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Joachim Joesten's

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Editorial: A fraud is a fraud is a fraud - is a Nixon.

Highlights from Dr. Nichols' Appeal

Dr. John Nichols of the University of Kansas Medical Center, whose name and case by now are familiar to TL readers, early in August turned to higher judicial authority in a new attempt to obtain permission to subject the Kennedy autopsy materials to "neutron activation analysis" with a view to determining whether the conclusions of the Warren Commission are scientifically tenable. Here are some highlights from the appeal brief which the battling doctor has filed with the United States Court of Appeals in Denver through his attorneys Sam A. Crow, John E. Wilkinson and M.C. Slough (No. 71-1238):

After a statement of the case - already discussed at length in TL - the brief, in its main section entitled "ARGUMENT," first raises the question: "Did the District Court Err As a Matter of Law in Its Definition of the Term 'Records' As Used in 5 U.S.C. § 551 and § 552 etc.?"

As TL readers know, the Kansas District Court, for lack of a better definition of the term "record" by legislative enactment, executive order or controlling judicial determination, had relied on Webster's New International Dictionary (second edition) for this "reasonably accurate definition:" - "That which is written or transcribed to perpetuate knowledge of acts or events; also, that on which such record is made, as a monument; a memorial." Because this dictionary definition didn't seem to fit autopsy materials, in particular the bullet fragments and marks Dr. Nichols wanted to test, the District Court, on Feb. 24, 1971, on the motion of the defendants, had ruled for a summary judgment to dismiss the case.

Now, the appeal brief states in bold, black type, "The foregoing definition, selected by the District Court from many available, and relied upon for authority, has been expunged from and does not appear in the current Third Edition of Webster's New International Unabridged Dictionary printed in 1961!!!" (three exclamation marks in the original - J.J.) Moreover, a similar quotation taken by the Court from an older edition of Webster's New Collegiate Dictionary turns out to have also been expunged from the current Seventh Edition of that reference work (again, this statement is emphasized in the brief with three exclamation marks).

On the strength of these discoveries, the brief states: "It appears that the District Court has relied upon obsolete dictionary definitions in this instance that were out-of-date, incomplete, and, above all, selective in nature." And elsewhere it says: "While employing an abbreviated obsolete dictionary definition of the term "records" the District Court failed to take into consideration the express wording of the statutes and regulations concerned, nor did the Court take into consideration the full intent and purpose thereof. For example in 44 U.S.C. § 3301 it is unambiguously stated that the word "records" includes many items for preservation regardless of form or characteristics.

Similarly, the General Services Administration in adopting its definition of "records" has in 41 C.F.R. § 105-60.104 (a) employed the identical terminology, namely, "regardless of physical form or characteristics." (emphasis added - in the original)...

The next point of argument (II) is largely a matter of legal technicalities. The brunt of the argument is that the District Court, by summary disposition of the complaint, prevented the appellant (Dr. Nichols) from demonstrating the factual merits of his case... "Cursory oral argument and incomplete research divorced from studied evaluation of the questions presented," the brief asserts, "are not a substitute for orderly and intelligent disposition at trial. Counsel for the appellant have not been afforded the opportunity to make an effective presentation of the evidentiary facts..."

In Point III the argument stresses the irregular, devious and deceptive proceedings by which the National Archives gained custody of the autopsy materials and other artifacts pertinent to the assassination: "By virtue of a Memorandum of Transfer, dated April 26, 1965, original author and content unknown (emphasis added - J.J.) certain items were placed in the custody of the defendant Archivist Division of the General Services Administration... Subsequently, by virtue of a 'Letter of Agreement' (R 31-37), dated October 29, 1966, executed on behalf of the executors of the Kennedy Estate, alleged property rights in said items... were formally transferred to the Archivist..."

In order to be able legally to transfer property rights in any item, one has to be its owner in the first place. That's axiomatic in ordinary life, but all normal rules of law and behavior have been set aside in the President Kennedy assassination case for the purpose of hoodwinking the public - with the Kennedy family, regrettably, cooperating at every step in this orgy of lawlessness and deceit.

"One must question the authority of the Kennedy family, or its representatives," the brief continues, "to donate, much less exclude from inspection, items which are essentially the properties of the public, namely the citizens of the United States. Were the X-ray films and photographs of an ordinary citizen exposed and developed at public expense in an admittedly public facility, all for purposes of resolving a matter of public concern, namely a homicide or a public health hazard, it is highly doubtful that the estate of this obscure citizen could claim a private property right with respect to materials supplied or services rendered. Doubtless, the assassination of a President affects the national conscience to a much greater degree than does the murder of a nameless private citizen, nevertheless, matters such as conscience and national remorse do not determine property rights, nor do they render private what is public in nature..."

