer will be available to nearly everything." And most of the questions remaining will never be answered, he added.

The committee's report, which is expected to be released by the end of the year, most likely will lead to another protracted debate over the facts of the case. And certain to be at the center of the arguments is CE 399.

The leading critics do not appear to have been converted; they still maintain that the official story of the bullet's path and condition defies reality. But Fithian says the committee believes the evidence clearly shows there is nothing magical about history's most famous bullet.