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THE TOOLS OF THE HISTORIAN AND THE ASSASSINATION OF JOHN F. KENNEDY  
THE EVIDENTIARY BASE: A CRITICAL EVALUATION OF THE BASIC  
FINDINGS OF 200 INVESTIGATORS OVER THE LAST 14 YEARS

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The assassination of President John F. Kennedy evoked an immediate, intense, and far-ranging response from the American institutional system. Each institution, whether legal, political, archival, medical, communications, or other, put into motion its operational procedures and methods developed through the centuries to provide the public with an understanding of this crucial political act and to seek the ends of justice. Although each held the assumption truth can be discovered if pursued with objectivity and close attention to principles, each failed, the failure rooting more in the inability to maintain the integrity of the systems than in the illusive nature of truth. The massive response included the very important, nonofficial investigation of the assassination carried out by citizen-scholars, opportunists, and eccentrics who have produced a unique literature, voluminous and mixed in quality.

While the assassination and its investigations has received scant attention from historians, it is a proper historical subject which is amenable to the tools of history. Its qualifications are, first, it demands schooled and tempered insight because the raging controversy seriously effects judgment faculties. Second, complexity marks practically every issue, fact, and public statement from the first minute of the murder to the present day. Third, it possesses vital meaning for the health of the societal form, in terms of not only the fragile nature of transition in the executive branch in this awesome nuclear age but also the function of federal investigative agencies, the role of intelligence agencies, the relationship of press and publishers to government and controversy, the responsibility of scholars, the function of criticism, and more.

Fourth, a particularly rich evidentiary base exists and can be subjected to the most exacting tests with the tools developed by history. The vast quantity of materials including 1,000 feet of file drawers and over 100,000 electronic and photographic items is marked with a quality which all first-class historical work yeams for.<sup>1</sup> There are official and nonofficial records, evidence which requires legal, medical, ballistics, photographic, and other expertise, and controversial documents which are replete with forgeries, perjuries, expurgations and chronological fallacies.

Critics--about 200 of them--plunged into this extraordinary mass of evidence, persisting for fourteen years in their efforts to discover the truth about the crime.<sup>2</sup> Their works

plus official publications and supplementary materials such as memoirs total 500 volumes.<sup>3</sup> Most of the critics dissented from the official view, most clearly expressed by the Warren Commission's Report,<sup>4</sup> which held that Lee Harvey Oswald, unaided and unabettted, firing three shots in six seconds, killed President Kennedy, wounded Governor John B. Connally, and wounded citizen James Tague. The assassin then fled, killing Police Officer J. D. Tippit, and was himself murdered while in police custody by a distraught nightclub owner, Jack Ruby. Critics can be sorted into five types based on the degree to which they relate to the evidentiary base and use the tools of history. Boundaries, of course, often blur and pose many problems for judgment.

Those critics who show little understanding of the evidence and who lack a grasp of the issues are typed irrational. They produce studies with bizarre themes,<sup>5</sup> science fiction overtones,<sup>6</sup> and polemical fervor.<sup>7</sup> Often ludicrous and easily refuted<sup>8</sup> they unknowingly serve the defenders of the official conclusions who sometimes attribute the methods and arguments of the irrational critics to all critics on the curious principle of one wrong, all wrong.

Another group claims to have examined the evidence and concurs in the conclusions of the Warren Commission. This group of staunch defenders includes Alexander Bickle,<sup>9</sup> Jim Bishop,<sup>10</sup> Bradley Greenberg,<sup>11</sup> William Manchester,<sup>12</sup> Alfred Newman,<sup>13</sup> and Stephen White<sup>14</sup> (the six authors listed on the subject in the Harvard Guide to American History)<sup>15</sup> as well as David W. Belin,<sup>16</sup> Lawrence Schiller,<sup>17</sup> Charles Roberts,<sup>18</sup>



John K. Lattimer,<sup>19</sup> Luis Alvarez,<sup>20</sup> and Dan Rather.<sup>21</sup> Without exception they exhibit a contempt for the evidentiary base and demonstrate an unfamiliarity with the rudimentary tools of objectivity. With the presupposition Oswald shot the President and Procrustean determination, they proceed to build the evidence to sustain the presupposition at the cost of heavy damage to their scholarship. Critical history, of course, begins with a careful examination of the factual base before construction of an argument. Conclusions imposed in advance upon the evidence leave little hope for deriving a fair picture.

Bishop, Manchester, and White represent three major attempts to reaffirm the official conclusions, but their works are suffused with errors and distortions. In just two chapters of Bishop's The Day Kennedy Was Shot there are 500 errors of fact and omission. For example, he must move Oswald from the sixth floor via stairs to the second floor where the Commission states that he was seen soon after the crime. In order to accomplish this move, Bishop eliminates much testimony and evidence—as the Commission, its staff, and the FBI did—including the testimony of a woman who had descended the same stairs Oswald would have had to use in the same time frame and who had sworn that she saw or heard noone.<sup>22</sup>

Manchester's Death of a President is so chocked with errors, omissions, distortions, and false constructions that a factual check is meaningless. For example, he simply excludes discussion of the wounding of James Tague since the wounding of Tague destroys the official construction of the crime.<sup>23</sup> White's Should We Now Believe the Warren Report? contains the text of

C.B.S.'s study which was televised in a special four-part series in 1968. Carefully staged and unworthy of serious attention, the C.B.S. study trumpets a "reenactment" of the crime which bears little relationship to the facts.<sup>23</sup> For example, C.B.S. gratuitously called the rifles which they used in the reenactment "Oswald's rifle"<sup>24</sup> but in fact they used ones which were in good repair for their numerous nonauthentic tests.<sup>25</sup> The rifle which was claimed by C.B.S. and the Commission to be Oswald's had a scope which did not focus, wobbled on the barrel, and

it had a rusty, worn firing pin, rough trigger pull, and a bolt which had to be slammed hard to engage correctly, thereby throwing off sighting.<sup>26</sup>

