

THE SHOOTING SHADOW

One-Bullet Theory Fruit of Conflicting Evidence

Commission Saw Facts, Drew Conclusions

EDITOR'S NOTE: This is the second installment of the presentation to the public, as a jury, the Associated Press writers' account of the case. It includes the writing critics of the Warren Commission report and the actual text of the report.

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II—A SINGLE BULLET, A SINGULAR THEORY

Bullet 309. The firing time of a mail-order rifle. An amateur motion picture. A governor's wounds. A President's autopsy.

It was from these elements that the Warren Commission constructed what has become known as the "single bullet theory."

And it is these elements which critics of the Warren report use to topple the theory and discredit the report.

The theory was reached after the commission staff was confronted with two pieces of conflicting evidence:

—That the first wound suffered by President Kennedy and Texas Gov. John B. Connally evidently occurred within a span of 1.6 seconds; 2—that the murder weapon could not be fired faster than once every 2.3 seconds.

What was the answer?

The commission decided that one bullet went through Kennedy's neck, traveled four feet forward and struck Connally, inflicting wounds of his chest, wrist and thigh. A second bullet struck Kennedy at the back of his head and killed him. A third bullet missed.

Any argument that Lee Har-

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vey Oswald was the lone assassin or he wasn't stems from this theory.

The theory is central to these commission conclusions:

1—That all the shots fired at the President and governor were fired from Oswald's sniper's perch on the sixth floor of the Texas School Book Depository, overlooking Dealey Plaza in Dallas—and from no other place.

2—That all the shots were fired from a 6.5mm Mannlicher-Carcano rifle, owned by Oswald, and found on the sixth floor after the assassination—and no other weapon in the world.

3—That all the shots were fired by Lee Harvey Oswald—and no other person.

In arriving at the single bullet theory, the commission itself laid the groundwork for its possible challenge by saying in the report:

"Although it is not necessary to any essential findings of the commission to determine just which shot hit Gov. Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Gov. Connally's wounds."

But if that didn't happen, the theory teeters—and so does the case against Oswald as the lone assassin.

The critics have assaulted the theory. But not with new evidence. They have used conjecture instead of fact. And when they dig into the report for evidence, they do not describe all that is on the shovel.

For example:

Mark Lane contends the "alleged" assassin rifle—the Mannlicher-Carcano — was planted. His evidence: the depository rifle was first described in press reports as a "Mauser." Lane also relies heavily on an affidavit by Constable Seymour Weitzman as describing the weapon as "a 7.65 Mauser bolt action." Lane emphasizes that Weitzman was a rifle expert. What is the fact? Weitzman testified he never handled the weapon and has since said that the word "Mauser" describes the bolt action. The Italian Mannlicher-Carcano, as mentioned, was manufactured with the patented German Mauser bolt action, and the Italians rechambered it for 6.5mm ammunition.

Epstein claims the autopsy report on Kennedy is suspect.

Evidence Is Dot on Autopsy Sketch

His evidence: a dot on an autopsy sketch indicates a bullet entry below Kennedy's shoulder, which means the bullet couldn't have emerged to hit Connally. What is the fact? The dot is off the mark. But the descriptive detail with it locates the neck wound precisely. So does the testimony of the pathologists as well as the autopsy report itself.

Weisberg claims the film taken by a spectator, Abraham Zapruder, shows Kennedy was wounded much earlier than the commission says, and this means there had to be another gunman in another firing position. His evidence is obtained by parsing Zapruder's testimony. Just how and to what extent will be discussed further.

Gov. Connally's wounds were caused by one of the bullets that hit Kennedy.

"I am convinced beyond any doubt that I was not struck by the first bullet," says the governor. He recites his recollection of the sequence in which he heard a shot and then felt himself hit—and since a bullet travels faster than sound how could he have heard the same shot that hit him?

But the commission found it could not be so certain. There was other evidence which indicated the governor could be in error about his reconstruction. The governor was clear about being hit in the chest. But he did not know until the next day that a bullet had gone through his wrist and hit his thigh. He thought there were 10 to 12 seconds between the first and last shots. But analysis of the Zapruder film indicated that there were 5.6 seconds during which one shot wounded Kennedy and another killed him.