Space does not permit to go into the details of the following four points, but a striking accusation contained in Point VI should be noted. In plain, unmistakeable language, the brief here charges Vice Admiral George M. Davis, Surgeon General, US Navy, with rank perjury: "... Vice Admiral Davis' two sworn, but spurious, affidavits (R 48 and R 100-101) each contain the same blatant untruths and false information..." .

In both these affidavits, dated, respectively, July 27,1970, and October 29, 1970, and designed to frustrate Dr. Nichols' complaint, Admiral Davis swore, the brief alleges, that "... on or about November 22,1963; that the autopsy protocol and all allied papers were thereupon delivered over to agents of the United States Secret Service..." (emphasis added in the brief), whereas in fact the prosectors (autopsy physicians) on the first page of their still secret review of their own performance - a copy of which is in the possession of TRUTH LETTER and will eventually be published - state that the autopsy protocol was hand delivered by Commander Humes to Admiral George G. Burkley, the White House physician, at about 6:30 PM, November 24. (emphasis in the brief). On the other hand, Warren Commission Exhibit 387 attests that the draft of the autopsy report and working papers were delivered to and accepted by Captain J.H. Stover, Commanding Officer, U.S. Naval Medical School, on Nov. 24, 1963. In view of these facts, the brief states, appellant finds it difficult to understand "how the trial court could attach any credibility to either of Admiral Davis" spurious affidavits in sustaining the motion of the defendants..."

The Panel Review (ctd. from TL III/21)

"A well defined zone of discoloration of the edge of the back wound, most pronounced on its upper and outer margins, identifies it as having the characteristics of the entrance wound of a bullet. The wound with its marginal abrasion measures approximately 7 mm. in width by 10 mm. in length. The dimensions of this cutaneous wound are consistent with those of a wound produced by a bullet similar to that which constitutes Exhibit CE 399."

There you have it again, this absurdly simplist "finding" by four eminent physicians that the wound in the President's back is "consistent with" the kind of wound "a bullet similar" to CE 399 would produce. Now, if the worthy doctors had added, "to the exclusion of all other bullets of similar size and shape," or some such phrase suggesting a minimum of certainty, their statement at least would have a meaning, albeit a deliberately deceptive one, for they could never have put forward such a false claim in good faith. In another context, I have cited the ballistic precepts adhered to by all honest criminalists and firearms examiners and have quoted experts Pinker, Snyder and Cadman on the similarity of characteristics and marks produced by many different makes of bullets fired from any particular gun "out of the entire world population of guns," as they put it (TL III/21, p.2). It stands to reason, therefore, that if that back wound in the President's body was possibly "consistent with" the type of wound produced by a 6.5 millimeter-bullet of the make that could be traced to Oswald's rifle, it also would have been "consistent with" a 6.5 millimeter bullet of a dozen different makes and fired from a dozen different kinds of rifle. This, however, the panelists do not point out, because their mission was not one of fact-finding, but one of make-believe and deception. Like the Warren Commission, and for the same reasons, they direct suspicion toward Oswald by every specious means and carefully refrain from making any statement apt to raise the more possibility that the President might have been hit by a bullet or bullets fired from a different gun or from a different direction.

"At the site of and above the tracheotomy incision in the front of the neck, there can be identified the upper half of the circumference of a circular cutaneous wound the appearance of which is characteristic of that of the exit wound of a bullet."

Because of the sheer impudence of that wholly unsubstantiated statement, I find it necessary to quote here again from the book "JFK Assassination File" by former Dallas Police Chief Jesse Curry. On p. 34 of this book, Curry describes the scene at Parkland Hospital as Dr. Malcomb Perry "sized up the situation" prior to the tracheotomy:

"A small neat wound was in the throat... Dr. Perry examined the throat wound and assessed it as the entrance wound (emphasis added - J.J.) He was no amateur at assessing wounds. By his later testimony he stated he had previously treated from 150 to 200 gunshot wounds... Dr. Perry immediately obliterated the small hole in the President's neck in order to start a tracheotomy. This enabled a tube to be inserted directly into the windpipe. The tracheotomy incision later created controversy in the interpretation of the Kennedy autopsy. The Warren commission tried desperately to indicate that this wound was an exit, not an entrance wound. But at the time Dr. Perry insisted that the President was shot from the front - entering at the throat and exiting out of the back of the head..."

