

#374

Warren Commission

COPY

May 16, 1967

Mrs. John G. McKay, Jr.  
Dixon, DeJarnette, Bradford, Williams  
McKay and Kimbrell  
Ninth Floor, Dade Federal Building  
Miami, Florida 33131

Dear Mr. McKay:

I want to thank you for writing to me last week concerning the Warren Commission and its Report on the assassination of President Kennedy. I appreciate having your comments and questions on this matter.

You mention Rush to Judgment by Mark Lane and the theory of a single bullet used in the assassination. Late last year, I was interviewed about the Commission and its findings by Ruth Montgomery, and I am taking the liberty of sending you a copy of her article. In the interview, I discuss the questions you raise.

With kind regards, I am

Sincerely yours,

John Sherman Cooper

nl  
Enclosure

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MAY 11 1967

LAW OFFICES

*Tosney*

DIXON, DEJARNETTE, BRADFORD, WILLIAMS, MCKAY & KIMBRELL

May 9, 1967

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The Honorable John S. Cooper  
United States Senate  
Washington, D. C.

Dear Senator Cooper:

I have just finished reading with interest a 17-page Book Review on "Rush to Judgment" by Mark Lane, in the current issue of the Yale Law Journal, and for your interest I enclose a copy of page 587 in which the author of the Review, Mr. Marcus Raskin, co-Director of the Institute for Policy Studies of the University of Chicago, suggests that it would not be a public disservice if the three of you who disagreed with the single-bullet theory would now state publicly why you did so disagree.

I would like to suggest the same matter in a positive method and that you would be performing, in my opinion, a public service if you did now state publicly why you disagreed with the single-bullet theory, if in fact you did.

There is something else that has always bothered me about the Commission Report and the fact that some of the testimony and exhibits were not made public. Certainly anything that affects national security or involves government secrets should not be made public. But it does seem to me that anything other than this should be made public.

Is it possible now, since there has been such a hullabaloo raised by reason of all the various writings on the Commission, that you might now decide to state publicly why you did disagree with the single-bullet theory, presuming that you did.

Sincerely yours,

*John G. McKay, Jr.*  
John G. McKay, Jr.

JGM:sse  
Enclosure

## Book Reviews

tory.<sup>23</sup> One bullet could have hit the street. A fragment from that bullet could have hit James T. Tague<sup>24</sup> on the cheek. Tague said that on the street "there was a mark quite obviously that was a bullet, and it was very fresh."<sup>25</sup> According to the Commission there was a second bullet which seriously wounded both the President and the Governor, and then a third bullet which killed the President.

The President's Commission report supports the single bullet theory and implies that all members were in absolute agreement with it. Yet Edward Jay Epstein in his book *Inquest* shows that there was a split of 4-3 on this question among the Commission members.<sup>26</sup> Those who supported the single bullet theory were Chief Justice Warren, Allen Dulles, John J. McCloy, and Gerald Ford while the southern members of the Commission, Senator Russell, Congressman Boggs, and Senator Cooper dissented. (It would not be a public disservice if these three Commissioners would now state publicly why they disagreed with the single bullet theory.) According to the original proponent of that theory, Arlen Specter, one does not have to accept the single bullet theory to conclude that there was only one assassin. But this can only be true if Oswald fired before the Commission assumes that he did, at a brief instant which the Commission itself ruled out. "For a fleeting instant, the President came back into view in the telescopic lens at frame 186 [of the Zapruder film] as he appeared in an opening among the leaves."<sup>27</sup> If this possibility is ruled out then the film leaves us with the conclusion that 1.8 seconds elapsed between the first moment that the President could have been hit (about frame 207) and the final moment at which Connally was hit. As *Esquire* magazine pointed out, "the bolt action of the murder rifle cannot possibly have been fired twice during the time in which both men were hit. Either both men were hit by the same bullet or there were two assassins."<sup>28</sup>

According to the Commission, bullet number 399 passed "between two large muscles, produced a contusion on the upper part of the pleural cavity (without penetrating the cavity), bruised the top portion of the right lung and ripped the windpipe (trachea) in its path through the President's neck."<sup>29</sup> It then changed its direction from upward

23. PRESIDENT'S COMM'N REP. 8.

24. *Id.* at 116.