Governor, Wife Agree on Testimony

There also was uncertainty due to the testimony of Connally and his wife Nellie. The governor testified that Kennedy was hit and had his hands at his throat. And then, he said, he was hit by a second shot. His wife agrees.

"I immediately, when I was hit, I said, 'Oh, no, no, no.' And then I said, 'My God, they are going to kill us all,'" Connally testified.

But Mrs. Connally testified: "As the first shot was hit, and I turned to look at the same time, I recall John

saying, 'Oh, no, no, no.' Then there was a second shot, and it hit John, and as he recoiled to the right, just crumpled like a wounded animal to the right, he said, 'My God, they are going to kill us all.'

If the governor is correct that he said "Oh, no, no, no" as soon as he was hit, and if Mrs. Connally is correct that he said this before she heard a second shot, then the commission's assumption stands on reasonable ground.

The governor, viewing frames of the Zapruder film, picked Frames 231 to 234 as those representing the moment he believes he was hit. Scrutiny of these frames shows the governor's hands are rather high, certainly above the point at which the bullet exited from the governor's chest—a point two inches below the center of the right nipple. Since the bullet caused a chest wound from back to front at a 25 degree downward angle, it would have been necessary for the bullet to then make an upward turn to go through the top of his right wrist and then come down to a point five inches above his left knee.

Film Disrupts Simple Equation

Had there not been the Zapruder film, it is possible that investigators might have reached a simple equation: three wounds—three bullets.

Three used shells near the sixth-floor window of the depository fortified the conclusion there were three shots. And of the 205 persons who gave statements regarding the number of shots, 119 said they heard three, seven heard two or more and 39 heard "some." Eleven said they heard four and a handful said there were even more.

In analyzing the Zapruder film, the commission found that at the most there was a 1.6 second time span during which Kennedy and the governor were first wounded.

This was determined by measuring the operating speed of the camera. Zapruder's exposed 18.3 frames per second. Other evidence — the shells and rifle in the depository, the rifle seen protruding through the window, the nature of wounds, and so on—established that the sixth floor of the depository was one fixed point. The almost foot-by-foot movements of the presidential limousine — as demonstrated by the Zapruder movie and other photographs — provides other points.

But the Zapruder film had one drawback: the progress of the limousine was obscured for approximately seven-tenths of a second by a road sign. So there is no pictorial evidence in the film showing exactly when Kennedy was first hit. The fatal shot is clearly seen later in the film.

Investigators positioning themselves in the sniper's window perch could determine when Kennedy or governor were probably in position to be targets. Since the foliage of an oak tree blocked the line of fire until the limousine had gone past the depository on its way to Stemmons Freeway, it was determined that the president could not have been struck at the base of the neck until Frame 207 of the Zapruder film. At that point, the limousine is already moving toward the road sign, traveling at a rate of 11.2 miles an hour.

Weisberg says the computations are meaningless. He says there is evidence the president was hit earlier. He cites Zapruder's testimony in Vol. VII, page 571. Zapruder was being questioned by Liebeler and was describing details regarding different frames. In reference to the movement of the limousine, Zapruder says "It reached about—I imagine it was around here—I heard the first shot and I saw the President lean over and grab himself."

Lawyers Know Term Was Meaningless

"Lawyers know very well that such words as 'here' in testimony relating to a location reflect nothing on the printed page. When they want the testimony clear, they ask the witness to identify the spot meant by 'here.' Zapruder was not asked to explain where 'here' was," Weisberg says. And then he says:

"But the startling meaning of Zapruder's testimony is this: He saw the first shot hit the president! He described the president's reaction to it. Had the president been obscured by the sign, Zapruder could have seen none of this. Therefore, the president was hit prior to Frame 210, prior to Frame 205, the last one that shows the top of his head."

