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Joachim Joesten's

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" TRUTH LETTER "
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An Antidote to Official Mendacity and Newsfaking in the Press

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Editorial: Some day America will have a decent President again.

A Doctor Battles for the Truth

One of the most determined and promising attempts to force the US Government to tell the people the truth about the assassination of President John F. Kennedy is being made by Dr. John Nichols, an associate professor at the University of Kansas Medical Center at Kansas City, Kansas, and a teacher for 12 years at that institution.

On January 17, 1969, Dr. Nichols filed suit in US District Court in Topeka, Kansas, against James B. Rhoads, archivist of the United States, under the Public Records Act of 1966. Specifically, he asked for the release from the national archives of the photographs and X-rays taken at the time of the autopsy on President Kennedy, and bullets and bullet fragments found by investigators in Dallas. The pathologist contended in his action that he needed the materials to complete a study of the assassination on which he had been working for the past three years, which he hoped to publish.

Dr. Nichols has collected a wide array of materials to support his contention that there was at least one person besides Lee Harvey Oswald involved in the shooting of President Kennedy. From his study, he concludes that the bullet which struck Kennedy in the neck could not have been fired from the same angle that Oswald (allegedly) fired his shots. One of the methods the pathologist used was testing the power and accuracy of a gun exactly like the one Oswald is supposed to have used. After he purchased the Italian gun, he mounted it on a firing range and shot bullets through a variety of materials, including human wrists obtained from amputated arms.

Though he has examined much of the evidence on file at the national archives, Dr. Nichols has not been allowed to run neutron activation analysis on the material, which he believes is vital to his research. That means, the pathologist aims to subject the fragments, cartridges and other items to a process in the atomic nuclear accelerator at the University of Kansas to determine if trace metals in the various fragments jibe or differ. The accelerator would bombard the fragments with a beam of neutrons at 186,000 miles a second. As an example of how science uses neutrons for detection, Dr. Nichols noted that British accelerators in 1964 were used to bombard preserved strands of Napoleon Bonaparte's hair. The tests revealed arsenic in the hair, which led to the conclusion that the Emperor died of poisoning in his exile in 1821 at St. Helena.

"If the trace metal compositions are different," Dr. Nichols asserts, "then the late President and Governor John B. Connally of Texas of necessity were struck by different bullets." He rightly contends that the tools and methods of modern pathology were inadequately used in the autopsy of President Kennedy. In February 1969, Dr. Nichols testified three half-days for the prosecution at the Clay Shaw trial in New Orleans.

Dr. Nichols' original suit failed, or rather, it was dismissed without prejudice by the plaintiff so the petition could be revised. On June 17, 1970, he filed a second suit in Federal District Court in Topeka against both Archivist Rhoads and Navy Secretary John H. Chafee. Again he asked for the right to examine bullet fragments and items of clothing from the Dallas assassination by means of neutron activation analysis.

On September 18, 1970, a preliminary hearing was held before U.S. District Judge George Templar. The government, represented by Assistant U.S. Atty. Charles McAtee, argued the material in question ^{is} not public record but is "reference" material. For the plaintiff, attorney John Wilkinson - one of three lawyers assisting Dr. Nichols - told the judge: "The only decision you have to make, your honor, is if the items are to be turned over for informational purposes or if they are to be turned over for historical purposes. Chief Justice Warren has ruled the case is closed ... which makes them public record."

In a letter dated Oct. 15, 1970, Dr. Nichols writes me: "about a week ago we had pleadings on the government's motion to dismiss my suit for permission to examine some artifacts of the assassination by neutron activation. In these oral arguments we clearly prevailed. However the Judge asked for supplementary briefs. Enclosed is the brief we have submitted. The government has an extra ~~brief~~ week to submit their brief. So, we hope to have a favorable decision on this motion soon and then there should be no more delays on the main suit."