25. *Ibid.*

26. EPSTEIN, *op. cit. supra* note 12, at 149-50.

27. PRESIDENT'S COMM'N REP. 101.

28. *Esquire*, Dec. 1966, p. 205.

29. PRESIDENT'S COMM'N REP. 88.

# Oswald Alone Is Blamed

By RUTH MONTGOMERY

WASHINGTON — Sen. John Sherman Cooper, breaking his silence on the raging controversy concerning the Kennedy assassination, says he is absolutely convinced that Lee Harvey Oswald acted alone.

The Kentucky Republican, who was a member of the Warren Commission, said in an exclusive interview: "We quite naturally looked for a conspiracy, but we could find no evidence of such. We examined the case with unbelievable thoroughness, testing and re-testing hundreds of witnesses.

"Because we were concerned about Marina Oswald's testimony, (Sen. Richard Russell and I flew to Dallas toward the end of the hearings and reexamined her, with counsel, for five or six hours.

"We wanted to make certain that she was holding nothing back, that she had no new facts to bring out; but we had to conclude that she herself had become convinced of her husband's guilt, after first thinking him innocent."

I asked the senator if, in view of the doubts raised here and abroad, he thought that a review panel should reopen the case, and perhaps utilize a devil's advocate to try to rebut the evidence.

SEN. COOPER replied: "I see no need of it. I think our conclusions were correct. We had Mark Lane (author of 'Rush to Judgment') before us twice under oath, but he could not produce any testimony to support the statements he'd been making."

Cooper, a former judge who is known as "Mr. Integrity" in the Senate, believes that the same bullet, which inflicted President Kennedy's neck wound also injured Gov. John Connally, despite the latter's insistence that he was struck by a different, second bullet.

But the Senator disclosed that he and Rep. Hale Boggs were as insistent as Sen. Russell that the commission's language on that point be softened from "categorical" to "persuasive evidence" of the single-bullet theory.

Disputing claims that one or more shots were fired from the front, which would necessitate a second assassin, Cooper said: "As a former judge I've tried shootings and murder cases, and there was hardly a one when witnesses agreed about all the evidence, such as where the shots came from.

"Gov. Connally is an expert rifleman, and when he heard two shots he turned to the back. Although he has identified the frame (of the amateur movie) in which he thinks he was struck, his hand was up, whereas it had to be down for the bullet to pierce both it and his thigh. Sometimes in war soldiers don't immediately know they've been wounded. There's often a delayed physical reaction, and we're talking of tenths of a second in this case."

POINTING OUT that it would be virtually impossible to assemble a more diversified, independent-minded panel than the commission members, Cooper declared:

"All of us were searching constantly in every possible area for clues that might have been overlooked. I spent several nights at the home of (former CIA Chief Allen) Dulles, and many hours in Russell's office discussing it over and over. I did the same with (Rep. Gerald) Ford and others—all of us searching for any possible holes.

"The overall evidence led each of us, with different types of minds and different ways of thinking, to the unanimous conclusion that Oswald was the sole party involved.

"The only two bullets found came from the rifle purchased by Oswald and discovered on the sixth floor of the Book Depository Building. We could find no proof that he and Jack Ruby knew each other, or that Oswald had acted in concert with anybody."

Asked if he did not consider it strange that officer J. D. Tippit was able to accost Oswald so quickly after the assassination, without some advance or unexplainable knowledge, Cooper replied:

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"THE WHOLE CASE is strange. It is strange that the president should have been shot, and that Oswald should have been working in a building overlooking the motorcade, and that Tippit and others should have been exactly where they were at a particular moment in history.