And

moreover it was never proven that Oswald had got the rifle through mail order from Klein's Sporting Goods Company or any other way.<sup>28</sup>

Belin's November 22, 1963, a mere rewriting of the Warren Report, completely ignores most of the vast criticism directed against the Report and focuses on Mark Lane, the most vulnerable of all critics.<sup>30</sup> Belin, a former staff attorney of the Warren Commission, attempts to shove responsibility for possible errors in the official investigation onto the Kennedy family for withholding x-ray and other material relating to the autopsy from public scrutiny.<sup>31</sup> The carefully nourished myth of the Kennedy Family blocking release of crucial evidence has been shattered by Harold Weisberg's publication of the documentary evidence on the deliberate construction of the illusion by Commission attorneys.<sup>32</sup>

Lattimer is a self-proclaimed authority on the wounds of President Kennedy. He refuses to accept facts which do not fit, fails to consider careful criticism of his publications, and does not realize that scholarship must be a cooperative endeavor.<sup>33</sup>

Alvarez in "A Physicist Examines the Kennedy Assassination Film" assumes that reality is restricted to the Zapruder film when in fact over 500 photographs and motion pictures, many of them extant,<sup>34</sup> are known to have been taken. Some of the key ones were confiscated by federal agents.<sup>35</sup> The Warren Commission utilized only ten percent of the photographic base.<sup>36</sup> Every piece of photographic evidence in the official argument has been faked,<sup>38</sup> mutilated,<sup>39</sup> altered,<sup>40</sup> or its meaning hidden<sup>41</sup> to support the predetermined conclusion Oswald killed the President. All extant pictures must be coordinated with the Zapruder film, albeit heavily mutilated by the Commission staff and the federal agencies,<sup>42</sup> for a study of the physics involved in bullet impact to be credible. As contrived as Alvarez's data is, the Nobel Laureate fails. He states that the first shot missed its target at frame 177 and went due South, but this is physically impossible since it had to hit Tague who was far West.<sup>42</sup>

Another group of critics disagrees with the official conclusions but is unfair in its treatment of the evidence and lacks the objectivity for an accurate study. The following are examples:



Richard Popkin's The Second Oswald links Oswald to a conspiracy by explaining inconsistencies to be the work of a double.<sup>43</sup> His faulty analysis is tainted with ideological predelictions.<sup>44</sup> Josiah Thompson in Six Seconds in Dallas demonstrates a lack of critical awareness.<sup>45</sup> His many references to a previously published document do not aid the historian in locating the studies where the information first appeared in print.<sup>46</sup> Cyril Wecht's articles on the medical evidence have a polemical tone, are undercut by a failure to relate the medical with other evidence, and fall short of mastery.<sup>47</sup>

Widely hailed opponent of the Report, Edward Epstein in Inquest actually reinforces the conclusions of the Warren Report and stoutly defends the FBI while severely attacking the integrity of the two liberals Warren and Chief Counsel J. Lee Rankin.<sup>48</sup> Exhibiting scant knowledge of the evidence, he lays his foundation on the shifting sands of interviews, relying heavily on former Commission staff member Wesley Liebeler, who, while opening his files, carefully diverted attention away from the work of the staff to fasten blame on Warren.<sup>49</sup>

On the basis of conjecture alone, Epstein states that by January 13, 1964 the Warren Commission rewrote the autopsy report in order to combat the FBI's early contradictory findings.<sup>50</sup> Actually Commander Humes burned his first holographic report—but not his notes—on Sunday morning, November 24, 1963 after learning of Oswald's death and secure in the knowledge his report would not be subjected to cross examination.<sup>51</sup> Later



at the Naval hospital, military officers in the presence of three prosecutors changed the meaning of key phrases in the second holographic report to force it to fit the iron demands of the lone assassin.<sup>52</sup> For example, a "puncture wound" became a "laceration."<sup>53</sup>

Critic Mark Lane's importance goes far beyond his several publications for he played a major role in shaping a generation's picture of the assassination.<sup>54</sup> It is necessary to strip away the paraphernalia of objectivity that surrounds his writing with the look of authority. Lane's device of using thousands of footnotes is a classic ploy to intimate that the text rests on scholarship when in actuality there is little. The notes are rife with repetition;<sup>55</sup> two sources are often duck walked to avoid further use of "id.";<sup>56</sup> errors abound.<sup>57</sup> References to the prodigious work of others seldom appear.<sup>58</sup> Sometimes he attributes facts to nonexistent sources, e.g. in A Citizen's Dissent Lane cites a nonexistent source for the fact of the FBI conflict with the Secret Service while the information appears only in one previously published book.<sup>60</sup>

Lane's serious problems with the evidentiary base run throughout his texts. In Rush to Judgment he quotes extensively from the official hearings where verbatim transcripts of witness testimony are recorded.<sup>61</sup> When an excerpt contains the names of staff attorneys such as David Belin, the quotations are altered without indication. The name of the staff person is replaced with the letter "Q."<sup>62</sup> Lane alters the verbatim transcripts in this manner throughout but is faithful to the original when the questioner is

Earl Warren.<sup>63</sup> The introduction and the main body of the text reduce the staff and investigative agencies to invisibility. The result transmogrifies the Commission's work into the work of Earl Warren who, the reader must conclude, did the bulk of questioning, inspection of evidence, and so forth. The several score of Secret Service agents, Commission staff, FBI agents, and others who actually did the bulk of the work escape scrutiny.<sup>64</sup>

In addition Lane enhances the most tenuous testimony by the silent omission of relevant facts which would discredit it. For example, he built a chapter around the testimony of Nancy Perrin Rich, an employee of Jack Ruby's nightclub.<sup>65</sup> An accurate depiction of Lane's use of Rich's testimony is given by Gary Wills, columnist for the Washington Star:<sup>66</sup>

. . . He neglected to tell the readers that the same woman appeared two other times, in two different places to volunteer evidence to the Commission. The investigators listened politely, though she told three totally different stories. At one of these appearances, deliberately omitted from Lane's chapter, she took (and flunked) a polygraph test.