Dr. Perry is and has always been the sole reliable authority in the matter. The wound in the President's neck was still fresh, the contours of the bullet hole clearly discernible to a man of his training and experience. And he not only asserted, but "insisted" at the time - i.e. when he made his first-hand report to the police chief - that this was an entrance, not an exit wound. That was, of course, before the pressures started building up on the hapless doctor, causing him to back down, to some extent, from his original firm stand in the matter by the time he was called to testify before the Warren Commission. For the Commission, from the start, was determined to make it appear that this wound had been caused by Oswald - a total impossibility if it was an entrance wound.

(to be continued)

New Light on the Robert Kennedy Murder Fraud (ctd.) - The Wolfer Incident -

"In view of the extensive fragmentation of the bullet in Senator Kennedy's head, the obvious question which lingers is who killed Senator Kennedy? As his (Sirhan's -J.J.) counsel we are quite concerned that any probe be conducted in a spirit of complete impartiality. The suggestion that the second gun was utilized by Wolfer to test the noise level is belied by not only Exhibit 55 but the testimony of Wolfer itself. Moreover, although it appears that the gun which fired the three aforementioned bullets into Senator Kennedy, Mr. Weisel and Mr. Goldstein was destroyed in July, 1968, a month after the shooting, Wolfer claimed in the spring of 1969, during his trial testimony, that the gun was 'still available.' (Reporter's Transcript 4224)

"Inasmuch as a man's life is at stake and we are attorneys of record for that man now condemned to death row, it seems mysterious that neither of us has been contacted so that any further 'investigation' can truly be bipartisan. Any probe of a police officer's ballistics examination and courtroom testimony conducted only by a group of his superiors in the police department, headed off by your express disclaimer, can only be regarded by unfettered minds as a 'whitewash.'

"There is much about the cause of death of Senator Kennedy which has yet to be unravelled. Simultaneous with the prosecution of the appeal, we have arranged for Mr. William Harper, a competent and experienced criminalist, to delve into some of the enigmas either unsolved or pointing to the conclusion that Sirhan Sirhan did not fire the fatal bullet. If truth be our quest, then let us join hands in an endeavor to ascertain it.

"We are ready and willing to participate in an evenhanded, impartial inquiry with justice as the only objective. If there is nothing to hide, then a simple letter or phone call will summon our participation and our support."

So far the text of the letter addressed on June 3, 1971, to Police Chief Edward Davis by Sirhan's new attorneys, Messrs. George E. Shibley and Luke McKissack. Since then, the whitewash which the two lawyers saw in the offing has just about run its course. It is a whitewash of classical proportions.

If it was at first, in the eyes of the police chief, a simple matter of "clerical error," and then one of having quite innocently used a similar gun to test the noise level - both assertions being promptly exposed as phonies - the next step of the guilty parties of the Los Angeles power structure was to initiate a hunt for low-level scapegoats. Although developments have been reported in the American press in the usual sporadic and inconclusive manner, a discernible whitewash pattern has begun to emerge.

Instead of joining hands with Sirhan's lawyers in an impartial quest for truth, the new L.A. District Attorney Joseph A. Busch (who took over from Evelle J. Younger, one of the chief architects of the Robert Kennedy Murder Fraud, some time ago) concentrated his fire on the office of County Clerk William Sharp for allegedly giving someone access to the crucial evidence (guns, clothing etc.) which Busch claims may have been "tampered" with. In a statement released on July 16, Busch claimed he had evidence that the Sirhan case exhibits had been handled in defiance of a court order - by at least four persons. He said he was "terribly concerned" about this, because of the possibility that the mere fingering of the bullet could erase grooves which would prove from which gun it was fired.

While County Clerk Sharp himself asserted that his personal investigation had "failed to disclose any mishandling" of the key exhibits, including bullets removed from Kennedy's body and from Sirhan's gun, he promised to cooperate with the DA, for there were "still some stones unturned." In an attempt to turn those stones, Messrs. Busch and Sharp then proceeded to administer lie detector tests to a number of employees in the county clerk's office. What results, if any, this ever questionable procedure produced has not yet been revealed at this writing.

The next step in the carefully contrived coverup was to convene a grand jury which conducted an investigation of the matter from August 16 through August 23.

(to be continued)