

A pathologist who lives in Prairie Village reveals firing-range experiments reinforcing his belief that more than one rifleman may have been involved.



Did J.F.K. Have Only One Assassin?

by Thomas J. Bogdon

A Member of The Star's Staff

Dr. John Nichols, a pathologist who lives in Prairie Village, occasionally lectures to bar societies and medical groups on his research into the assassination of the late President John F. Kennedy. In question-and-answer sessions, he is almost invariably asked why he continues to pursue the matter.

In his answer Dr. Nichols acknowledges that the investigation has been officially closed since the release of the Warren Commission Report Sept. 24, 1964. The President is dead, and rehashing the Warren report will not bring him back. The doctor also agrees a strong possibility exists that if Lee Harvey Oswald had an accomplice (or, if he were innocent) no further charges in the murder would ever be filed.

But Nichols believes that these facts should not in themselves determine whether the case will ever be reopened.

"The murder of President Kennedy may have been the most important crime in the 20th Century," Nichols explains, and adds that he is concerned both personally and professionally about loose ends in the Warren Report.

Of equal importance, Nichols believes, is the right of the public to a reasonable knowledge of the workings of their government—a right which he does not feel has been observed in restrictions placed on evidence uncovered by the Warren Commission.

Nichols shared the initial doubt of others that Oswald alone fired the shots which killed the President and wounded Gov. John Connally of Texas, a passenger in Kennedy's limousine during the fatal motorcade. The Warren Commission concluded that

Dr. John Nichols, pathologist, with Warren Report and Mannlicher-Carcano.

ASSASSINATION

Oswald, a 24-year-old ex-Marine, fired three shots from a sixth-floor window of the Texas Schoolbook Depository building. But many of those present in Dealey Plaza on Nov. 22, 1963, thought there was gunfire from a grassy knoll in front of the Kennedy car.

Reports of eyewitnesses also indicated that the President's head jerked backward when it was struck by the third and fatal shot.

"I never saw a squirrel fall toward the gun," Nichols, a boyhood hunter and later a rifle team member at the University of West Virginia, says. The Book Depository "sniper's perch," Nichols contends, was above and to the rear of the limousine. If Kennedy had been shot from that position, the force of the bullet should have caused the President to slump forward in his seat. Perusal of movies made of the President at the time of the assassination reveal that he did not fall forward from the fatal head shot.

On Jan. 1, 1964, Nichols wrote the first of many letters concerning the assassination. The letters now fill three drawers in a file cabinet in his office, and he has followed the investigation and the world-wide controversy ever since.

One of his first steps in tracing the mystery was to order a rifle similar to the one Oswald used. The weapon, a Mannlicher-Carcano, is an Italian military rifle firing 6.5 millimeter ammunition. Dr. Nichols purchased the first rifle by mail, sending \$12.50 plus freight to a firm which had advertised in the Shotgun News. In subsequent years, he purchased 21 other Mannlicher-Carcanos for his testing and also considerable authentic ammunition.

He wanted to check bullet velocity, firing speed and accuracy. Dr. Howard Matzke offered the use of his farm, just southeast of Shawnee Mission park in Johnson County, Kansas. As a firing range backdrop, Dr. Nichols purchased used mattresses from the Goodwill Indus-

tries, using more than 20 in the course of his tests.

Speed of firing was one of his first observations. Dr. Nichols had noted the Warren Commission finding that the bullets that struck President Kennedy and Governor Connally were fired in 5.6 seconds. This time computation had been made by observation of movies made by Abraham Zapruder at the assassination in Dallas. The Zapruder film moved at 18.3 frames per second, and the calculations on firing speed were made from the film.

Dr. Nichols wanted to test whether he could fire three aimed shots from the Mannlicher-Carcano in 5.6 seconds.

"I found the gun very awkward," he said. "When I was firing for speed, I simply shot into the side of the hill, but I had trouble. For one thing, the rifle was poorly constructed. The rough finishes on the moving surfaces made the bolt action stiff. I took the gun apart completely—every screw—and cleaned it thoroughly. Then I lubricated it—made it work as well as it could be made to work."