Ovid Demaris and I, back in the 60's took Lane's advice and followed up this woman's testimony. We found that she was an unstable woman, had been in and out of psychiatric care and police stations, that she loved to 'testify' about all her famous friends in mob trials and other celebrated crimes. We also found that Lane knew all this, that he told the woman's husband he would not be able to make anything of her testimony. But he made an entire tendentious chapter out of one third of that testimony.

Here is a simple rule of thumb for dealing with conspiratorialists: If they question the integrity of the Warren Commission yet quote Mark Lane with approval, they are intellectually very ill-equipped or intellectually dishonest.<sup>67</sup>

Other critics manifesting difficulties with the evidentiary base attempt to circumvent them by using Barnumesque devices such as electronic gadgetry,<sup>68</sup> making exotic photographic inferences,<sup>69</sup> or elaborating on the irrelevant.<sup>70</sup> Some do excellent work on a minor technical facet such as optics or maps but then smother it with shoddy scholarship.<sup>71</sup>

Former New Orleans' District Attorney Jim Garrison's courtroom work is surrounded with confusion. Improper inferences have been drawn from his celebrated trial of a man charged with conspiracy to kill Kennedy.<sup>72</sup> While the man was found innocent, the jury in a private poll confirmed that the evidence presented had established a conspiracy.<sup>73</sup>

Another group, the sinister critics, has produced the black books, works quietly written by domestic and foreign intelligence agencies. Farewell America, the most libelous book on the assassination, was written apparently by Herve LaMarre using the pseudonym James Hepburn under the aegis of SDECE (the French counterpart of the CIA) with the assistance of intelligence agencies of several nations.<sup>74</sup> Its purpose apparently was to misdirect Garrison's ongoing investigation.<sup>75</sup> With rare attention to reality, it argues that Texas oilmen in league with elements of the military-industrial complex engineered the murder of Kennedy to thwart his growing radicalism.<sup>76</sup> Only a dozen pages of the 418 page book relate to the assassination; the remainder develops the "theory" for it.<sup>77</sup> The history of this book written by Warren Hinckle contains studied distortions of fact.<sup>78</sup>

Finally, those who are faithful to the evidentiary



base and who use the tools of history most carefully include four major critics: Sylvia Meagher,<sup>79</sup> James Lesar,<sup>80</sup> Harold Weisberg,<sup>81</sup> and Howard Roffman<sup>82</sup> in addition to a few minor ones.<sup>83</sup> Meagher's Accessories After the Fact, an excellent introduction to the Warren Commission investigation, is clear, precise, and faithful to the evidence. Lesar's legal work in over a dozen federal cases, largely unknown even to many critics,<sup>84</sup> has been absolutely vital to the development of the evidentiary base. Two examples of his scholarship are the demolishing of the fictional "top secret" classification on Commission documents in the National Archives<sup>85</sup> and the forcing into the public domain of a transcript of an unknown session of the Commission—the January 22, 1964 session.<sup>86</sup> The January 22, 1964 session transcript revolutionized criticism; it revealed the fact that the Commission members themselves did not believe the FBI's claim Oswald murdered President Kennedy. Rankin explains the FBI policy: "They would like to have us fold up and quit. ...The Commission supports their conclusions and we can go on home and that is the end of it." Commissioner Allen Dulles agrees and adds: "...I think this record ought to be destroyed."<sup>87</sup>

Harold Weisberg has published seven volumes, many of them unfortunately rough drafts of his research but exhibiting a magisterial command of the documentary base and making an enormous contribution. His insistence that only a sound evidentiary base will give us an understanding of the crime is demonstrated over and over again. For example, Weisberg

proves that the Commission's analysis of the condition of the President's shirt and necktie—essential physical evidence—is false.<sup>88</sup>

Howard Roffman's Presumed Guilty<sup>89</sup> is the best volume on the assassination and a model for historical inquiry. Based on voluminous research into manuscripts, books, film, and technical aspects of the crime together with extensive correspondence and interviews, it is a clear argument which negates the official findings. The Commission and its attorneys presumed Oswald's guilt and proceeded to force the evidence to fit. Also, and of singular importance in considering the findings of critics over the fourteen years of criticism, the bullet and bullet fragments which were the essential substance of the criminal evidence and were found exterior to the bodies of the victims Kennedy and Connally were never shown to have passed through the bodies or to have been connected with metal fragments found in the interior of the bodies. In terms then of the Commission's own evidence Oswald was not linked to the shooting.

In summary the critics—with the exceptions of Meagher, Lesar, Weisberg, and Roffman—have tended to frame the central question of the assassination in terms of the immediate problem of resolving the crime, who shot the President. However important this question is, it is secondary to the more important problem of the nature of the historical picture—the sine qua non for any resolution—in which the historians' first obligation lies. The impulse to resolution impedes historical objectivity by doing violence to predelictions with which one

analyzes the evidentiary base and continually asserting itself to color selection of facts. The impulse to resolution combined with the natural desire to attribute motivation to the perpetrators introduces the disturbing issue of ideology, which the historical method properly sheds by focusing on the careful presentation of reality.

Critics have committed excesses in charging intelligence agencies with direct complicity in the assassination. Their charges are not grounded in the evidentiary base. In this tumultuous world of nuclear bombs we are in peril by unreasonable attacks on the information-gathering arm of the government. Moreover, the extreme nature of the charges assures that the obvious misdeeds of some elements in the investigation will not be fully addressed.

Finally, the assassination and its investigations contains the controversy, complexity, vitality, and documentary base of a proper historical subject, but with the few noted exceptions has not been accorded that status. Until the assassination and its investigations is treated as any historical subject ought to be with all the tools of the remarkable discipline of history, it will remain forever a thing mysterious, endlessly confused, and constantly exploited.