Turn to page 574 of the same volume and there is Zapruder being specific. He is shown Frame 225, which is the first one in which the President can be seen as the limousine

emerges from behind the sign. The President appears to have his hands moving toward his throat, and Zapruder, looking at this frame, says:

"Yes; it looks like he was hit—it seems—there—somewhere behind the sign. You see, he is still sitting upright."

Edward Jay Epstein tends to confuse the commission's interpretation of the Zapruder film by saying that because foliage of an oak tree blocked the view "the commission concluded that the earliest point the president could have been first hit was film Frame 207." No. If that happened, the president would have had a head wound then. Since his neck was blocked from a line of fire until Frame 210.

The commission did say that 207 was the first point at which Connally could have been hit, consistent with his wounds.

But when then was the governor hit? On the basis of computations and the visible movements of the governor, it was determined that at the very latest, he could not have been hit after Frame 240. That would mean that if the president was hit at Frame 210 and the governor at Frame 240, it would have occurred within a span of 1.6 seconds.

Time Element Becomes Important

This time element is important to the commission—and the critics.

Firing tests of the Mannlicher-Carcano showed that three master riflemen couldn't fire it and work the bolt and get off another round in less than 2.3 seconds.

If the time span between the Kennedy and Connally wounds, is reduced too radically, the critics argument might falter because the shorter time would support the plausibility of one bullet hitting both men. But the critics tend to support Connally's contention that he most likely was hit during Frames 231 to 234.

Arlen Specter, now district attorney of Philadelphia, was the commission counsel generally described as chief architect of the single bullet theory. Hé and Wesley Liebeler both say that the Zapruder film shows that on Frame 230 the governor's arm can be seen above the side of the car and that he was probably in his delayed reaction to his wounds at that point. On that premise, there was little more than a second between the time the President and governor were hit. It can be reduced further when it is considered that the President may not have been hit until just before Frame 225.

There is agreement among critics and commission about one thing the Zapruder film does show: the shot that killed the president. The impact of this hit is clear in Frame 313. The running time from Frame 210 to Frame 313 is 5.6 seconds.

The agreement ends there. Because of the limited firing capacity of the Mannlicher-Carcano, the critics say (1) the president and governor could not have been hit within 1.6 seconds by two rounds fired from that rifle, and (2) three bullets could not have been fired within 1.6 seconds.

Experts examining the firing tests by their experts, say they used stationary targets and that the time was measured from the sound of the first report to the sound of the third report and thus had unlimited time to aim the first shot.

Significant Factor, Say Epstein, Lane

"This is a significant factor. For example, if it is assumed it took the assassin one second to react, aim and pull the trigger, then he had only 4.6 seconds (not 5.6 seconds) to fire," Epstein says.

Mark Lane makes the same contention and adds to it a detailed attack in which he says the tests themselves were invalid, the ammunition was unreliable, the weapon was of poor quality and Oswald was an inferior marksman.

Wesley Liebeler says that "if you assume Lane is right on all of this, what does it change? The fact is that that rifle was owned by Oswald, he was in the depository, the empty shells were fired by that weapon, the recovered bullet was fired by that weapon. The best evidence that the rifle was capable of delivering the shots and that Oswald was capable of hitting the president and governor is that it did and he did."

Specter challenges the time interpretations by the critics, saying:

"The would-be critics of the commission report all make the same mistake in interpreting the possibility of fitting three shots in a 5.6 seconds time-span because they count the first shot.

"When you fire three times, the first shot is not taken into account in the timing sequence.

Look at it this way: aim is taken and there is the first shot. Then 2.3 seconds passes while the bolt action is worked and the next shot is fired. Then another 2.3 seconds for the third shot. The three shots can be fired within 4.6 seconds range of time."

Lane, Epstein and Weisberg also introduce another element in challenging the capability of the Mannlicher-Carcano: a fourth shot. Patently, the rifle as tested, could not have delivered four shots in 5.6 seconds. But where is their evidence? The commission considered such a possibility, but found no credible evidence for more than three shots.

