

April 29, 2001

Draft #2

ARRB Releases.

Kurtz Point: In his preliminary report [and his final report repeats the subject] he remarks "David does not cite many recently disclosed sources from the ARRB." His single example is Nathan Pool's testimony before HSCA on the chain of possession of CE399.

I won't accept Pool's testimony.

My response breaks down into two parts, ARRB releases in general and Pool in specific, which I shall address seriatim.

ARRB Releases in General.

This is a profoundly weak observation on Kurtz's part, made it would appear without an informed understanding of the quantity or of the nature of the records released by the ARRB. Certainly he made it without consideration of what he was actually suggesting I do with those records.

A. The quantity of records beg the question and presents the impossible. There are 5,000,000 or more pages in the ARRB releases. In my lifetime I cannot begin to examine or read such a mass. If I were a young man in my salad days of research I could not finish them before death took me into the eternal silence. How can such an unreal stricture be laid upon a manuscript as part of its purported weakness? It cannot reasonably be so and must have another end in mind than trying to enhance the manuscript.

B. The ARRB forced these disclosures from agency sources, such as Congress, FBI, Presidential Libraries, etc. In those millions of pages are millions of little things, like this Nathan Pool matter.

Not a word of these disclosures can be used safely without careful checking because of the inaccuracies found in them. Some of the material is excellent, fine stuff, but some of it is the most deliberately false stuff imaginable tossed into the public domain by agencies. Anyone really familiar with HSCA or the FBI agencies and their work on the assassination investigation knows this very well.

C. An illustration. When Gunn of the ARRB questioned Cmdr. Humes, the JFK autopsy surgeon, he deliberately, the word is correct, permitted Humes to perjury himself on the autopsy notes. Humes said he destroyed them. Now the notes are critically important to check the authenticity of the autopsy protocol, and many other things, because that important document rests on the data recorded on those notes.

*which
gunn
not*

Weisberg traced the chain of possession of those notes with the documentary record, much of which he published in his 1975 Post Mortem. The notes he conclusively proved by original documents dug out through extraordinarily difficult research were not burned by Humes but went through a chain of command to Navy high officers. The Commission staff in examining Humes for the Commission used them. If available they could conceivably alter the autopsy results but their history and the Gunn document serves to demonstrate how corrupt some of the documents can truly be.

So if, like a ready to use reference from the big document store the ARRB, one blindly takes the document "released" about Humes' deposition to relate to one's studies one will have accepted a deliberately false statement and assisted the government in its

cover-up by failing to press down upon the material the principles of scholarship. What is said about Humes is true about many, many more releases; they are simply not dependable until checked. You have to check each document for reliability and authenticity. To do this you must of course know the subject matter of the assassination investigation in detail before you can come to terms with such sustained corruption, covert manipulation, and dedicated taint.

D. Kurtz does not even note there is a problem in blindly taking 5,000,000 pages and "relating" to the text. He only mentions one, Pool. How can this suggestion to spend the rest of one's life on a mindless enterprise be expected of any author and be considered in the realm of real or the domain of a peer review? It cannot. It certainly is not the scholarly method upon which studies of the assassination must rest for objectivity if we are ever to find relief from this national irresponsible treatment of the JFK murder.

He does not have an adequate grasp of his subject.

3. Nathan Pool.

The Pool figure is immaterial and an imaginary Red River. I have no knowledge about Nate Pool. It is one of the countless trivialities buried in the records. Can Kurtz guarantee the absolute authenticity of Pool's account?

It is common knowledge that there were several persons in the basement [first floor] near the alleged stretchers. It was a hospital traffic area.

My concern was to depict the irregular chain of possession in the official case as found in the Commission and FBI records, which I have done. It is solid. It is excellent.

Addendum: Today I received copies of HSCA documents on Pool from the National Archives. They certainly reinforce the validity of my comments. But they do

more. They raise a serious question about Kurtz's judgment in asserting after he had examined the manuscript the year before and not said anything and now says the ARRB records should have been cited.

Pool allegedly worked on the elevator with Tomlinson and co-discovered CE399 the magic bullet.

He is unbelievably bad. In the course of his deposition in 1978, he swore there was only one stretcher, then swore to two, then swore one, then that he was confused. He swore to Secret Service men stationed around the elevator and other hallway doors, [if one can follow what he is saying] when in fact hospital security had been placed there. He swore to Tomlinson telling him the bullet came Connally's stretcher when Tomlinson had in 1964 said he did not know whose stretcher it was and was not going to lie that it was Connally's for the Commission. He said Tomlinson gave the bullet to a Secret Service agent, (non-existent) then changed and said maybe O. P. Wright, hospital personnel director, and then said he could not see what he did. He was sarcastic on two occasions, always confused over the facts.

His testimony is why one should not use those ARRB records without checking. This is why second-hand witnesses should be carefully screened for lying. [See attachment labeled Discovery.]

draft

more in 202, camera from eye & foot going
at a street up front

1. My chapter on Willis #5/z202 being called a theory.

Kurtz point: He states my chapter on Willis is a "theory."

Response: Chapter 14, Willis #5/z202 is not a theory; it is a fact by virtue of the evidence in the Zapruder film and other facts. It fulfills all and every condition of a fact as defined by history and practiced by scholars and is diamond hard and crystal clear.

With such a serious observation levied against the chapter it would have been incumbent upon Kurtz to have articulated the specific points that to his mind comprise the "theory" portion of this chapter. I can do nothing with academic bromides. But I should underscore a fundament of my response. The chapter as written stands as a fact; it is not a theory and cannot be converted by vocabulary into one.

