

Notes on a telephone conversation with Melvin Eisenberg, July 1, 1965, 10-11:15 pm

Mr. Eisenberg telephoned in response to the questions raised in my letter of June 8, 1965. He said that the statement on page 646 of the Warren Report that the ammunition was recently made and is currently manufactured is probably "inaccurate." He doesn't recall a document on this point and has the impression that the ammunition was not in fact recently made. The appendix (Speculations and Rumors) was one of the last things done; Dr. Goldberg, the historian, prepared it. Meagher said that she would write to Dr. Goldberg, in that case.

Regarding the test firing of the rifle at Aberdeen, there were two purposes: (1) accuracy (Simmons) and (2) wounds (medical people).

Eisenberg does not know how long the Dallas police had the cartridges and how accurate their findings were.

Regarding the left-handed mounting of the scope mentioned in the telephone message: "left-handed" was "hearsay evidence". Eisenberg did not follow up this part of the message, as his interest was in the shims. He himself and many of the "bureau agents," all of whom were right-handed had used the rifle without difficulty. "Cunningham may have been left-handed."

Eisenberg was not aware that Klein's ad featured a different rifle. He would like to see a copy of the ad. (Meagher promised to mail him a copy.)

He has received previous inquiries from others; usually he does not comment because he feels it is "not in good taste." He assumes there are errors in the report; is surprised that none have been turned up.

On the availability of this ammunition: He is "fairly certain it is not made currently." Not sure, however, when it was last made. Doubts if it was made any later than 1944.

He does not believe that Klein's exercised great care in filling orders. He himself "never went down there" (to Dallas).

Pictures at the sixth-floor window: Secret Service took earlier set than those published.

Most of the Warren Report criticism Eisenberg has read are "frankly, out of its mind." He mentioned specifically Dwight MacDonald and his discussion of "facts" vs "truth"; he asked if Meagher had read MacDonald's article. Meagher replied that she had read the article and spent an evening with Dwight MacDonald; in her opinion, he had not read the Report or the Hearings and Exhibits and was therefore not a competent critic.

If "we had tracked down everything possible, we would never have rendered a report."

Behavior of "Fbitz, and those others, leave a lot to be desired," especially with respect to Ruby.

"Every sentence in that report is a finding of probability" (re Jarman). Eisenberg never felt that Oswald lied about the big things (as opposed to his employment record, etc.). He was inclined to take Oswald's diaries "at face value." He would not "be shocked out of my boots if evidence turned up that Oswald had accomplices.

If Eisenberg was Jenner, he would not answer Meagher's letter because it would be "indiscreet." Eisenberg has replied to only one other inquiry --a Cornell student, under Hacker, writing a political science thesis (on composition of Warren Commission).

(End of written notes)

Additional Notes from Memory

Eisenberg did not agree that it was significant that it had not been possible to trace any purchase of ammunition by Oswald. He would not expect such tracing possible, among the many shops and mail order houses. Meagher pointed out that only two shops were involved in the Dallas/Irving area, the only ones which had ever handled Western Cartridge Co. 6.5 Carcano ammunition. Eisenberg replied, well, Oswald was in a lot of other cities. Meagher recalled that he would not have purchased the ammunition before buying the rifle; after the rifle purchase, Oswald had been only in Dallas, New Orleans, and Mexico City; but had had "dry runs" at Neely Street in Dallas. Eisenberg shrugged this off.

Meagher also raised the anomaly of no WCC 6.5 Carcano ammunition having been found on Oswald's person or among his property, which when added to the failure to trace ammunition purchase to him, and the multiple sets of markings on each of the three cartridges found in the TSBD, was cause for some uneasiness. Eisenberg said that it was only natural to re-use ammunition utilized for dry runs. He was not bothered by the failure to find cartridges on Oswald's person or among his possessions; he thought it possible that he had purchased only a few cartridges. Meagher pointed out that from all indications the smallest "package" would have been a box of 20.

Eisenberg was defensive about his failure to follow-up the telephone message referring to the left-handed mounting of the scope; he said that if every single "lead" had been pursued, the report would never have been completed. Meagher pointed out that no attempt was being made to exaggerate the significance of no follow-up in this instance; but that in compiling an inventory of such dangling leads, it might be possible to see a pattern, perhaps showing an identifiable trend or predisposition. Eisenberg then invoked a number of abstract considerations, such as probability factors and the like.