Debate Could Give Commission Support

It might seem that the commission would find added support in the firing demonstration by a British Royal Marines sergeant appearing on a BBC television show Jan. 30, 1967. Lane and Specter were there as participants in a debate about the controversy and saw the sergeant, using a Mannlicher-Carcano of the same vintage as Oswald's, aim at a target and get three rounds off in 2.6 seconds.

By that measure, it could have been possible that separate rounds could have hit the president and governor in close order. But if that happened, more riddles are posed: If one bullet alone went through the president's neck, how did it vanish without striking anyone else or anything else? If the governor was hit separately, what sort of wounds would he have suffered, and could they then have been from Bullet 399?

This was the bullet, in an almost undamaged condition, which was found in Parkland Memorial Hospital, where both the President and governor were taken. The commission says it is the bullet which passed through the President's neck and struck the governor in the chest, wrist and thigh.

Mark Lane describes it in a chapter entitled "Magic Bullet." Epstein calls it "The Stretcher Bullet." "The so-called 'found' bullet," Weisberg says, "could, for example, have been planted in the hospital."

Experts put the bullet under scientific tests which they said proved it was fired by the Mannlicher-Carcano rifle.

The 6.5mm copper-jacketed bullet weighed 158.6 grains. Its standard weight would be 160-161 grains. This would mean that Bullet 399 lost between 1.4 and 2.4 grains.

Surgeon Rules Out Controversial Bullet

Lane and Epstein each cite three particular witnesses for their conclusion that Bullet 399 lost too little weight to have caused the wounds received by Connally. One is Col. Pierre Finck, one of the autopsy surgeons, who ruled out the bullet "for the reason that there are too many fragments described in that (Connally's) wrist." Another is Cmdr. James J. Humes, the chief autopsy pathologist, who testified "this missile is basically intact. Its jacket is partly to the left intact and I do not understand how it could possibly have lost fragments in either of these locations (wrist and thigh)." A third is Dr. Robert Shaw, who operated on the governor's chest, and who testified there were three grains left in the governor's wrist.

These conflicts were cleared up in other testimony, but the commission was remiss in not resolving the conflicts when they arose.

The critics do not detail the specific testimony regarding these fragments.

What was it?

Dr. Charles F. Gregory, who treated the governor's wrist wound, testified X-rays disclosed "three metallic flakes" there, and he added: "I would estimate that they would be weighed in micrograms, that it is something less than the weight of a postage stamp." Not three grains, as Dr. Shaw said.

Dr. George T. Shires, who treated the thigh wound, testified on bullet fragments were recovered from it but that a small one, discernible on X-ray, remained in the femur. He was asked its weight, and answered "maybe a tenth of a grain."

Critic Harold Weisberg says that "the report refers to no fragments elsewhere. Shires says there is still one in the chest." But examine Shires' testimony in Vol. VI, Page 111, and you discover that Shires had just said any knowledge he had about damage to the rib was "only hearsay from Dr. Shaw, that's all." Shires was next asked whether he knew whether there were any bullet fragments in the chest, and he replied: "No, again except from postoperative X-rays, there is a small fragment remaining, but the initial fragments I think Dr.

Shaw saw before I arrived."

Shaw, who treated the governor's chest wounds, testified about this in no uncertain terms.

"We saw no evidence of any metallic material in the X-ray that we had of the chest, and we found none during the operation," Shaw said. He had also testified that an X-ray made seven days after the shooting disclosed nothing except evidence of healing.

Shaw Responsible for Wound Statement

Shaw was responsible for the statement there were three grains of metal in the wrist wound. But as he stated in his testimony, he did "not accurately examine" this wound. That was Gregory's job.

None of the critics mentions, incidentally, that the discovery of Bullet 399 was not entirely unanticipated. For it occurred to Gregory during the operation that such a search should be made. He says in his testimony:

There was "some speculation on our part, on my part, which was voiced to someone that some search ought to be made in the governor's clothing or perhaps in the auto or some place, wherever he may have been, for the missile which produced this much damage and was not resident in him."

Bullet 399 had already been found, unknown to Gregory, when he said this. It was discovered shortly after 1 p.m., when the President was pronounced dead, on a stretcher in the corridor near the ground floor emergency rooms.

