ptd by clayton 12/9/64-mc

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Memo for Paul Herron

Persuant to our discussion yesterday, I am going here to address myself to but one of the many flaws in the Warren Report, the shots. It is the basis of the Commission's fundamental conclusion, that it was Lee Harvey Oswald, alone, who fired the shots. Of course, there is a serious question whether Oswald or anyone else could have fired three such accurate shots in the time available with that weapon - and the Commission's own experts, "masters" according to the National Rifle Association, couldn't, even with a still rather than a moving target. There is no question that were there more than three shots, it could not have been one man, Oswald or any other. There were at least four shots.

The number of shots is discussed at various places in the report. A convenient reference is page 110 of the official copy. Here the shots are identified as one that hit the President and the Governor, one that took the top off the President's head, and one that missed. The missed shot is kept a subject of great mystery, at least some of it entirely unnecessarily. The Commission says (page 116) it hit a curbstone and the Commission is not certain which shot in the sequence it was. The Commission never identifies the spot at which the bullet hit, although, obviously, it knew. There is also a clear inference (page 117) that this missed bullet was of a different manufacture.(as a matter of fact, the manufacture of the bullets is never established. It is merely assumed from the make of the single bullet found in the breech of the rifle. The Pistol bullets were not of a single make.)

The fourth bullet was " A nearly whole bullet ... found on Governor Connally's stretcher at Parkland Hospital after the assassination" (page 79). It is referred to at many places in the report, always as "found". The only possibility that this was not a fourth bullet ~~is that~~ would be if it "fell" out of Governor

Connally's body. On page 557 this bullet is referred to as "slightly flattened but otherwise unmutilated." At this point there is also reference to two large bullet fragments "found in the front of the President's car."

Before continuing with the citations about this "found" bullet (and the one thing that could not be true is that it was just found on a stretcher that had been inside the hospital miles from the scene of the assassination); I want to point out that nowhere in the report is there any reference to any blood, flesh, bone, fabric or any other matter on either the "found" bullet or the fragments.

The bullet that injured the Governor went through his body from the right armpit to below the right nipple. It hit his fifth rib (medical reports begin on page 531), shattered his right wrist, and a fragment lodged in his left femur (page 535). Small bits of the metal were, whenever possible, removed from the wrist, along with the fragments of bone. The bullet fragments were sent to pathology. At no place in the report is there any precise reference to them. Nor is there any indication that the fragment in the thigh bone was removed, or of it's weight, size, etc.

The size of the hole made by the bullet in the President's body at what the Commission says was the point of entry is given at 7x4 mm. (page 88), or about a quarter of an inch. The entry wound on the Governor's coat (page 93) is given as 1 1/8 inches, which means the bullet did an awful lot of tumbling between the time it left the President's neck and travelled about four feet and hit the Governor, if that is what it did. This is reflected in the approximate measurements of the Governor's chest wounds (page 531), entry about 3 cm. (1¼ inches) and exit about 5 cm. (2 inches).

But, "No bone was struck by the bullet which passed through the President's body" and its passage is described as "between two large strap muscles" (pages 388-9). Both the Commission and the doctors found that no deflecting or deforming object was struck. What the Commission called the "exit" wound in the left front

of the neck (and the doctors had considered the entrance wound) was described as about a quarter of an inch (Doctor Carrico) or about a fifth of an inch (Doctor Perry, who performed the tracheotomy).

So, what the Commission says is that this bullet exited the President's body, having been neither deflected nor deformed, and in a matter of a few feet was tumbling enough to hit the Governor close to sideways; hit a rib and some wrist bones, where some fragments were left, and hit the Governor's thigh, where the wound was larger then the imbedded fragment. Yet this fragmented bullet was "unmutilated"! The photograph of this bullet that appeared in The Washington Post the morning after the 26 volumes of testimony were "leaked" does, in fact, show an unmutilated bullet. Even the marks left by the rifling seem to be entirely unblemished.

Upon hitting the Governor's thigh, this same bullet is alleged to have inflicted a large wound and to have had enough penetrating power to leave a fragment "imbedded in the femur", and yet to have just fallen out. The Commission's exact words, at the conclusion of its reconstruction of the path of the bullet (page 94) are, "...and then fell out of the wound..." . It had a "very low velocity..."

The "found" bullet weighed 158.6 grains; one of it's presumed manufacture, 160-161 grains (page 95).

A somewhat different reconstruction appears on page 583, where the Commission says it was "believed to have been the bullet which caused his chest wound". Here there is no reference to the wrist and/or thigh wounds.

The confusion was further complicated by the drycleaning of the Governor's outer garments and the laundering of his shirt "prior to an opportunity for scientific examination"(page 94). (I recall no reference to his undershirt.) The Commission in no way questions this destruction of its evidence in any way or at any point, yet it was presumeably done by some police agency.