## FOOTNOTES

<sup>1</sup>The estimate includes the papers of the several committees of Congress that investigated the assassination, the two major executive branch investigations, the Kennedy, Johnson, and Ford Presidential Libraries, the Richard Russell (Athens) and Allen Dulles (Princeton) papers, the Warren Commission records housed in the National Archives, the material in the CIA and the agencies of the Department of Justice, the files held by researchers and critics, etc.

<sup>2</sup>See my The Assassination of John Fitzgerald Kennedy An Annotated Bibliography (Madison: State Historical Society of Wisconsin, 1973), a pamphlet; The Committee to Investigate Assassinations, compilers, American Political Assassinations: A Bibliography of Works Published 1963-1970 . . . (Washington: Committee to Investigate Assassinations, 1973); W. C. Thompson, A Bibliography of Literature relating to the Assassination of President John F. Kennedy (San Antonio: W. C. Thompson & Son, 1971); Earl C. Kubicek, "The Legend of John F. Kennedy," American Book Collector, vol. 21 (September 1970-June 1971); and Tom Miller, The Assassination Please Almanac (Chicago: Henry Regnery Company, 1977).

The problems faced by some critics in their efforts to investigate the assassination must not be forgotten. Several federal agencies monitored their activities and, on some occasions, intervened surreptitiously. See for example, "Batch D," Central Intelligence Agency, Releases of 1977.

<sup>3</sup>This estimate is conservative. For example, there are 43 published official government volumes, 8 volumes by 1 critic, 3 volumes each by 5 critics, etc. In addition there are a host of books running along the edge of the question that must not be ignored, e.g. John Barron, KGB. The Secret Work of Soviet Secret Agents (New York: Reader's Digest Press, 1974) which contains the account of Yuri Nosenko, a member of the KGB who defected to the United States and whose testimony and information has been highly classified. He had been in charge of the KGB Oswald file. He stated that the Soviet government considered Oswald an American "sleeper" agent. Yet, the Warren Commission Report excluded this information and recent Congressional committees investigating the assassination disguise Nosenko's name.

<sup>4</sup>Report of the President's Commission on the Assassination of President John F. Kennedy (Washington: Government Printing Office, 1964).

<sup>5</sup>Pat Matteo, This Captive Land (Yonkers: By the author, 1968) believes a miniature atom bomb is involved; [Ray Palmer], Ray Palmer's Newsletter (Amherst, Wisconsin: Palmer Publications, 1976) links a sixth sense of ESP to the question; Thothnu Tastmona, It is as If: Solution of the President Kennedy Death (New York: Ththmona Book Company, 1966) begins with Brigham Young; Bernard M. Bane, Is John F. Kennedy Alive . . . And Well? (Boston: BMB Publishing Co., 1973); Arthur Gatti, The Kennedy Curse: An Astrologer's View of the Destiny of America's First Family of Politics (Chicago: Henry Regnery Co., 1976) finds the stars responsible; and

Robert Shea and Robert Anton Wilson, Illuminatus, Part I: The Eye in the Pyramid (New York: Dell, 1975) begins with Egypt.

<sup>6</sup>Lincoln Lawrence, Were We Controlled? (New York: University Books, 1967); William E. Smith, Assassination by Consensus: The Story Behind the Kennedy Assassination (Washington: L'Avant Garde Books, 1966); Barry N. Malzberg, The Destruction of the Temple (New York: Pocket Books, 1974); Barry N. Malzberg, Scop (New York: Pyramid, 1976); Peter Heath, Assassins From Tomorrow (New York: Lancer Books, 1967).

<sup>7</sup>Alvin Gershenson, Kennedy and Big Business (Beverly Hills, California: Book Company of America, 1964) concludes that big business killed him. Several connect with the Jewish world conspiracy myth: n.a. The Search for a Master Assassin: Bootstrap No. 1 (Shreveport, Louisiana: The Councilor, n.d.); Mark Koral, The Zionist Conspiracy Behind the President Kennedy Assassination (Rochester, New York: By the author, 1976); and Gerald L. K. Smith, The Mysterious and Unpublicized Facts Behind the Assassination of John F. Kennedy (Los Angeles: Christian Nationalist Crusade, 1965). Sybil Leek (a certified (?) witch) and Bert R. Sugar, The Assassination Chain (New York: Corwin Books, 1976) show a right-wing conspiracy, and W.R. Morris, The Men Behind the Guns (Loretto, Tenn.: Angel Lea Books, 1975) makes them the John Birch Society branch of the right. Carlos Bringuier, Red Friday: November 22, 1963 (Chicago: C. Hallberg, 1969) and David Nord, Jr., Dallas Conspiracy (Hollis, New Hampshire: By the author, 1968) argue that the Communists killed President Kennedy.



<sup>8</sup>For example, comedian Dick Gregory argued in a speech at Whitewater, Wisconsin, Spring, 1977, that President Kennedy lived for several years after the shooting. The autopsy, photographs, and medical testimony coupled with the necessity for scores of reputable individuals from all walks of life keeping it a tight secret make this assertion ridiculous.

<sup>9</sup>Alexander Bickel, "The Failure of the Warren Report," Commentary (October, 1966), 31-39.

<sup>10</sup>Jim Bishop, The Day Kennedy was Shot (New York: Funk & Wagnalls, 1968).

<sup>11</sup>Bradley S. Greenburg and Edwin B. Parker, The Kennedy Assassination and the American Public (Stanford, California: Stanford University Press, 1965).

<sup>12</sup>William Manchester, The Death of a President: November 1963 (New York: Harper & Row, 1967).

<sup>13</sup>Albert H. Newman, The Assassination of John F. Kennedy; the Reasons Why (New York: C. N. Potter, 1970).

<sup>14</sup>Stephen White, Should We Now Believe the Warren Report? (New York: Macmillan Co., 1968).

<sup>15</sup>Frank Friedell, Harvard Guide to American History 2 vols. (Cambridge: Harvard University Press, 1975).

