

Telephone Conversation with Melvin Eisenberg  
26 October 1965

Mr Eisenberg telephoned about my letter to him with which I enclosed unanswered letters to Jenner, Liebler, Goldberg, Rankin, and Ford. He had only skimmed over my covering letter and had failed to notice a question directed to him about the ammunition clip, which he saw only when our conversation had started. Therefore, he would need time to look into that.

He did not agree with my interpretation of the evidence with respect to Hosty's license number and thought that it might be a matter of "taste." Ruth Paine's testimony did not preclude the feasibility of Marina's having seen the license number when the car moved. Ruth Paine had said that she herself could not have seen it, but she had 20/40 vision. I pointed out that we did not know Marina's vision, which might also be imperfect, but that was beside the point--the important thing was the failure to ask Marina for precise information on when she had copied the number, and where she was when she did so. I found it strange that such questions were not put to her after the Jenner experiment and regrettable that Jenner had not offered any clarification but had reneged on his offer to write to me. As we were going around in circles, we went on to the next question I had posed to Jenner--How did the Hosty license number first come to the Commission's attention?

Eisenberg cautioned me not to quote him on this, as he was relying solely on memory, but he thinks it was by reviewing the notebook itself, which led to a request for further information to the FBI. He could not provide the exhibit number for the Gemberling affidavit--he assumed, and I confirmed, that I had not found it in the 26 volumes. He thought it might have been a letter rather than an affidavit, and I would have to write to the Library of Congress (National Archives, I presume), where "everything" was available. When I picked that up, he said that very few documents, very few, had gone into the 75-year vault. (I wonder.)

The conversation really got heated when we turned to the questions posed in my letter to Rankin ("all the evidence indicated that the stretcher bullet could have caused all the wounds" etc. and "three doctors independently expressed the opinion" that all of Connally's wounds had been caused by a single missile). I should say parenthetically that Eisenberg was not prepared to discuss the questions treated in my correspondence with Ford--he had not read and did not intend to read Ford's book. I reminded him that if the Hosty license number explanation was unresolved, it raised serious questions of the same nature as those treated in Ford's book and detailed in my letters to Ford. However, "no comment" was maintained.

Eisenberg did not agree with my interpretation of the stretcher bullet and single missile paragraphs in the report (he first thought they were in the same paragraph but apologized after consulting the text of the Report). On the stretcher bullet, he brushed aside Finck's testimony on the grounds that he did not find the question or the reply clear ("confusing"); as to Humes, he was laboring under a misunderstanding--that is, that more fragments were left in Connally than were missing from the stretcher bullet. His opinion was therefore based on incorrect premises. I insisted that the paragraph as phrased was nevertheless misleading; but he didn't wish to pursue that.

On the "three doctors independently expressed the opinion" paragraph, he insisted that none of the doctors had ever said flatly that one bullet could not have caused the wounds. As to the footnotes to the earlier testimony

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only (in the case of Dr Shaw) he hemmed and hawed and then conceded that he would have included a reference to his later testimony also, had he written that chapter. He nevertheless maintained that the error was innocent and perfectly understandable. I commented that to represent an actual opinion (that one, two, or even three bullets might have caused Connally's wounds) as the WR stated it (three doctors expressed their independent opinion one bullet had caused all his wounds) was not understandable to me.

Some hours later we had a second conversation, after Mr E had looked into the matter of the ammunition clip. He said that it was true that the two pages of testimony cited did not include any mention of a clip; he did not know if there was a citation for that or not; but was prepared to accept my word that none was to be found in the Hearings and Exhibits. However, he did not attach much importance to this, one way or the other. I pointed out that it was indisputable that without the clip, three shots could not have been fired in 5.5 seconds, and the case vanishes. He did not agree that that was indisputable; it was possible, although he was not sure, that a number of bullets could be inserted at one time even without a clip and would be fed into the chamber one after another. As he recalls, there is a spring in the rifle (but no spring in the clip). I told him that I was flabbergasted by his suggestion; if he was correct, it was all the more strange that an unauthenticated ammunition clip had entered into the evidence. That was brushed aside.