Thus it is not possible that the "found" bullet is the one that penetrated both the President's and the Governor's bodies, if any one bullet did. This change in the FBI report by the Commission, I believe, was to eliminate if it could an obvious fourth bullet in the FBI's reconstruction, which had two bullets striking the President and one the Governor. It ignored the missed bullet.

Also, whether or not one bullet could have wounded both the President and the Governor is at least questionable and I believe impossible, under the circumstances. The Commission went to great lengths to presume this possibility, and I will not enlayze all of its presumptions here. There are these things that I do want to point out: Consistently, the President's body injury is referred to as a "neck" wound. In the very first chapter, entitled "Summary and Conclusions", the Commission says President Kennedy was first struck by " a bullet which entered the back of his neck and exited through the lower front portion of his neck..."

The sixth floor was high above the target and the angle was steep. Hence the bullet had to enter the back of the President's body at a point higher than it exited the front. Thereafter, it had to go in the same direction, still at a downward angle, and enter Governor Connally's body several feet in front of the President's, as clearly shown by the photographs. The path of the bullet was from the President's right to his left. The Governor was, according to the photographs, actually a little to the President's right. Therefore, in addition to turning toward his own right, the Governor had in addition to move his body toward his and the President's left, or toward the center of the car, otherwise the bullet could not have hit the extreme right side of his body after exiting from a little to the left of center from the President's body and on a trajectory taking it still farthur to the left. The photographs indicate the Governor did not make any such move.

Where did the bullet enter the President's body: "The back of the neck"?

Or, as described on page 87, in the section entitled "The President's Neck Wounds","...near the base of the back of the President Kennedy's neck"?

On page 110, Secret Service Agent Bennett, who had been in the followup car immediately behind the President's, is quoted as having seen this bullet hit the President "four inches down from the right shoulder." On page 98, the hole in the President's jacket is located at "approximately 5 3/8 inches below the top of the collar and 1 3/4 inches to the right of the center back seam." On the same page, the holes in the shirt are located at "5 3/4 inches below the top of the collar and 1 1/8 inches to the right of the middle of the back of the shirt", and "seven-eighths of an inch below the collar button" and its button hole. On page 94 the Commission says "the tie had a nick to the left side of the knot".

Wherever the wound is located on the President's body in the text, other than being called the "neck wound", medical terminology is used, not the type of precision calculated to be readily understood by the press or the public. For example, on page 87, it is located 5-1/2 inches "from the tip of the right shoulder joint (my emphasis) and approximately the same distance below the tip of the right mastoid process..." Without knowing the intimate details of the President's anatomy, such language is meaningless, even to anatomy experts, yet it is the kind least likely to be questioned.

There is no major statement in the Report that is not subject to similar challenge, if not disproof. There are outright false statements. Impossible testimony by questionable witnesses is believed, when this is essential to the Commission's purpose (essentially, to substantiate the FBI report and prove that it was Oswald and only Oswald). For example, the witness Brennan, who could not possibly have seen what he swore he saw - and if he did, the firing of the rifle would have been impossible. Another example is the witness Roberts, whose

testimony is selectively believed - believed when it is essential to the Commission and disbelieved when it shatters the Commission's reconstruction. There are many other such cases. I have all of this on tape (about 40 hours of dictation), and my wife has started transcribing it. I would welcome an opportunity to go over many of these details with a copy of the Report before the tapes are transcribed, which will take some time. I would also be happy to make the tapes available for transcription, with the sole stipulation that they and my rights be safeguarded. I presume, of course, that unless we come to some agreement, all the information I have given or will give you remains confidential.

There is one possibility I want you to be aware of, and unlike the above, this is opinion. There may be a major "break", although I do not anticipate it will come soon. There was a conscious effort to create what I might call "The False Oswald". By this I mean there seems to have been a planned attempt to leave a clear record of Oswald having been places he could not have been and done things he didn't and/or couldn't do. Examples: The gunsmith's shop for the mounting of the gunsight on a similar rifle; the shooting range, where he got into an altercation, which, obviously, the other participant remembered; driving a car, which he neither had nor could do; at a furniture store, etc. ~~At least~~ One person who falsely represented himself as Oswald has been located and identified. He is "one William Seymour from Arizona". His companions were Loran Eugene Hall, presumably from Johnsandele, California, and "Lawrence Howard, a Mexican-American from East Los Angeles". These men were engaged in Cuban refugee activities. Seymour posed as Oswald. They were in Dallas shortly before the assassination. The Report of the Commission does not indicate that it ever considered the possibility someone was falsely establishing an Oswald identity, an obvious suspicion from the FBI's and Commission's own evidence. The Commission is now, belatedly, aware of the possibility and is investigating it.