<sup>16</sup>David W. Belin, November 22, 1963: You are the Jury (New York: Quadrangle, 1973).

<sup>17</sup>Richard W. Lewis, Scavengers and Critics of the Warren Report based on the investigation of Lawrence Schiller (New York: Delacourte Press, 1967).

<sup>18</sup>Ibid.

<sup>19</sup>John K. Lattimer, "The Kennedy-Connally One Bullet Theory: Further Circumstantial and Experimental Evidence," Medical Times (November, 1974), 33-56, prepared with the assistance of Gary and Jon Lattimer; "Observations Based on a Review of the Autopsy Photographs, X-Rays, and Related Materials of the Late President John F. Kennedy," Resident and Staff Physician (May, 1972), 33-64; "The Kennedy-Connally Single Bullet Theory. A Feasibility Study," International Surgery, 50 (December, 1968), 524-532; "Factors in the Death of President Kennedy," Journal of the American Medical Association, 198 (October 24, 1966), no pagination; "Similarities in Fatal Woundings of John Wilkes Booth and Lee Harvey Oswald," New York State Journal of Medicine, 66 (July 1, 1966), 1782-1794; "An Experimental Study of the Backward Movement of President Kennedy's Head," Surgery, Gynecology & Obstetrics, 142 (February, 1976), 246-254, with Gary Lattimer.

<sup>20</sup>Luis Alvarez, "A Physicist Examines the Kennedy Assassination Film," Berkeley, California: Lawrence Berkeley Laboratory, University of California, preprint LBL-3884 (July, 1975), published in September, 1976 in the American Journal of Physics, 44 (September, 1976), 813-827. The Energy and Research Development Agency (former Atomic Energy Commission) paid for this article which seems to be political activity exceptionally far removed from its Congressional mandate to conduct nuclear research.

<sup>21</sup>His long association with the television development of the issue requires this designation. See "CBS REPORTS INQUIRY. 'The American Assassins,' " four parts, November 25-28, 1975

(New York: CBS News, 1975), typescript. Critics have associated Rather unfairly with the Zapruder film by dubbing his voiced account in which he falsely describes the head shot. Given the extraordinary circumstances under which he viewed the film, just once without the privilege of taking notes and then running several blocks to record his impressions of the twenty-second film, Rather's error is certainly understandable and should not be exploited. See, Dan Rather with Mickey Herskowitz, The Camera Never Blinks: Adventures of a TV Journalist (New York: William Morrow and Company, Inc., 1977), 124-125. The critical observations applied to this group, however, hold true for much of Rather's work. An illustration can be found in Harold Weisberg, Post Mortem. JFK Assassination Cover-Up Smashed! (Frederick, Maryland: By the author, 1975), 39-42.

<sup>22</sup>Compare Bishop, 130-131, 140, with Sylvia Meagher, Accessories After the Fact. The Warren Commission, the Authorities & the Report (New York: The Bobbs-Merrill Company, 1967), 70, 72-74, and the appropriate documents in Hearings Before the President's Commission on the Assassination of President Kennedy (Washington: Government Printing Office, 1964), VI, 386-393; XXII, 632-633. It must also be seen in the context of Howard Roffman's treatment of the time period in Presumed Guilty: How and Why the Warren Commission Framed Lee Harvey Oswald (New York: A. S. Barnes & Co., 1976), 201-224.

<sup>23</sup>See Manchester and then read the importance of Tague's omission in Weisberg, Post Mortem, 295-296, 306, 388, 453-455, 459-460. Manchester's failure is starker considering that the



National Archives provided him, a commercial writer, with an office and complete access to all records of the Commission, something which no other writer on the assassination has enjoyed.

<sup>24</sup>Numerous protests were made to the Federal Communications Commission and to C.B.S. by the critics against the misrepresentations and distortions of the evidence. One illustration of C.B.S.'s misrepresentations is found in Josiah Thompson, Six Seconds in Dallas. A Micro-Study of the Kennedy Assassination (New York: Bernard Geis Associates, 1967), 292-296. Perhaps the best statement of criticism is the letter from Sylvia Meagher to Richard Salant, President of C.B.S., July 3, 1967, distributed to the press and interested parties. A copy of the four-page letter is in my file: "C.B.S.: Evidentiary Misrepresentations."

<sup>25</sup>Meagher to Salant; White, Should We Now, 201.

<sup>26</sup>Meagher to Salant; White, Should We Now.

<sup>28</sup>Weisberg, Whitewash, 75; Meagher, Accessories After the Fact, 116-120; Whitewash, 117-118.

<sup>29</sup>Weisberg, Whitewash, 258; Meagher, Accessories After the Fact, 45-64, 111-112, 127-131, 193-194.

<sup>30</sup>There had been criticism directed against Belin in an article by Sylvia Meagher, "The Curious Testimony of Mr. Givens," The Texas Observer (August 13, 1971), 11-12, as well as the voluminous findings of critics on the Warren Report. Belin's adamant refusal carried over to the radio and television promotion of the book when he persisted in avoiding the informed critics. See, also my file on the book: "Belin: November 22, 1963," and Paul Hoch's ten-page, single-spaced typescript critique, "Belin's November 22, 1963." Roffman, Presumed Guilty has a careful discussion of Belin based on extensive research into his activities. See, 84, 85, 90, especially 263-270, 274-277.

<sup>31</sup>Belin, 346.

<sup>32</sup>This topic is a central theme of the massive Post Mortem but see especially 289-301, 560-563, 574. The role of Burke Marshall in aiding this maneuver is clearly defined by Weisberg.

<sup>33</sup>Weisberg, Post Mortem, 386-402, is a minor classic in which Lattimer's work is demolished by the use of the evidentiary base and the tools of scholarship.