"When you fire the Mannlicher-Carcano in rapid sequence, you must pull the trigger, then work the bolt action to eject the spent cartridge and put a new bullet into the chamber. This requires quite a few motions. After you pull the trigger, you must lower the gun, then reach up with your right hand, lift the bolt, pull the bolt backward about four inches, eject the spent cartridge, push the bolt forward, push it down, bring your right forefinger back down to the trigger, then raise the gun to firing position and re-aim. The process is made slower because of the fact the gun has a pretty healthy kick, and the bolt is sufficiently cumbersome that it is difficult to work the bolt without lowering the barrel. This means a time lag in re-aiming."

"In my Johnson County experiments I found that I could fire three

unaimed shots in 5.6 seconds, but I could not take good aim between shots.

"Now, I agree that a better rifleman could conceivably fire three well-aimed shots in this time span. However, it would take the skill of the best Marine Corps expert, and when Oswald was in the Marines, he barely qualified at the lowest grade of Marksman. Between the Marine grade of Marksman and Expert is the intermediate level of Sharpshooter."

"Also, in the report of the Warren Commission, the Marine Corps experts who fired three aimed shots were shooting at stationary targets. Oswald had a moving target."

The doctor concluded, from his own experiments, that if Oswald fired three aimed shots in 5.6 seconds, he was indeed an expert, far superior to his performance as a U. S. Marine.

Dr. Nichols wanted to test the accuracy of the Mannlicher-Carcano. His aim was to shoot at 195 feet, the distance at which the first neck shot was inflicted, according to the Warren report. The doctor bolted the rifle to a 12-by-12-inch timber, out on the Johnson County farm. Even though the gun was made rigid, it fired something like a 16-inch pattern at 195 feet.

Thinking this particular weapon might be unusually inaccurate, Dr. Nichols purchased 21 others, and found most of them equally so. In fact, he learned that in the Italian army, the Mannlicher-Carcano was known as the "humanitarian weapon," because, among other things, it would not shoot straight enough to kill anybody in anger.

The test for accuracy made him realize that if Oswald had indeed killed the President by himself, he had fired an inaccurate weapon with precision as well as rapidity.

Next, Dr. Nichols checked the Mannlicher-Carcano's penetrating power. He wanted to know if a bullet, at 195 feet, could have per-

The Warren Commission Report states the opinion that the bullet (left) caused the neck wound of President Kennedy, perforated Governor Connally's chest, and fractured Connally's wrist. It is called Exhibit CE 399. Fragments (right) removed surgically from Connally's wrist (Exhibit CE 842) are from bullet CE 399, according to the Warren Commission. Dr. Nichols is suing for the right to examine bullet CE 399, and the fragments, by neutron activation analysis, to compare the trace metal composition. If the bullet and fragments are the same, Dr. Nichols is willing to concede that Oswald alone may have killed Kennedy and wounded Connally. If the bullet and fragments do not match, Dr. Nichols believes a second person must also have been in on the shooting.

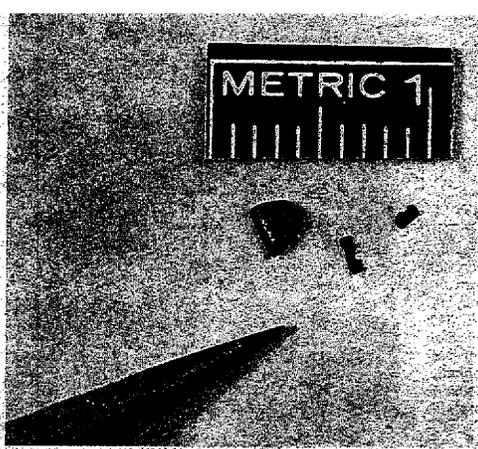
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formed according to criteria laid down by the Warren Commission. The conclusion of the Commission was that the first bullet struck President Kennedy at the back of the neck and emerged at the throat in the mid-line behind the knot in his necktie. The first bullet then struck Governor Connally in the back, according to the Commission, fractured his right chest, penetrated his right wrist and fractured the radius bone of the wrist. The Commission stated that a fragment of this first bullet pierced Governor Connally's left thigh and that the remainder of the bullet, virtually intact but with its energy spent, dropped into the governor's clothing. This bullet, now known as Exhibit 399, was recovered from inside Parkland Hospital in Dallas, on or near a stretcher allegedly occupied by Governor Connally. Dr. Nichols accepts the finding of the Warren Commission that the bullet known as Exhibit 399 went through Oswald's gun.