At first, it was thought this bullet came from the president's stretcher. And that fit in with the speculation that a bullet had hit the president in the back and exited during external heart massage. But the autopsy was to show that this didn't happen.

The commission determined that the bullet came from Connally's stretcher.

Epstein here goes back to Col. Finck, saying his testimony "cannot be dismissed merely because it collided with the hypothesis that Bullet 399 was found on Connally's stretcher. Since Finck's categorical statement that this bullet could not have caused Connally's wrist wound was never challenged, disputed, or corrected, it can only be concluded from the evidence that Bullet 399 did not come from Connally's stretcher."

Olivier Testimony Given in Report

Epstein should turn to Vol. V, page 90, where he will find the testimony of Dr. Alfred G. Olivier, an expert on bullet wounds.

This exchange took place:

"Do you have an opinion as to whether, in fact, Bullet 399 did cause the wound on the governor's wrist, assuming if you will that it was the missile found on the governor's stretcher at Parkland Hospital?"

"Dr. Olivier: I believe so. That is my feeling."

"From Dr. Shaw's statement that he did not accurately examine this wound, did you believe that?"

"Dr. Olivier: I believe so. That is my feeling."

Dr. Robert McClelland, Chief Examiner, stated that the wound occurred.

The critics then say that because of the movement of the stretchers it could not be determined to a certainty that the bullet came from Connally's stretcher or didn't come from the president's stretcher. Darrell Tomlinson, the Parkland Hospital engineer who found the bullet, could not identify the stretcher positively. There were two stretchers in the corridor where the bullet was found.

Epstein says, "Since all stretchers were eventually returned to this area to be remade, the key question was: Was Kennedy's stretcher returned before or after the bullet was found? This question was never answered."

Not so.

Tomlinson had testified he had come to the elevator area at around 1 p.m and found a stretcher which had some sheets on it. He pushed this stretcher from the elevator into the corridor. Then he took the elevator to the second floor, brought down a man who picked up two pints of blood, and returned with him to the second floor where Connally was in surgery. He then made several trips between the ground floor and second floor before discovering the bullet.

Nurse with Kennedy Makes Statement

Nurse Diana Hamilton Bowron testified she was in Trauma Room 1 with the president until his body was taken off the stretcher and placed in a casket. The stretcher, she said, was stripped of its sheets and then

wheeled into Trauma Room 2 which was empty.

Nurse Margaret M. Henchcliffe gave similar testimony and was asked:

"Is it possible that the stretcher that Mr. Kennedy was on was rolled with the sheets on it down into the area near the elevator?"

"No sir."

"Are you sure of that?"

"I am positive of that."

Nurse Doris Mae Nelson testified she was standing near the entrance to Trauma Room 2 when the president's stretcher, clear of sheets, was moved into it.

Exhibit 392, containing Parkland Hospital records, has a statement saying that the president was taken out of the hospital in a casket about 2 p.m. Testimony from the doctors and hospital personnel says the president remained on the stretcher until his body was placed in the casket. Wesley Liebele, who has gone further into this question, says he has since determined from nurse Doris Nelson that the time was closer to 2:10 p.m. Either way, it would be long after the bullet had been discovered.

Could Bullet Have Been Planted?

Could it have been planted, as Weisberg suggests?

To buy that, it is necessary to conjure a being of superior intelligence, craftiness and prophesy who could have designed a bullet which would not be too heavy or light to conform to fragments found in the governor's wounds; that would have had the proper condition had it gone through the president's neck alone, and perhaps smashed into the limousine. And what if another bullet had also been found?

If there was any way to explode the single bullet theory, it is in the results of the autopsy report, which will be published in detail in Lane, Esq. This report is so full of holes that the president never had a back-of-neck wound, out goes the theory—and with it the case against Oswald as the lone assassin.

As the autopsy doctors did their work. They examined. They drew diagrams. They photographed. They drew a dot. And now there are those that claim the dot and the photographs show the doctors didn't do their work at all. Or the commission didn't.