<sup>34</sup>The photographic base is the subject of Weisberg, Photographic Whitewash: Suppressed Kennedy Assassination Pictures (Frederick, Maryland: By the author, 1967, expanded edition, 1977); Richard E. Sprague, "The Assassination of President John F. Kennedy: The Application of Computers to the Photographic Evidence," Computers and Automation, 19 (May, 1970), 29-60, provides a list of known photographers. Sprague is not accurate outside the area of photographs. See, also the many photographs

in J. Gary Shaw and Larry R. Harris, Cover-up. The Governmental Conspiracy to Conceal the Facts about the Public Execution of John Kennedy (Cleburne, Texas: By the authors, 1976).

<sup>35</sup>For example, the Norman Similas photograph of the alleged assassin's window at the precise time of the murder, Weisberg, Photographic Whitewash, 81-94, 214-240.

<sup>36</sup>For example, Thomas Alyea, a professional cameraman, filmed 500 feet of the search of the interior of the Texas School Book Depository, including the discovery of the alleged murder rifle. The FBI ignored this film for several weeks when its evidentiary value was impaired by the television studio's cutting it for use.

<sup>37</sup>A rough estimate.

<sup>38</sup>The Warren Report's photographs reenacting Zapruder frame 210, the frame where the Commission argues the first shot had to have occurred, are faked. See, Warren Report, 102; Weisberg, Photographic Whitewash, 215-216, 249.

<sup>39</sup>The Robert Hughes picture used in Commission Document 1, the original FBI investigation submitted in December, 1963 is mutilated. Weisberg, Photographic Whitewash, 125-130, 132-133, 278-283, describes the mutilation and its effect on the evidence. Compare with Rather, "CBS Reports Inquiry," to see how the evidentiary base is grossly misrepresented by C.B.S.

<sup>40</sup>For example, the photograph of Oswald's shirt presents it being dark whereas the shirt is actually tan with gold flecks. See, cover page 3 in Weisberg, Photographic Whitewash, and the true color of the shirt plus a discussion of the necessity to



neutralize the color in order to hinder photographic analysis by critics in Roffman, "Lee Harvey Oswald and the Failure of American Justice," videocassette, University of Wisconsin-Stevens Point, 1976.

<sup>41</sup>Six frames are missing, two are made of splices of other frames, two are reversed in order, one is repeated twice, and all have about twenty percent of their evidentiary value removed. See, the discussion in Weisberg, Post Mortem, too numerous to cite, see, index and especially 90-91.

F. Peter Model and Robert J. Groden, JFK: The Case for Conspiracy (New York: Manor Books Inc., revised and updated edition, 1977), 141-153, provide only a mediocre discussion of the Zapruder film frame by frame. Apart from their photographic work, Model and Groden make little contribution and introduce numerous theoretical interpretations that have little support in evidence.

<sup>42</sup>Weisberg, "Memorandum," (May, 1977), typescript. See, further Weisberg's expanded edition of Photographic Whitewash, 299-310, where documents from the Central Intelligence Agency analyses of the film are reproduced and commentary provided. The CIA studies locate the shots at frames incompatible with the official construction of the crime. These studies do not appear in the evidentiary base of the Warren Commission.

<sup>43</sup>Richard H. Popkin, The Second Oswald (New York: Avon-New York Review Book, 1966). The volume actually reinforces the argument of the Warren Commission by upholding Oswald's involvement and by attacking the early critics through the artifice of attributing false motives and thereby (somehow)

faulty scholarship, but without sustaining the blatant charges by scholarship.

<sup>44</sup>Weisberg, Whitewash, chapter 11, "The False Oswald."

<sup>45</sup>Thompson, Six Seconds, cited above. The numerous photographs mislead the unsuspecting reader. For an illustration, compare the photographs and their captions on page 231 with Weisberg, Post Mortem, 608-609. Within the text similar difficulties arise.

<sup>46</sup>One should read Raymond Marcus, The Bastard Bullet: A Search for Legitimacy for Commission Exhibit 399 (Los Angeles: Rendell Publication, 1966) in which the Zapruder film and the bullets of the assassination are described with careful scholarship and compare with Six Seconds in Dallas.

<sup>47</sup>Press releases plus copy of correspondence on testimony before Rockefeller Commission correcting misattributions, etc. (March-June, 1975), n.p., 18 pages; "Pathologist's View of JFK Autopsy: An Unsolved Case," Modern Medicine (November 27, 1972), 28-32; "A Post-Mortem on the 'Warrenfeller' Commission," Juris (December, 1975), 3-7; "Why is the Rockefeller Commission so single-minded about a lone assassin in the Kennedy Case?" The Journal of Legal Medicine, 3 (July/August, 1975), 20-21, 23-25; "A Civilian M. D. in on the Kennedy Autopsy says more than one gun killed J.F.K. Part 1: The Evidence," Physician's Management, 15 (October, 1975), 15-16, 18-19, 21, 23; "Part 2: The cover-up," ibid., 15 (November, 1975), 7, 37-40, 43-44; "The Medical Evidence in the Assassination of President John F. Kennedy," Forensic Science, 3 (1974), 105-128, with

das

Robert P. Smith; "A Critique of President Kennedy's Autopsy," Appendix to J. Thompson, Six Seconds in Dallas, 278-284.

From his press releases it seems Wecht is not aware of the work on the autopsy material done by James Lesar and Harold Weisberg, for example, C. A. 226-75, a difficult Freedom of Information Act lawsuit they waged. Additional problems immediately arise about establishing the chain of possession in the autopsy materials which Wecht does not address directly but which is vital for a final statement.

<sup>48</sup>Edward Jay Epstein, Inquest: The Warren Commission and the Establishment of the Truth (New York: The Viking Press, 1966).

<sup>49</sup>To illustrate, examine the work of Liebel presented by several critics, e.g. Weisberg, Oswald in New Orleans: Case of Conspiracy with the C.I.A. (New York: Canyon Books, 1967), 35-53, and compare it with Epstein's, especially 102-104.

<sup>50</sup>Epstein, Inquest, 116.

<sup>51</sup>Weisberg, Whitewash II: The FBI-Secret Service Cover-Up (Hyattstown, Md.: By the author, 1966), 71, 96-98; Post Mortem, 37-8, 103, 144-145, 253-254, 559.

