

D R A F T

March 1975 up-dated September 1975

1975 Foreword

Great and tragic events have taken place since this book was completed in June 1967. We have seen the assassinations of Martin Luther King and Robert F. Kennedy and the attempted assassination of George Wallace, the Pentagon Papers, the White House horrors, Watergate, the CIA arrangements with the Mafia to dispose of Fidel Castro, the CIA shellfish toxin, serious charges against the FBI of harassment and abuse of wiretapping, and as this is written two attempts to assassinate President Gerald R. Ford.

Assassination has become one of the most frequently used words in the American lexicon.

In the wake of Watergate, which demonstrated that a far-flung conspiracy could function at the highest levels of Government, there has been a tremendous resurgence of doubt about the Warren Report and its lone assassin thesis. Suddenly new and shocking information has surfaced. First, there was the revelation in February 1975 that J. Edgar Hoover in a 1960 memorandum had expressed concern that an imposter might be posing as Lee Harvey Oswald and might be using Oswald's identification papers. This should be borne in mind in relation to the section on "Two Oswalds" in Chapter 21 of this book, in which evidence is described which suggests that Oswald was repeatedly impersonated by a false Oswald, often under incriminating circumstances.

Second, there was the related revelation in September 1975 that the CIA had taped conversations between Oswald and the Cuban and Soviet Embassies at Mexico City shortly before the Dallas assassination. It had photographed persons entering and leaving these Embassies but none of the photographs matched Oswald. This evidence, too, should be viewed in the context of the evidence that there were one or more Oswald impersonators. Moreover, the thesis

can be tested, in the case of the Oswald who was in Mexico City, by comparing his voice in the CIA tapes with the known voice of Oswald taped during his imprisonment in the Dallas City Jail.

A third revelation seems to me to have particular and sinister importance. In August 1975 it came to light that Oswald had visited the FBI office at Dallas shortly before the assassination and had left a letter there. The FBI had concealed this visit from the Warren Commission and had destroyed the letter a few days after the assassination. This same FBI which concealed and destroyed material evidence was the main investigatory arm of the Warren Commission. There is, then, even more compelling reason now than in 1967 to distrust the investigation and the official conclusions. As described on page 216 of this book, it was Oswald who told the truth about his visit to the FBI office, and it was the FBI which lied about it.

The passage of time and the uncovering of additional evidence against the Warren Report have not invalidated the assumptions, deductions, or conclusions of the 1967 edition of this book. On the contrary, Warren Commission documents obtained from the ^{National} Archives have vindicated the reasoning and the findings set forth eight years ago.

The Non-Arraignment

In Chapter 17, I examined the description in the Warren Report of the arraignment of Lee Harvey Oswald for the murder of President Kennedy and concluded that the story of the arraignment was a fabrication implicating the Dallas police chief, Jesse Curry, Justice of the Peace David Johnston, and such others as claimed to have been present. Now, in a document obtained from the Archives, we learn 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 (e.g. the Tippit murder--S.M.) and for which he was arraigned."

The quotation is from an FBI report on information obtained by Special Agent James P. Hosty, Jr., from the office of Captain Will Fritz, Dallas police chief of homicide, on November 25, 1963; the report is found in Warren Commission document 5 page 400 (CD 5 page 400). By alleging in the Warren Report that the arraignment took place, in the face of this document, The Commission and its staff have implicated themselves in a serious instance of falsification.

The Alibi

In Chapter 2, under "The Sixth Floor at Noon", I reviewed the assertions in the Warren Report about an encounter between witness Charles Givens and Lee Harvey Oswald which the Warren Commission claimed placed the so-called lone assassin in proximity to the "sniper's nest" shortly before the shooting. I rejected the Givens story because of its internal contradictions and illogic and because of contradictory evidence from several other sources, suggesting that the Givens testimony raised the possibility of perjury and collusion. Some years afterwards, I obtained from the Archives a series of documents and internal reports of the Warren Commission, all dealing with Charles Givens.