An area of the Warren report with which Dr. Nichols finds conflicting evidence is in the matter of the penetrating power of the bullet. In his Johnson County test-firing, the doctor discovered that a bullet from a Mannlicher-Carcano not only has the penetrating power to have done what the Warren Commission reported, but that its energy would have been only about half spent. From his experiments, Dr. Nichols cannot believe that the bullet simply fell into Governor Connally's clothing, its velocity gone.

In his research, the doctor took an equivalent amount of meat, skin and bone, and found, with a chronograph, that after penetration, the bullet was still traveling at a velocity of 1,150 feet per second.

In fact, the doctor built a solid barrier of Ponderosa pine boards, and found the 161-grain jacketed Mannlicher-Carcano bullet would penetrate a thickness of 47 inches of wood (just one inch less than four feet).



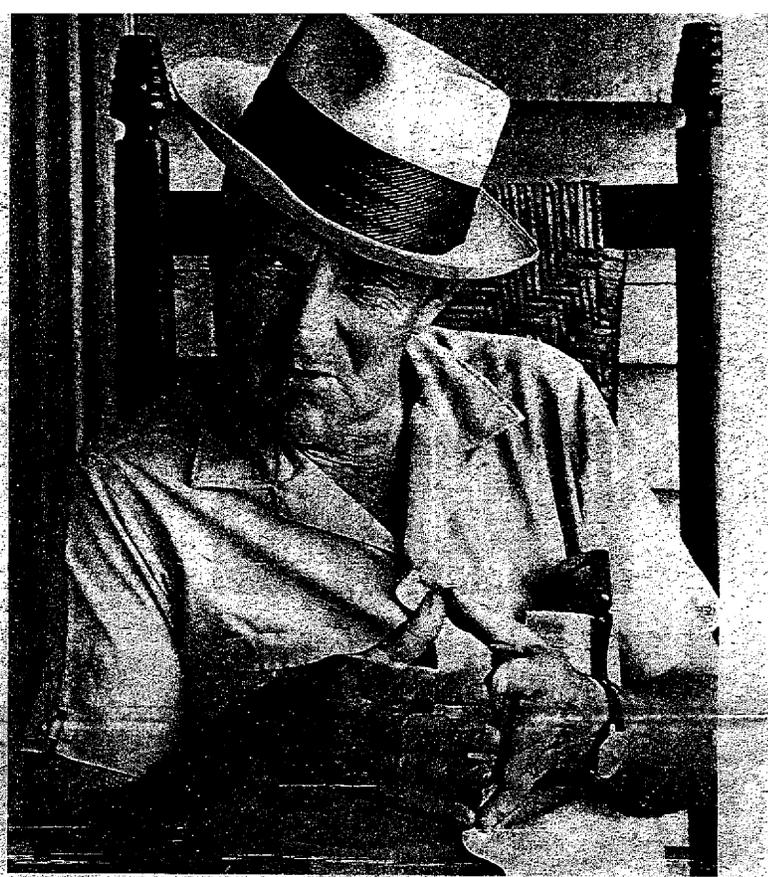
Because of his research and his training as a pathologist, Nichols was called on by James Garrison, the New Orleans District Attorney, to testify in the trial of Clay Shaw for his alleged conspiracy with Oswald to murder the President. He testified that the backward motion of the President's fatal head injury was "compatible with a shot from the front," which buttressed Garrison's contention that Kennedy was hit in a cross fire.

Nichols has focused his own work on medical evidence accumulated during futile efforts by doctors at Parkland Memorial Hospital to save the President's life and in a later autopsy at the Bethesda, Md., Naval Medical Center. But medical evidence necessarily overlaps with such other factors as Oswald's skill as a rifleman, the performance of his mail order Italian weapon, an amateur moviemaker's filmed record of the assassination and the speed and location of the limousine when the shots were fired.