TRUTH LETTER thus is privileged to publish the salient passages from an extraordinarily enlightening document that throws fresh light on the controversial issue of the "magic bullet" (CE 399) and related matters. This is a legal test of outstanding importance. The Administration is fighting Dr. Nichols tooth and nail, well aware that the neutron activation analysis will reveal that Kennedy and Connally were struck by two different bullets and that therefore, inevitably, there was a conspiracy. If the Judge rules against Dr. Nichols, this will be solid proof that the influence of the federal government permeates the U.S. district courts to the point of control, at any rate in matters such as this one where the very integrity of the Administration is at stake. Conversely, should the court decide in favor of the plaintiff and order the release of the materials, this would be a decisive breakthrough for the TRUTH.

Beginning with the next issue, TRUTH LETTER will publish exclusively several instalments from this legal brief and comment upon them.

Only in America...

The following cable has just been received:

HAVE BEEN INFORMED BY QUOTE WELTWOCH UNQUOTE THAT YOU HANDLE COPYRIGHTS OF A BOOK ON KENNEDY KOPECHNE CASE WHICH IS BEING SERIALIZED BY WELTWOCH STOP WE WOULD LIKE TO DO SAME SO PLEASE QUOTE RATES AND TERMS STOP OUR PUBLICATION IS NEWS-GAZINE LE ILLUSTRATED WEEKLY MAGAZINE PARIS MATCH TYPE BIGGEST IN YUGOSLAVIA STOP KRESIMIR DZEBR EDITOR IN CHIEF VUS MAGAZINE EDITOR GENOVA I ASKED YUGOSLAVIA POST DESCRIPTION OUR REQUEST URGENT AS THERE IS DANGER OF WELTWOCH TEXT BEING FINALIZED BY SOME OTHER YUGOSLAV PUBLICATION

Arrangements have also been made with a mass circulation Hamburg newspaper, the prestigious "Gazet van Antwerpen", Antwerp, Belgium and with "Das Familienblatt" of Luxembourg for reprinting my Weltwoche series on the Kopechne case (which is to all intents and purposes identical with the series in TL). Other deals are being negotiated. Thus a large segment of Europe will know the truth about this monstrous crime. By contrast, in the country directly concerned, not a single newspaper or magazine thus far has displayed any interest in my exposé. Who's keeping the lid on?

The Court: Were you looking ahead at the time you were driving the car, at that time?

The Witness: Yes, I was.

The Court: Your attention was not diverted by anything else?

The Witness: No, it wasn't."

Kennedy's vagueness, his hesitations, his convenient loss of memory (can't remember whether he had his high beams on), his astonished "The bridge was at an angle to the road?" and his rather silly remark, "I would assume that I did try to go on the bridge" (who wants to fall into the water?) all indicate that even at Inquest time he was unfamiliar with the surroundings, that he never drove on to that bridge, that he was not at the accident scene when his car plunged into the pond.

To revert now to Jack Olsen's vivid description of the scene:

"Moreover, Dike Road provides the discerning motorist with ample warnings of other kinds. As one drives down the road, trees and bushes that have crowded the edges suddenly disappear, and one passes a few cottages and comes into an open area, all at a range of some 600 feet from the bridge. Plainly a change is coming. One knows that the sea is somewhere ahead, and that the road cannot go on much farther. Now the road widens into a parking area; the ripples increase in depth, and at 70 feet from the bridge, there is a pronounced hole in the roadway, made by previous drivers applying their brakes. Another such hole jounces the car at 50 feet from the bridge. Even if the driver refuses to believe the sight that has been so clearly visible through his windshield for 300 to 400 feet, he has been warned by the changes in scenery, by the bumpiness of the road, by the parking area, and by the two deep ruts. If after all these natural warnings, he drives up and off the side of the bridge, he has made a driving error so grandiose as to defy the imagination. And if he has been traveling at a speed of only 20 miles an hour, as Ted Kennedy claimed later, no amount of driving error seems to explain the accident. (emphasis in the original - J.J.) It becomes, apparently, unexplainable..."