Those documents and reports revealed that Givens had never mentioned an encounter with Oswald on the sixth floor at noon until April 1964, when his testimony was taken by counsel David Belin. Belin accepted Givens' story of an encounter with Oswald on the sixth floor, without further ado. Yet Belin was fully aware that Givens, contrary to the testimony he was giving to Belin in April, had never before mentioned a return to the sixth floor or Oswald's presence there. On the contrary, as Belin well knew, Givens had told the FBI on the day of the assassination that he had seen Oswald reading a paper in the domino room on the first floor of the building at 11:50 a.m. Belin knew also that three other witnesses had also seen Oswald on the first floor at 11:50 (like Givens), at noon, and at 12:15, respectively. That information was set forth in a memorandum signed by Belin and his colleague Joseph Ball, dated February 25, 1964. Nor had Belin forgotten in April what he had written in February, because he had the audacity to ask Givens if he had ever told anyone that he had seen Oswald reading a newspaper

in the domino room around 11:50 that morning, and to accept Givens' denial without challenging it. Therefore, there is now an inescapable aura of perjury, subornation of perjury, and collusion surrounding the testimony elicited from Givens by Belin, and collateral testimony by several Dallas police officials who tried, in their sworn testimony, to give authenticity to Givens' April 1964 testimony although it stood in unmistakable conflict with Givens' statements to the Dallas police, the FBI and the Secret Service from the day of the assassination until the following April. (A full account of the Givens/Belin affair was given in an article by the author, "The Curious Testimony of Mr. Givens", which appeared in the Texas Observer of August 13, 1971. Belin, offered the opportunity to respond to the article in the same issue, wrote a lengthy "reply" which did not address itself in any way to the charges made nor refute any of the factual statements in the article. The editor of the Texas Observer, in an editorial also in the same issue, wrote that "nowhere in his lengthy response does Mr. Belin apply himself to the specific charges in Ms. Meagher's article. We simply are asked to take David Belin's word that the statement Charles Givens made to him on April 8, 1964, five months after John F. Kennedy was assassinated, is the true account of what Givens saw on Nov. 22, 1963. We're given no logical explanation of why we should believe Givens' statement of April 8 rather than his statements made on the very day of the assassination and on Dec. 2 and on March 18...Mr. Belin's article is the slick, irrelevant reply of a lawyer who doesn't have much of a defense to present.")

The Autopsy Reports

Now we come to the heart of the forensic evidence in the Oswald case--the autopsy and medical findings and the autopsy report (the undated autopsy report) discussed in Chapter 5 of this book. I cited in that Chapter numerous reasons for concluding that the autopsy report published by the Warren Commission was unreliable and that it was unsupported by and in conflict with the evidence.

The Commission, on the basis of the undated autopsy report, had asserted that President Kennedy had first been struck by a bullet which entered at the back of his neck and exited through the lower front portion of his neck (and then struck Governor Connally, inflicting all of his wounds). The President was then struck a second time by a bullet which entered the right-rear portion of his head, causing a massive and fatal wound.

After publication of the Warren Commission's Hearings and Exhibits, a central controversy developed around the position of the bullet wound in the President's back. The Commission and the autopsy surgeons situated the wound in the back of the neck at a point higher than the so-called exit wound at the Adam's apple—a location on which depended the viability of the single-bullet theory and in turn the finding of a lone assassin. In Chapter 5, I listed ten reasons for rejecting the Commission's assertion that there was an entrance wound in the back of the neck and for concluding instead that the wound was lower, in the top of the back, and too low for linkage with the so-called exit wound at the Adam's apple.

Thanks to two of the outstanding critics of the Warren Report, we now have access to a ^{MOMENTOUS} ~~sensational~~ find at the Archives, around June 1974 —the transcript of the Warren Commission's executive session meeting of January 27, 1964, which before its declassification had been withheld for more than ten years as a "top secret" document. Here speaks J. Lee Rankin, General Counsel, to six of the seven Commission members (only Gerald Ford was absent), on January 27, 1964 (many weeks after the undated autopsy report

*Dr. Cyril Wecht and
Harold Weisberg*

signed by Drs. Humes, Boswell and Finck supposedly was placed in the Commission's hands):

"Then 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, and that all has to be developed much more than we have at the present time.

"We have an explanation there in the autopsy (e.g. autopsy report--S.M.) that probably a fragment came out the front of the neck, but with the elevation the shot must have come from, and the angle, it seems quite apparent now, since we have the picture of where the bullet entered in the back, that the bullet entered below the shoulder blade...and the bullet, according to the autopsy didn't strike any bone at all, that particular bullet, and go through...

"So the basic problem, what kind of a wound it is in the front of the neck is of great importance to the investigation..." (Emphasis added)

Incontestably, the autopsy report discussed by Rankin on January 27, 1964 was entirely different from the autopsy report later entered into evidence and published in Appendix IX of the Warren Report. It situates the entrance wound "in the back...below the shoulder blade" and therefore too low to accomodate the single-bullet

theory and in turn the lone-assassin conclusion. To the evidence in this transcript must be added the death certificate signed by the President's physician, Admiral George G. Burkley, on November 23, 1963 (which was uncovered by Harold Weisberg). The death certificate places the back wound at "about the third thoracic vertebrae" or, in other words, also too low for the single-missile, lone-assassin hypothesis marketed by the Warren Commission and its friends in high places and such giants of the news media as the New York Times and CBS/TV.