His effort to "fill in" some of the omissions of the Commission and, if possible, confirm or refute in an unequivocal manner the "single bullet" theory on which the Warren Report is based led Nichols to file suit two years ago in U. S. District Court to obtain access to evidence from the official investigation now in the custody of the National Archives and Navy officials.

Nichols is seeking authority through the courts to examine certain items of the President's clothing, the Mannlicher-Carcano rifle Oswald allegedly used to assassinate the President, three expended shells found near the weapon, X-ray films and photographs made during the autopsy and the medical records from Bethesda. The key evidence involved in the suit, however, is bullet CE399 and three tiny metal fragments removed from Governor Connally's wrist. The fragments were designated Exhibit No. 842. In

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personal talks with Dr. Nichols, Governor Connally as late as April, 1970, reaffirmed his own opinion that he was struck by a different bullet than the first one which struck the President in the neck.

Dr. Nichols proposes to submit Exhibit 399 and Exhibit 842 to "harmless neutron activation" in the nuclear reactor at the University of Kansas campus at Lawrence to determine whether the metal content is identical, as the "single bullet" theory would suppose.

"If the same trace metals are present in the same proportions," Nichols said in an interview, "then it may be possible that bullet CE399 performed according to criteria laid down by the Warren Commission. If the trace metal contents are different, then CE399 could not have inflicted the injuries to both President Kennedy and Governor Connally."

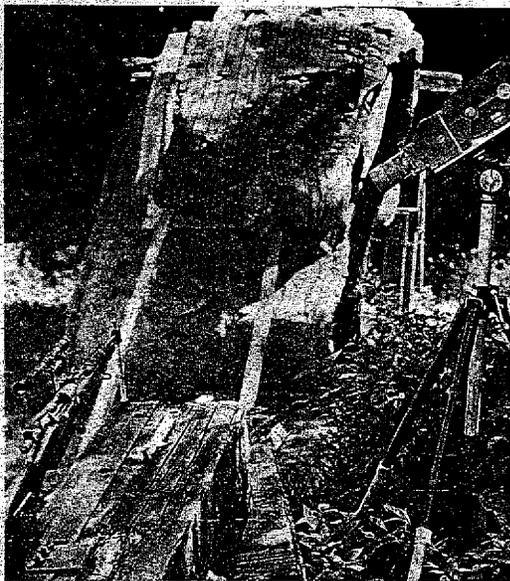
The suit emphasizes that neutron activation is the "most sensitive method in existence for detecting minute traces of certain metals" and that "the specimen remains intact, unaltered and undamaged." Nichols points out that neutron activation analysis is used, for example, in determining the authenticity of antiques and that neutron activation analysis of samples of Napoleon's hair established he died from arsenic poisoning.

The suit, filed in 1969 under the Freedom of Information Act, charges Dr. James B. Rhoades, the archivist, has illegally withheld evidence to which Nichols is entitled as a qualified researcher. It also seeks to gain access to certain tissue specimens from the autopsy which the Navy officials have said "cannot be located."

The office of Attorney General John Mitchell, defending the archivist's position, successfully argued in briefs before Judge George Templar that the items Nichols seeks to examine are not "records" within the terms of the Freedom of Information Act. With the approach this week of the eighth anniversary of the assassination, Nichols is awaiting a hearing on his appeal before a 3-judge federal panel in the 10th Circuit Court of Appeals at Denver.

Central to the Warren Report, Nichols points out, is the "single bullet" theory developed by Arlen Specter, the Commission's chief counsel. It supposes that a single bullet (Commission Exhibit 399) passed through the President's neck, penetrated Governor Connally's chest, fractured his wrist, injured his thigh, only later to fall from the governor's clothing at Parkland Hospital.

Connally, now treasury secretary in the Nixon administration, was transferred to an operating room at the hospital on a wheeled stretcher. CE399 was found almost intact near a stretcher and later assigned by the FBI a key role in the evidence which led to the theory that all of the shots came from the Book Deposito-



On the firing site in Johnson County, Kansas, southeast of Shawnee Mission Lake, Dr. Nichols mounted a Mannlicher-Carcano rifle on a timber of 12-by-12-inch dimension. When the rifle had thus been made rigid, the doctor found it still shot a pattern of about 16 inches at 195 feet, the distance from which Oswald fired at the car of President John F. Kennedy. Dr. Nichols tested 21 other Mannlicher-Carcano weapons, found them similarly wild, and raised the question of how Oswald, alone, could have fired with such accuracy at the moving target of the President's car. (Photograph by Barton La Vite).

ry building and that all were fired by Oswald.

