

25 July 1967

Russell D. Niles, President
The Record of the Association
of the Bar of the City of New York
42 West 44th Street
New York, N.Y. 10036

Dear Sir,

I wish to thank you for your kindness in providing me with a copy of the article, "Three Famous Legal Hoaxes," by Professor Arthur I. Goodhart, Scholar-in-Residence. I do not dispute his residence at The Association, since no institution would claim this honor spuriously.

This is not the professor's first article on the Warren Report. His earlier rapturous commentary was published in the New York University Law Review of May 1965. It is interesting to note that the professor has not shifted his position one inch, despite the revelations which have come to light in the interim which have discredited the Warren Report and exposed the scandalous nature of the Commission's "investigation"—revelations which have caused such honorable men as Harrison Salisbury, Alistair Cooke, and Theodore R. Kaufman to question the Report, to advocate a new investigation, or to admit openly that their earlier endorsement was mistaken.

For the professor's information, the incident reported by Julia Heroy occurred at 11:07 a.m., not "nearly four hours before the assassination took place" but 73 minutes. A scholar will find this information in Commission Exhibit No. 705, Volume XVII, page 392.

The allegation that the Odio story has been "used to create suspicion without a shred of evidence to support it" is also unfounded and uninformed. The Warren Commission itself believed Mrs. Odio's story to be authentic and important, because it raised the possibility that Oswald had companions (and perhaps fellow-conspirators) on his trip to Mexico. The Commission even suggested that Mrs. Odio's visitors had been discovered and identified by the FBI—Messrs. Loren Eugene Hall, Lawrence Howard, and William Seymour. Without even waiting for the investigation to be completed, the Commission sent its Report to press. As it turned out, the FBI was mistaken, and so informed the Commission, before the Report was released. But the false reassurance was allowed to remain in the Report, and the relevant documents were omitted from the Exhibits published two months later.

If the professor is really willing to confront existing proof that the assassination was the work of a conspiracy, he should not belabor the critics for giving undue weight to eyewitness testimony—he should make the short journey to the National Archives at Washington and view a screening of the Zapruder film. He will see that the fatal shot came from the front and right of the car, not from the Book Depository window. The physicist, Dr. R. A. J. Riddle, and the forensic pathologist, Dr. Cyril H. Wacht, among others, so interpret the film. Does the professor challenge them? or has he never troubled to view the film, preferring to make his pronouncements unencumbered by the facts?

Contrary to the professor's assertion, it is not impossible to prove what exact words were used by Dr. Perry when he told the press about the throat wound. CBS, which defends the Warren Report no less ardently than Professor Goodhart and with almost equal indifference to the evidence, has video tapes of Dr. Perry's news conference. In its recent "news inquiry," CBS conceded that Dr. Perry did tell reporters that the neck wound was an entrance wound, and that there was no doubt that Dr. Perry stated this as his firm opinion. A scholar would have known this long ago, from the testimony of the doctors in the Hearings and from the contemporaneous medical reports in the Exhibits. The professor has chosen to rely, instead, on the Warren Report proper. Unfortunately for him, the Report gives a misleading and untrue summary of this question—a fact which CBS neglected to mention to its audience.

The professor addresses himself to the FBI Supplemental Report, which reiterates the assertions in earlier FBI reports (of November 23, 26, and December 9, 1963) that (a) the wound in the back was below the neck, and (b) the bullet had penetrated only a short distance and had not exited from the throat. He then disposes of this formidable evidence against the Warren Report (and the autopsy report) by saying airily that the FBI Report is not correct. How strange it is, then, that this wound is shown some five inches below the neck on the autopsy face-sheet or diagram (another "error," admitted this time by the autopsy surgeon, Dr. J. Thornton Boswell); and in almost the identical position, according to the bullet holes in the coat and shirt; and described as four inches and six inches below the neck, by Secret Service agents Glen Dammott and Clinton Hill respectively; and that the back of the stand-in for the President in the FBI reenactment tests is marked with chalk about five inches below the neck, at the point where—according to the Warren Report—"the bullet entered." Perhaps the professor will consider these to be random coincidences. If so, I should dearly love to hear him defend this thesis.

Finally, the fate of important witnesses: The professor may wish to consider the deaths of the following witnesses whose names appear in the list of the 552 witnesses who gave evidence to the Commission (Appendix V of the Report): Albert Guy Bogard, Lee E. Bowers, Jr., David Goldstein, Frank M. Martin, Earlene Roberts, Jack Ruby, Harold Russell, William Whaley, and James B. Worroll, Jr. Of these nine deaths, five were from unnatural causes (accident, murder, and suicide). This comes to more than fifty per cent, as compared to a national rate (of death from unnatural causes in relation to total deaths) of about ten percent.

I agree with the professor's statement that people often believe nonsense: that seems a perfect description of his thunderous and unflagging apologia for the Warren Report. Or is the third of the "Famous Legal Houses" the author's very own?

Yours faithfully,

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cc: Representative Kufperman, et al