At one point, Meagher referred to an assertion in the Report and Eisenberg replied that he was not familiar with that; Meagher then asked (joshingly), "Didn't you read the Report, Mr. Eisenberg?" There was a dead silence for 45 seconds (by the clock); Meagher then assured Eisenberg repeated that the remark had been made purely in jest; after which he resumed the conversation as if the remark had not been made at all. He seemed to be somewhat offended by the (facetious) question.

Meagher raised the matter of Westbrook and the discovery of the jacket on the path of flight from the Tippit scene; detailing the assertion in the Report as opposed to Westbrook's actual testimony, as opposed to the radio log. Eisenberg then asked if Meagher would consider that witnesses who said there were six shots were lying; he thought that Westbrook (whom he referred to repeatedly as "Westmoreland") was not lying any more than those witnesses; it was probably a matter of faulty recall, etc. Meagher said that there was no true analogy; eventually, Eisenberg conceded that Westbrook may have been lying.

Meagher followed with the apparent lies of Fritz and Gerald Hill, on the one hand, or Decker and Brown, on the other, about the method by which Fritz discovered the missing TSB employee was already apprehended. This seemed to be new to Eisenberg; it was at that point that he made the remark that Fritz and the others left much to be desired, especially re Ruby.

Meagher asked if Eisenberg had seen Liebeler's paper for the APA; he had not. She said that the paper was especially interesting for L's description of how he had to abandon the "fantasy" hypothesis when Oswald's apparent "lies" turned out to be true. It was here that Eisenberg made the remarks about accepting Oswald's diaries, etc., at face value and suggested that his actual lies (in employment applications, etc.) had been white-lies or insignificant misstatements.

This was an excellent opening to introduce the question of the conversation between Oswald and Jarman before the assassination, which suggested that Oswald was not aware before that time that the motorcade was to pass the building. Eisenberg's first quick reaction was that there was only hearsay evidence of such a conversation--from Jarman--and that it might not have occurred. He then conceded that in fact he had not doubted Jarman and did not; and while he was not specific about how he evaluated the conversation, he gave the impression that he discounted it as disingenuous.

Meagher emphasized that her study of the Report was a serious one, attempting complete objectivity, and with the narrow scope of the material published by the Warren Commission, exclusively, tracing each issue from source to conclusion. She had encountered a number of contradictions etc. which required clarification and had written to several former counsel; none had replied thus far. Eisenberg suggested that none of them would be willing to reply by letter; those who were out of town (i.e., Jenner) would probably not make any response. He himself did not wish to be quoted, and asked Meagher not to say anything about this phonecall. Meagher assured Eisenberg that she would certainly not publish--repeat, publish--anything unless it was received in writing with authorization for use.

Eisenberg then said that as Meagher seemed to be very well-informed about the Report and a serious student, the letters to which no response was received might be called to his, Eisenberg's, attention; he would see what he could do. He said also that he would never have signed the Report unless he had complete confidence in it; he had other achievements; he had a busy practice, etc., and incidentally did not have much time available for telephone calls such as the one in which he was now engaged; he had very little free time.

Before this passage, Meagher had raised the problem of the taxi ride--reduced from 11 to 9 and then from 9 to 6 minutes, vs Ruby's lack of time for the visit to Parkland Hospital because of traffic conditions. Eisenberg had not been aware of the reduction from 9 to 6 minutes and seemed troubled about it; he said that he had met SS agent Howlett (who drove in the last reenactment of the taxi ride) and he was a trustworthy person; and that counsel who was also present (Belin) certainly would never do anything "wrong", he assured Meagher.

Meagher at one point during the conversation called attention to the fact that none of the reports on the interrogation of Oswald while he was in custody of the Dallas police, including the reports on the first interrogation session, indicated that he had been asked whether he had conspirators and who they were. Eisenberg said that he inferred that since Oswald did not admit his guilt, the police found no point in asking him about conspirators.

This will certify that I was present at Sylvia Meagher's residence when the telephone call from Mr. Melvin Eisenberg was received. Mrs. Meagher signalled me at once to listen to the conversation on the telephone extension in the kitchen. I did so, making notes, during the entire conversation, which lasted for about 1 hour 15 minutes. The preceding pages represent a generally accurate and complete summary of the conversation between Mr. Eisenberg and Mrs. Meagher.

(SIGNED)

Wm. Crehan

William Crehan

(DATE)

July 6, 1965