The next question, also raised during the Inquest, was whether Kennedy could have been intoxicated. He himself testified that he had two drinks (rum and coke) at the Cottage and that he previously had had "a third of beer" at the Shiretown Inn. All the other guests at the party agreed that Kennedy had been completely sober when he left with Mary Jo about 11.15 p.m. that night. No signs of a hangover were visible to anyone the next morning, not even to the trained eye of the Police Chief, Dominick Arena.

On this score, Olsen observes: "Only one type of intoxication could begin to explain the accident, and that was plain, old-fashioned, blind (emphasis in the original - J.J.) drunkenness, in the most literal sense. But if Kennedy had been blind drunk, he would have lost control of the car long before Dike Bridge, and he would have exhibited pronounced symptoms afterward..."

Assuredly, then, the "accident" did not happen the way Kennedy has described it.

Now, the question has to be asked, "Was Kennedy at all in the car when it went off the bridge?" Jack Olsen replies in the negative and he musters powerful support for his argument.

"According to information compiled by the National Safety Council and other concerned groups," he writes, "there are ways to escape from submerged automobiles, but such escapes are difficult and rare. If the windows are closed, the victim may sit tight and hope that rescue comes before the car fills with water. Under such circumstances, it will be almost impossible to open the doors of the submerged automobile against the tons of water pressure. If the trapped person can summon the coolness and resourcefulness, he can wait until the water had risen to just below his nose, and the pressure inside and out has become almost equalized. Then, in a burst of effort, he can attempt to shove open the door and beat his way to the surface.

"But an automobile with three windows out is an almost certain death trap. (emphasis mine - J.J.) The air burbles out and the water cascades in, and all the weight and pressure are on the side of the inflow.

The Truth About Chappaquiddick (ctd.)

"The National Safety Council has no examples in its files of anyone's ever being sucked out of such a car..." (emphasis mine - J.J.)

Add to this record of experience the fact that the submerged car was resting on its roof by the time Kennedy allegedly made his super-miraculous escape, and Olsen's remark that "the odds against his escape would remain all but insuperable" sounds like a wild understatement.

If any more proof were needed that Kennedy was not in that car when it went into the water, his own bathetic description of how he managed to survive would be the clincher. Listen to him, depicting under oath his alleged experiences:

"There was complete darkness. Water seemed to rush in from every point, from the windshield, from underneath me, above me. It almost seemed like you couldn't hold the water back even with your hands. What I was conscious of was the rushing of the water, the blackness, the fact that it was impossible to even hold it back."

Who ever heard such nonsense like a person in a submerged car trying to, but failing to, hold the water back with his hands? Why, that's even sillier than Kennedy's (subsequent) remark, "I would assume that I did try to go on the bridge." Really, sometimes Teddy sounds like a little boy caught with his sticky finger in the pie. But, then, of course, it isn't easy to describe in detail a complicated accident in which one has not been involved, nor anywhere near the scene.

His further performance was no better than the foregoing as this exchange shows:

Q. Did you make any observations of the condition of Miss Kopeckne at that time?

A. At what time?

Q. At that particular moment when you were thrashing around in the car?

A. Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.

Q. Was the window closed at that time?

A. The window was open.

Q. On the driver's side?

A. That's correct.

Q. And did you go through the window to get out of that car?

A. I have no idea in the world how I got out of that car."

Note the flat contradiction between that vague, catch-all-possibilities statement and his earlier assertion that he was "trying to find a way that we both could get out of that car," which sounds lucid enough.

Theoretically - and disregarding for the sake of argument the weight of the case histories compiled by the National Safety Council - there were three possibilities of escape open to the drowning man. Since the door on his side was locked - and, as Farrar has testified - the snap button was pressed down and the doors on the passenger's side had been bashed by the impact into a jammed condition; and since, on the other hand the windshield was still held together by the safety film (and was thus found after the accident), the only conceivable exits were the three open windows, i.e. the front window on the driver's side, which was found to have been rolled down to within an inch of the bottom (Farrar) and the two windows on the passenger's side, which had been blown out.

The rear window on the passenger's side can be ruled out a priori, for the car was upside down and in order to escape through that window (where Farrar later found Mary Jo's feet sticking out), Kennedy would have had to crawl from the front compartment of the car, under the overturned upholstery partitioning the two sections, into the rear compartment, with water all around - clearly an impossible feat.