If it did not, Nichols contends, the weight of evidence shifts away from the "single bullet" theory and forces the conclusion that another rifleman was involved, because it then becomes patently impossible for one person to fire four shots from the Mannlicher-Carcano rifle within the allotted 5.6 seconds.

So apparent was the backward motion of the President's head in movies made by Abraham Zapruder that Nichols urged Judge Templar to have the film shown to "assist the court in a determination of the reasonableness of his (the plaintiff's) position."

Dr. Nichols argued further that the film, in conjunction with a copy of the large-scale map of Dealey Plaza, would assist the court in comprehending the physical situations associated with the assassination.

Inasmuch as the government filed a motion to dismiss the action, or in the alternative a motion for summary judgment, many questions of fact remained unresolved when the U.S. District Court upheld the government's motion. Thus the film was never shown to the court, all as part of the finding that the plaintiff failed to allege substantial issues of fact. The court further alluded to the fact that the items sought by Dr. Nichols could not be properly classi-

fied as "records" within the terms of the Freedom of Information Act.

"This court must assume that since no better definition of the term, 'record,' is provided by legislative enactment, executive order or controlling judicial determination," Judge Templar said in his opinion, "reliance must be placed on a dictionary of respected ancestry for a reasonably accurate meaning of the word."

Citing Webster's New International Dictionary (second edition) and Webster's New Collegiate Dictionary as his authority, the judge cited two definitions of the term and found that the materials sought by Nichols did not qualify as "records" under terms of the act.

Both definitions emphasized the "written or transcribed" knowledge, acts or events and alluded to "that on which such record is made, as a monument, a memorial."

Nichols, in his appeal to the 10th Circuit Court of Appeals, asks for a more inclusive definition of "records" and points out that both definitions cited by the district court "have been expunged from and do not appear in the current third edition of Webster's New International Dictionary."

Nichols points out that the current edition of Webster's New International Dictionary defined "records" to include:

"To give evidence of—the extent

of the explosion is recorded on the charred tree trunks of the surrounding area."

"Evidence, knowledge, or information remaining in a permanent form (as a relic, inscription, document)—the record of an extinct people."

The appeal asserts that the rifle allegedly used in the assassination, the President's clothing, bullet CE399, the fragments from Connally's wrist and other items sought are not essentially "museum materials" as maintained by the government, and cites the Stonehenge romantically attributed to the "Druids" and other examples to show that "records" of a civilization or an event must not necessarily be preserved in written form.

Because "there are many complex issues of fact to be resolved," the appeal brief states. . . "it is the sincere belief of the appellant that he has not had his day in court."

Whatever the outcome of the appeal it is likely that the case will finally reach the U.S. Supreme Court, as both sides have indicated, that any decision on the legal issues would be appealed because of their implications. It was the Freedom of Information Act, for example, that was interpreted by the Supreme Court earlier this year to permit the New York Times to publish the Pentagon Papers.

M. C. Slough, former dean of the University of Kansas Law School and one of three attorneys representing Nichols in the case, believes a ruling against his client could set a precedent which could place other physical "records" under the control of federal administrators, even in a criminal case.

Judge Templar, noting in his opinion inequities in the existing law, said: "Until Congress sees fit to wipe out these exemptions, so far as it is constitutionally able to do so, a person in the plaintiff's position, though he be possessed with superb qualifications, has the purest intentions and be so ever ob active in his research and entitled to pursue it, will be thwarted by the influence and pressures exerted by bureaucrats which will likely hamper his investigations, no matter how noble and patriotic his purpose."

The judge also took note of Nichols's suggestion that he view the Zapruder film and said this "would be a matter of substantial interest to the Court" although, under the circumstances, no useful purpose would be served. He added that the "assassination of President Kennedy continues to give rise to much speculation and scientific analysis by students, pathologists, historians and law enforcement agencies. Undoubtedly much more will be discussed and written about the case, the circumstances of which have aroused worldwide curiosity."

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