

19 August 1965

Professor Arthur I Goodhart  
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My dear Professor Goodhart,

The long-awaited May issue of the NYU Law review has arrived and I have read with interest your contribution to the symposium on the Warren Report. I am just completing a subject index of the Hearings and Exhibits, consisting of some three hundred classifications. It seemed to me essential that such an index should be prepared, if there was to be any methodical digestion of the enormous mass of testimony and documents. With that background, I will take the liberty of making some comments on your paper.

You state on page 406 that "all the evidence has been published." That does not take into account a number of acknowledged deletions (for example, 5H 180) nor the fact that there were well over one hundred "off the record" interruptions during testimony --as many as seven such interruptions for a single witness in some cases. It is clear from the testimony of P Dean (5H 254-258) that matters of gravity and fundamental importance were discussed off the record, at least in Dean's case, which came to light only because the witness himself took initiative. Furthermore, some twenty-five exhibit numbers were "not used" (see table of contents Volume XVII pp vii and xi). Some exhibits consist of excerpts from a document, terminating in mid-sentence (see GE 3006 page 529, Travis Kirk). Still further, perhaps one-half and surely one-third of the Commission Documents listed in GE 3154 were not converted into Commission Exhibits nor included in the material made available to the public.

But most important of all is the omission of the photographs and x-rays taken during the post-mortem examination of President Kennedy (2H 349-351, 371-372). Those photographs must be recognized as crucial, in view of the discrepancy between the entrance wound and the corresponding holes in the clothing (2H 364-366); the suppression of that evidence leaves in doubt the exact location of the wound and therefore the entire theory of the crime, which depends upon a higher location than suggested by the clothing holes and by eyewitness testimony (Kellerman, Greer, C Hill, and reports of Glen Bennet).

You state on page 408 that it is difficult to feel any doubt about the truthfulness of Marina Oswald's evidence. On the contrary, I find it unavoidable. Her account of the plan to shoot Richard Nixon and the manner in which she thwarted Oswald was rejected by the Warren Commission and seems to me to be a clear invention, probably for mercenary purposes. What is more germane in assessing her credibility is the evolution of her testimony which can be traced chronologically through some forty-odd FBI or Secret Service interviews found in the Exhibits. Her repeated modification or revision of earlier statements must raise serious questions about her reliability and veracity. Incidentally, as I write this letter, Marina Oswald Porter has reappeared in the news as a result of the jailing of her new husband, on her complaint of physical abuse and fear of a homicidal attack on her and her two children. This is an extraordinary parallel to her first marriage and must certainly compel a reassessment of her own emotional stability.

You state on page 409 that Mark Lane refused to produce the tape-recording of his conversation with Helen Markham. I refer you to 7H 499-506, from which you will see that the tape-recording was obtained and that Markham was confronted and compelled to retract her earlier testimony. Since Lane was the only possible source of the tape-recording, your assertion that he refused to produce it is unfortunate and undeserved.

You suggest in footnote 41 that no one should question the conclusions in the Warren Report since Robert Kennedy has not done so—an argument heard not infrequently. May I point out first that William Manchester has been commissioned by the Kennedy family to write "an authoritative history of the assassination." He told the New York Times (May 9, 1965 page 43) that he had turned up "more fresh material than in those 26 volumes" and that actually "Oswald is a minor figure in the story." I infer that the Kennedy family is not actually satisfied with the official conclusions; but even if that is not warranted, the fact remains that Robert Kennedy has not read the Report nor the Hearings and Exhibits, as was widely reported after the release of the Report. Is it, then, "extraordinary" that questions should be raised by those who have read and re-read every line in those volumes and discovered important and shocking conflicts between assertions in the Report and the corresponding source material?

My personal study of the case has consciously been restricted almost exclusively to the material published by the Commission itself. I have found a substantial number of discrepancies on important issues, only two of which I will mention here. One is a false claim about the recency and reliability of the rifle ammunition which emerges from a comparison of page 646 of the Report with GE 2694 page 12. The other is the misrepresentation of Dr Shaw's testimony which can be seen by comparing the statement at the bottom of page 95 of the Report and its footnote 256 with the actual testimony found in 4H 109.

In closing, I refer to your comment on page 421 on the Commission's failure to compel Mark Lane to reveal the source of his allegation about the meeting at the Carousel Club. It is incenceivable to me that the Commission was entitled to exercise "forbearance" in a matter of such cardinal importance. I see no moral or legal justification for the Commission's apparent assumption that the allegation was unfounded, especially since Lane's claims with respect to Helen Markham, also subject to scepticism in the first instance, proved to be entirely true. Consequently, the failure to use its power to compel compliance was a dereliction of duty by the Commission.

I should of course welcome and value highly your comments on these points.

Yours sincerely,

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