(to be continued)

The new book by Joachim Joesten TRILOGY OF MURDER
 An analysis and interpretation of the John F. Kennedy, Robert Kennedy and Dr. Martin
 Luther King assassinations. - Copyright by J. Joesten, 1968-70.

The Frameup of James Earl Ray (ctd. from Vol. III, No. 3)

Have common sense and elementary logic completely deserted America?

If Dr. King was felled by only one shot, which is uncontested, and Hanes finds the "bushman theory" of this shooting hard to dismiss, which indeed it is, how can he start out his Look article with the question "why did James Earl Ray murder Dr. Martin Luther King, Jr.?" and then answer his question with the statement, "I still believe that Ray killed Dr. King because he ~~is~~ was directed to do it..."

Either Ray killed Dr. King, or he didn't. Either he fired the single shot, or he didn't. If he did, the "bushman theory" is complete nonsense, for that single bullet cannot have come both from the bathroom window and the bushes below. If, on the other hand, the shot did originate in the bushes, Ray is completely in the clear, at any rate as far as the actual killing is concerned. There's no two ways about it. Is Hanes, a prominent lawyer, unable to see that the two alternatives are mutually exclusive? Or is he by nature so given to double-talk that he uses both sides of his mouth at the same time to pour forth contradictory truths?

Hanes, who was originally on the right track, at any rate as far as Ray's culpability, or rather lack of such is concerned - and his former associate Renfro T. Hays still adheres to this view, as we have seen - continues his amazing flipflop by writing towards the end of his piece in Look: "The state had a formidable circumstantial case against Ray. The Federal Bureau of Investigation, for which I once worked as an agent, has done its usual masterful job (!!) I admire Mr. Foreman, who is a great criminal lawyer. I know and respect Mr. Huie, with whom I have spent many hours puzzling over this case; and certainly he writes persuasively about Ray's motivations."

That from the man who a few paragraphs earlier, in the same article, had written: "The state has no conclusive ballistics evidence etc."

Hanes needn't tell us that he used to be an FBI agent, working for any length of time for J. Edgar Hoover rubs off on any individual, even the most honest one. The FBI mentality, which is as crooked as that of the Mafia, just sticks with you through life. There is no better example of this deplorable truth than Arthur J. Hanes.

As for the FBI having done its "usual masterful job" in the Ray case, why, that's the biggest laugh in the history of modern criminology. I need refer the reader only to the fact that the FBI, while having Ray's fingerprints on file at least a dozen times over and being presented on a silver platter the most beautiful set of prints on the rifle and other items abandoned in the doorway of the music store, was unable to identify the culprit for almost two weeks; that in its original wanted notice it placed Ray (as Galt) in New Orleans and had him take dancing lessons there at a time when Ray was notoriously in the penitentiary; that it fouled up the story of Ray's arrest in London in an absolutely hilarious manner; and that its chief ballistics expert was unable to identify the rifle that had Ray's fingerprints on it as being the murder weapon - all of which has been amply documented in my "The James Earl Ray Hoax" as well as in the present serial. That a masterful job - go tell it to the marines!

Hanes' reference to his worthy colleague, Percy Foreman, as a "great criminal lawyer" is no less ludicrous. Great criminal shark would be a better term, considering the shameless way Foreman threw the most elementary ethics of his profession to the winds to enrich himself at the expense of his hapless client.

Foreman also contributed to the same issue of Look a piece entitled "Against Conspiracy" with the superimposed caption "Ray Wanted to Win Recognition." That is the same sort of unadulterated trash the Warren Commission was guilty of when it sought a motivation for Oswald's alleged deed. A criminal who wants to win recognition by assassinating a prominent personality claims his deed. Both Oswald and Ray, however, have emphatically disclaimed the assassinations attributed to them. Herostratic fame and anonymity are mutually exclusive. That is another axiom a child would understand. But not a Warren Commission nor a Percy Foreman. (to be continued)