<sup>52</sup>Post Mortem, 236-237

<sup>53</sup>Post Mortem, 509-523.

<sup>54</sup>Mark Lane, Rush to Judgment: A Critique of the Warren Commission's Inquiry into the Murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald with an introduction by Professor Hugh Trevor-Roper (New York: Holt, Rinehart and Winston, 1966); A Citizen's Dissent: Mark Lane Replies (New York: Holt, Rinehart and Winston, 1968).



<sup>55</sup>In Rush to Judgment the first twelve footnotes are to the same source; repetition occurs throughout.

- <sup>56</sup>For example, Chapter 4, footnotes 108 to 111:
- 108. III, 399, 430.
  - 109. Id. at 430.
  - 110. Id. at 399, 430.
  - 111. Id. at 430.

<sup>57</sup>Based on my checking of his footnotes against the sources and the text. See, my files: "Lane, Mark: Footnotes in Rush to Judgment"; "Lane, Mark: Footnotes in A Citizen's Dissent"; "Lane, Mark: Footnotes in Minor Writings."

<sup>58</sup>For example, in addition to Weisberg's Whitewash I being available for Rush to Judgment there were many others,, such as Leo Sauvage, "Oswald in Dallas: A Loose End," The Reporter, 30 (January 2, 1964), 24-26; "The Oswald Affair," Commentary, 37 (March, 1964); "The Warren Commission's Case Against Oswald," The New Leader, 48 (November 22, 1965), 16-21; "Oswald's Case Against the Warren Commission," The New Leader, 48 (December 20, 1965), 5-10; "The Case Against Mr. X," The New Leader, 49 (January 3, 1966), 13-18; Vincent J. Salandria, a Philadelphia attorney whose legal work appears in Liberation Magazine: "A Philadelphia Lawyer Analyzes the Shots, Trajectories and Wounds," 9 (January, 1965), 13-18; "The Warren Report: A Philadelphia Lawyer Analyzes the President's Back and Neck Wounds," 9 (March, 1965), 22-26; and his "The Impossible Task of One Assassination Bullet," The Minority of One, 7 (March, 1966), 12-18; "The Separate Connally Shot,"

The Minority of One, 7 (April, 1966), 9-13. Lane does not cite his own "A Defense Brief for Lee Harvey Oswald," National Guardian, December 19, 1963. The New Leader, Liberation Magazine, and the National Guardian are all leftish journals. This omission of the work of others is more blatant in A Citizen's Dissent. The cumulative effect is to paint a picture of Lane as modern America's Horatio at the Bridge which is historically false.

<sup>59</sup>Chapter 3, footnote 19: "See Index to Basic Source Materials in possession of Commission, National Archives." There are no indexes. The single, most important flaw in the documentary base for the study of the Kennedy assassination is the absence of an index. Why is there no index? The Commission never intended to have one. In the memorandum of <sup>Mr.</sup> Howard <sup>Willens</sup>, [Commission staff attorney], to <sup>Mr.</sup> J. Lee Rankin [Chief Counsel for the Commission], <sup>February 28</sup> ~~September~~, 1964, he explains that he deliberately stopped the establishment of one ~~from the card files of the staff~~.

Lane's treatment of footnotes is precisely like that of the Commission's. For example, W. D. <sup>David</sup> Slawson, [Commission staff], to Howard Willens, [Memorandum], September 22, 1964, discusses a footnote in the Report:

I have inserted a phantom CE number which can be filled with something ~~or~~ almost anything can be fitted in. [CE 3074]

<sup>60</sup>This information appears in print only in Weisberg, *I believe I have fudged the text sufficiently so that*

Whitewash II, 39, where the document is photographically reproduced. Weisberg discovered it in the unorganized mass in the Archives and did not identify the file number; instead he photographically reproduced it.

<sup>61</sup>For examples, 58, 72, 78, 85, 87, 88, 90, 93, 95, 98-99, 101, 103, 104, 137, etc.

<sup>62</sup>Two examples from over 200 instances, Lane, page 184 citing what he purports to be an exact quotation, VII, 503:

Q. Now did he tell you he was from the police department?

Markham: Yes, sir.

Q. Now, on this tape recording right here...

The Hearings volume VII, 503 actually reads:

Mr. Liebeler. Now did he tell you he was from the police department?

Mrs. Markham. Yes, sir.

Mr. Liebeler. Now, on this tape recording right here...

<sup>63</sup>For one example amongst scores, page 244:

Ruby: If you request me to go back to Washington with you right now, that couldn't be done, could it?

Warren: No, it could not be done. ...

<sup>64</sup>Compare Roffman, Presumed Guilty, and Meagher, Accessories After the Fact with Rush to Judgment to see how they discuss the vital role of the staff and investigative agencies of the federal government.

<sup>65</sup>Chapter 23, 287-297.

<sup>66</sup>Wills and Ovid Demaris wrote Jack Ruby: The Man who Killed the Man who Killed Kennedy. (New York: New American Library, 1968) and several articles.

<sup>67</sup>"A Word for the Warren Commission," The Washington Star, A-5, May 1, 1975. One of many articles, columns, and books which provide critical analyses of Lane's scholarship. Another, Neil Sheehan, review of Mark Lane's Conversations with Americans in New York Times Book Review, December 27, 1970, 5+



<sup>68</sup>George O'Toole, The Assassination Tapes. An Electronic Probe into the Murder of John F. Kennedy and the Dallas Coverup (New York: Penthouse Press Ltd., 1975). O'Toole severely distorts the factual base with errors and misrepresentations. Why use a mechanical gimmick to show Oswald had no relation to a crime when the documents are available for such proof.

<sup>69</sup>Michael Canfield and Alan J. Weberman, Coup d'etat in America. The CIA and the Assassination of John F. Kennedy (New York: The Third Press, 1975).