I asked if he had examined the ad from the February 1963 American Rifleman that I sent him in July; he said that he had and that he had no comment on it, that it does seem to be the ad from which the mail order coupon was sent. I also mentioned that since our July conversation I had met Ed Epstein. Mr E wondered if Epstein had completed his book (I said I thought he had not yet done so) and also wondered about Marklane's book (I said I thought it would be published by a British firm soon).

In chatting, Mr E commented that my unanswered letters, or some of them, revealed that I had drawn inferences and/or imputed personal motivation on the basis of errors that were perfectly understandable; that while my research was "scholarly" my letters were subjective and unfair--specifically, my phrase to Rankin ("uneasiness if not alarm"). He was sure that if he looked at my work he would find errors. I agreed that he would but if they were very numerous and all tended in the same direction, he would perhaps become very suspicious. I asked how it was that none of the errors I had found in the WR worked to Oswald's advantage, as one would expect under the law of averages. Mr E replied that some of the errors I had mentioned had nothing to do with Oswald one way or the other--for example, Hosty's license number. Mr E said that even if it turned out that Oswald was an FBI recruit, it would have no bearing. I almost lost my temper. I replied that I was not studying the case as an intellectual exercise but out of deep concern about the institutions and social fabric of the country and would hardly regard it as insignificant if Oswald was on the FBI payroll. In discussing my interpretation of the discrepancies between the Report and the H & E, Mr E repeatedly said that I was "intolerant." I emphasized that I was raising legitimate questions but not getting answers, as in the case of Hosty's license number. Mr E said that after all Marina Oswald had testified that she took down the number, and "you have to believe witnesses." I retorted that I could give him pages covered with the names of witnesses the Commission had not believed, from Kantor to Helmick and so on. He said that he knew nothing about Kantor, knew nothing about the Jack Ruby area of the investigation--in itself a startling piece of intelligence. since he is defending the WR...

I told Mr E that I was sorry that he finds my attitude intolerant but that in any case I did not impute his personal motives. I suggested that he might find it interesting to read two recent books--the one by Sylvan Fox (he had not heard of it) and the Rex Stout book. He jotted down both titles.

He expressed considerable interest in my manuscript--how far along had I gone, what was the format, and that he would like to see it. He said that he was also hoping to see Ed Epstein's manuscript (he was obviously curious but I ventured no diabolical hints about its probable verdict, much as I was tempted). At one point, discussing the fact that a document was now in Washington, I mentioned that I had gone to the Archives to see the Zapruder slides. Mr E asked if I had tried to reach Historian Goldberg there. I said no but I had spoken to Shaneyfelt, which surprised Mr E (he thought that FBI policy would have prohibited that). He remarked enthusiastically that Shaneyfelt was very sound, very fine, etc. Dead silence (on my side of the phone). This time I changed the subject.

At another point, I said that my uneasiness about the conflicts and errors was intensified by the unwillingness of all those I had tried to contact (except Mr E himself) to discuss or reply. He rebutted that with Jenner's letter saying that he would write me during the week of July 19th! That, he said, showed that Jenner was quite willing to answer questions. If Jenner had not followed through, it was probably because he was busy. Or, said I, because he could not defend the assertion in the WR in the light of his experiment with the license number. Oh no, said my adversary, he didn't think it meant that.

Mr E did not seem to know about Sauvage's book nor was he curious about its position viz-a-viz the WR. He remarked that Sauvage was the fellow that had something in Commentary, wasn't he, and my "salesmanship" seemed to make no headway against his monumental detachment. (Maybe he does not read French.)

He expressed the hope at one point in the conversation that in my book I would not make judgments about the personal motives of those involved in the WR merely because I had found certain innocent and inevitable errors of fact (such as the statement that the ammunition was currently for sale, which seemed to have no foundation, although he is not sure, maybe Goldberg had some basis for saying that). I asked him if he did not realize that it was precisely because I did not wish to make unwarranted inferences that I had taken the trouble to write for clarification; that clarification, I had not received, and I included our telephone conversation(s) and not merely the unanswered letters--since, while I greatly appreciated his willingness to converse, he had not provided new facts or new insight into the various "errors" discussed. (He had said, to be fair, that the actual Feb. 1963 ad and mail order coupon should have been included in the Exhibits.)

That is about all I remember of the sometimes-heated conversation, which ended on a note of tentative mutual politeness, with a tone which was not unfriendly, exactly, but quite guarded.