As to the wound in the back of the President's head, described as a fatal wound of entrance, Dr. Cyril Wecht and others who examined the notorious autopsy photographs and X-Rays place that wound four inches higher on the President's head than the autopsy doctors located it.

If one examines the quality and authenticity of the undated autopsy report in the light of Rankin's remarks at the January 27th meeting, the Burkley death certificate, and the relocation of the head wound by Wecht and others, the only possible conclusion is that the post-mortem examination was conducted by incompetent autopsy surgeons and that the official autopsy report is a thoroughly tainted document.

The related question of spectrographic test results is also discussed in Chapter 5 (pages 170-174). The point made there is that the results of the FBI's spectrographic examination of the stretcher bullet and bullet fragments and metallic residue were suppressed; and that the neutron activation analysis, which could have established definitively whether or not these materials had an identical source, was not performed. The FBI is still fighting like a tiger to withhold the results of its

spectrographic tests, despite prolonged litigation initiated by Harold Weisberg under the Freedom of Information Act. Would these test results be withheld if they supported the single-bullet lone-assassin theory? We are entitled to infer that the test results were not compatible with the official conclusions and that it is their incompatibility that causes them to be suppressed almost twelve years after the assassination.

I was wrong, however, in assuming that no neutron activation analysis (NAA) was carried out. To the general amazement of critics of the Warren Report, it turns out that an NAA was performed but the very fact of the NAA, to say nothing of its results, have been concealed by the Warren Commission. The story of the NAA is elaborated in an article written by Dr. Cyril Wecht which appeared in Modern Medicine dated October 28, 1974. Wecht says:

"(J. Edgar) Hoover's letter to Rankin announcing the NAA tests is a masterpiece of tactful palliation of the fact that some differences in composition were detected among the various bullet fragments...The final paragraph of the letter contains several nuances difficult to comprehend, but in any case we know that some significant differences in composition were observed..."

The Impersonation

Chapter 21 of this book contains a section called "Two Oswalds" in which evidence is described which suggests that Lee Harvey Oswald was impersonated by a false Oswald on numerous occasions, occasions incriminating in character. The thesis of a second Oswald was raised in the first instance by Leo Sauvage, and later in a book by Richard Popkin. Many people found the idea of an Oswald double far-fetched and frivolous. Consider, then, the import of a story that appeared in the New York Times on February 23, 1975 page 32. This story stated:

"J. Edgar Hoover sent a memorandum to the State Department in 1960 raising the possibility that an imposter might be using the credentials of an American defector named Lee Harvey Oswald, who was then in the Soviet Union...The late Mr. Hoover's warning of the 'possibility' that an imposter could be using Oswald's identification data, in the Soviet Union or elsewhere, came more than two years before the murder of the American President in Dallas on Nov. 22, 1963. The imposter theory was rejected, by implication but not directly, in the published report of the Warren Commission..." *(Emphasis added)*

We do not know what information or evidence led J. Edgar Hoover to suspect that Oswald was being impersonated as we do not know why Hoover, the Director of the FBI, should have interested himself at all in an obscure, unimportant American citizen who three years later was to be falsely branded a lone assassin. But here, again, the judgment and knowledge of the authentic scholars and critics of the Warren Report have been vindicated by the discovery of new evidence, official or unofficial.

It is instructive to revert to the transcript of the Commission's meeting on January 27, 1964 and read what was said there about the same Hoover's FBI:

"Rankin...They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved..."

"Russell. They have tried the case and reached a verdict on every aspect.

"Beggs. You have put your finger on it."

And this exchange took place before the Commission had taken testimony from a single witness! When the Commission did hear witnesses and receive a wealth of evidence and testimony which ruptured the preconception that Oswald was the sole assassin, the Commission nevertheless decided—like the FBI and the Dallas police—that Oswald was guilty and that there was no conspiracy.

Efforts are now under way in the Senate and the House of Representatives to reopen the whole case of the assassination of President Kennedy and perhaps also the subsequent assassinations or attempted assassinations. The evidence against the Warren Report is so overpowering, pervasive and conclusive that I believe this nation will not rest until a competent and irreproachable new investigation is launched. It is my hope that such a new inquiry will be entrusted to men who can honestly say, "Truth is our only client...Let justice be done, though the heavens fall."