<sup>70</sup>Robert D. Morrow, Betrayal (New York: Henry Regnery, 1976); Bernard Fensterwald, Jr., Coincidence or Conspiracy (New York: Zebra, 1977); Peter Noyes, Legacy of Doubt (New York: Pinnacle Books, 1973); Hugh MacDonald, Appointment in Dallas (New York: Zebra, 1975) actually lists two (!) publishers, Zebra and MacDonald; Robert Sam Anson, "They've Killed the President!" (New York: Bantam, 1975); Carl Oglesby, The Yankee and Cowboy War (New York: Berkley, 1977 edition); Sid Blumenthal and Harvey Yazijian, Government by Gunplay (New York: Signet, 1976); Peter Dale Scott, Crime and Cover-Up (Berkeley: Westworks, 1977); James McKinley, Assassination in America (New York: Harper & Row, 1977).

<sup>71</sup>Peter Dale Scott, Paul L. Hoch and Russell Stetler, The Assassinations. Dallas and Beyond (New York: Vintage, 1976) is an example.

<sup>72</sup>Jim Garrison, A Heritage of Stone (New York: G. P. Putnam's Sons, 1970) is not on the trial but is an interpretation of the Kennedy assassination with some reference to the evidence

showing Oswald was framed. There is no book to use with confidence to follow the trial; the newspapers provide neither a completely accurate guide nor a full account. Memoirs and incidental references to the trial always seem to be insufficient or too closely associated with one facet to explain it. Among the severe attacks on the Garrison investigation are the distorted Edward Epstein, Counterplot (New York: Viking Press, 1969) and Milton E. Brener, The Garrison Case: A Study in the Abuse of Power (New York: Clarkson N. Potter, 1969) and the fierce defenders, Paris Flammonde, The Kennedy Conspiracy: An Uncommissioned Report on the Jim Garrison Investigation (New York: Meredith Press, 1969) and Joachim Joesten, The Garrison Inquiry: Truth & Consequences (London: Dawnay Ltd., 1968). Weisberg, Oswald in New Orleans is unrelated to the trial or Garrison's investigation.

<sup>73</sup>As reported in the press.

<sup>74</sup>See, the unpublished manuscript, Harold Weisberg, "An Account of the Book Farewell America," edited and arranged by David R. Wrone. The purported author of Farewell America used the name Herve LaMarre.

<sup>75</sup>Weisberg, "An Account," introduction.

<sup>76</sup>James Hepburn, Farewell America (Vaduz, Liechtenstein: Frontiers Publishing Company, 1968).

<sup>77</sup>Weisberg, "An Account."

<sup>78</sup>Warren Hinckle, If you have a Lemon make a Lemonade (New York: G. P. Putnam's Sons, 1974). His treatment differs from the one appearing earlier in Esquire (April, 1973), 128-131,

170-174, and his discussion of the Mexico City incident where contact was attempted by a Ramparts agent errs in chronology. See Weisberg's "An Account" for a discussion of Ramparts and Farewell America.

The novel Executive Action by Mark Lane and Don Freed (New York: Dell, 1970), upon which the movie Executive Action is based, has doctrines similar to the doctrines of Farewell America. Stephen Jaffe, joint author of the eight-page handout Executive Action: Facts Behind the Making of This Film (n.p., 1973) with Martin Gates and David Lifton, had been sent to France by Garrison to investigate the background of the manuscript "Farewell America."

<sup>79</sup>Meagher, Accessories After The Fact and Subject Index.

<sup>80</sup>Lesar's work is mainly in legal cases.

<sup>81</sup>Weisberg's books have been cited previously. They include Whitewash I, Whitewash II, Photographic Whitewash, Post Mortem, Oswald in New Orleans, and Whitewash IV: JFK Assassination Transcript with a legal analysis by Jim Lesar (Frederick, Md.: By the authors, 1973). His contributions to the evidentiary base for the study of the assassination and its investigations have also taken the form of several Freedom of Information cases where in courtroom contests he has established facts for the historical record. (The FBI certified, in federal court, Weisberg an authority knowing more about the assassination than anyone in the FBI.)



<sup>82</sup>Roffman, Presumed Guilty.

<sup>83</sup>For examples, Raymond Marcus, The Bastard Bullet and John Nichols, "Assassination of President Kennedy," The Practitioner (London) November, 1973, 622-633. Significant statements based on newspaper accounts and other contemporary sources but written before the availability of the 26 volumes of Hearings include: Leo Sauvage, The Oswald Affair (Cleveland: World, 1966) was written in France in early 1965; Thomas G. Buchanan, Who Killed Kennedy? (London: Secker & Warburg, 1964); Joachim Joesten, Oswald: Assassin or Fall Guy? (New York: Marzani & Munsekkm, 1964). Joesten's later work does not possess the same quality.

<sup>84</sup>O'Toole, Assassination Tapes was aware of the work done by Lesar on the January 22 and 27 executive sessions, but he omits any reference to Lesar's work. In his 1976 introduction to the Dell paperback edition of Rush to Judgment, Mark Lane refers to the transcripts but does not mention Lesar.

<sup>85</sup>David R. Wrone, "The Gratuitous Mystery," December 1,2,3,4, 1975, Madison Capital Times (an in offset format from the author) is a history of C. A. 2052-73.

<sup>86</sup>Lesar file "January 22, 1964," on the legal work to force it into the open.

<sup>87</sup>Photographically reproduced in Post Mortem.

<sup>88</sup>This analysis is part of the single bullet theory so frequently discussed in the literature. See, Post Mortem, too extensive to cite but see, index and especially 596-625.

<sup>89</sup>The A. S. Barnes & Co., 1976 second edition of Presumed Guilty has been previously cited. The first edition published by Fairleigh Dickinson University Press, Cranbury, New Jersey, 1975 is entitled Presumed Guilty: Lee Harvey Oswald in the Assassination of President Kennedy. Roffman's publishers, unfortunately, did not give him space to provide extensive information on the vast number of sources he utilized.