But there is a more general observation to be put forward in response to his regrettable opinion. For thirty-five years the media and the supporters of the Warren Commission's findings have followed a common tactic to dismiss new substantial and objective criticism of the official conclusions on JFK's murder by referring to it as "a theory" or "another theory." By this adroit mechanism they do not have to address the substance of the factual dissent and its relationship to the contradictions and falsehoods in the federal investigations. Kurtz's gratuitous and brash employment of the concept finds

its ultimate paternity in the genealogy of that device so assiduously utilized by the supporters of the official findings.

2. Can't see JFK hit on #5.

Kurtz point: He states that if Wrone is correct in stating there is a z190 shot then upon close examination of Willis #5 the bullet's impact on JFK ought to be visible upon close examination of Willis #5, which examination he claims to have performed and not to have discovered any evidence of a hit. JFK is not reacting. This failure to find a reaction by the President he attributes as evidence for another of the several reasons why no shot occurred at my postulated frame time of z190 or just before and the Willis chapter #5/z202 is weak and must be rejected as invalid.

Response: Kurtz bases his observation on a faulty and inadequate understanding of the evidentiary base in the JFK assassination, which is of sufficient strength to negate his effort to deny the fact by dint of his naked perception. I myself do not see any indication of a bullet's impact, although I have not examined the original under great magnification, which it should be recalled he has not either. But that is not the pressing point at issue as we shall soon see.

I shall examine his assorted fallacies from the perspective of photography, medicine, ballistics, and the practical.

i). Photography. In the first place it is conceivable that the President had in fact been struck and was reacting to it in such a way not visible to eye of the lens plane of the photograph. This possibility cannot be denied. Even a power lens cannot compensate for the strict limitations of the lens perspective for a photograph is its slave. But although Kurtz cannot see through a glass darkly, he nevertheless renders a "sure and certain"

judgment on what he sees on the slide with a confidence, a certainty, and a definitiveness, that the finest photographic experts do not share, nor do responsible students of the assassination. Why did he not inform us of how others view the slide?

ii). Medicine. More significant than the restrictions imposed on an iron conclusion drawn from visual inspection, are two medical facts that cannot be dismissed by his predilections to deny a hit.

a) When a bullet strikes a body medical specialists state a delayed reaction to its impact is normal when the bullet does not strike a bone. This would be the case in z190, which did not strike bone.

b) Moreover, medical authorities also say that when a bullet does strike a bone a reaction is immediate.

JFK suffered a wound that did not ~~strike bone~~.

Require an instant reaction

omit

Thus, under the weight of this forensic fact that is founded, it must be emphasized on science and experience, on studies made under objective conditions, for Kurtz to seek evidence of a physical reaction with his naked eye alone as his guide as proof of a hit is to assert an imaginary premise, or must I say sheer conjecture, that cannot be sustained by reference to reality.

In addition, I should further observe, that in the course of the various medical testimonies taken during the investigation authorities brought much medical information on body reaction to bullet strikes that Kurtz should have been normally cognizant of and he also should have consulted informed specialists rather than to hastily levy a faulty critique of me based on what he presumed bullets did when hitting bodies.

iii). Ballistics. A time factor comes into play here. We speak of less than 2/3rds of a second, z190-z202 at 18 f/per second. In that portion of a second can one really expect the human body to display the results of a bullet's impact? 2/3rds! A candid reflection must conclude: No.

mt
iv). The common life. Three practical instances from the common life further demonstrate it is plausible to expect the wounding bullet that passed through JFK's upper body, and did not strike a bone, to not create an immediate impact visible on #5. These are taken from hunting, butchering, and soldiering.

amx
With respect to hunting experience. When shooting squirrels, rabbits, groundhogs, and deer, a wounding bullet passing through the animal or lodging in the flesh quite frequently leaves no instantaneous sign of an impact. This is the experience of many life long hunters and is of my experience. For example, with a long rifle .22 cal. bullet I have shot gray squirrels frozen crouched on a top branch of a high oak tree with the slug passing through their bodies without hitting bone and they did not move or flinch or manifest any immediate impact from the bullet at all. Upon hitting them in the head with a second bullet and examining the fallen body I discovered the first bullet had in fact hit. This is the common experience of long time hunters.

mt
Butchering. At autumn butchering time in the old farm days on many an occasion I have watched men run the hogs and calves zig-zagging out of the barnyard holding pen into the slaughter yard where a cousin rifleman perched nearby who while emitting the old Yankee cavalry charge yell of our grandfather shot them. I have seen some receive a wounding bullet and for several seconds not exhibit the slightest indication they had

suffered a wound from a bullet that had either lodged in or passed through their fleshy parts.

omw
Soldiering. In far away Korea a long time ago I watched an intoxicated private from the Puerto Rican Regiment recently assigned on detached duty to our company, who was disgruntled over a previous day's cussing out, walk up to a sergeant I was sitting near. From a .30 cal. carbine rifle the private suddenly fired two shots into the sergeant's guts before being beaten into the earth by soldiers nearby. For several minutes, perhaps two, the sergeant never moved a muscle, raised a hand or leg; his body did not flinch nor show any immediate indication that he had been shot at all. He sat perfectly still those long, long minutes before collapsing in pain.

omw
For Kurtz to expect a find a reaction on #5 violates not only one of the first tenets of the scholarly method, viz. never impose a preconception on the evidence, but also silently ignores medical, practical, and ballistic evidence that he should have known and astutely employed to govern his impulse to precipitate error.

3. On the critics.

Kurtz makes a number of points about my treatment of others who have written on the assassination, which he attributes to negative or personal issues, such as cheap shots, scoffs, and attacks. Regretfully he does not provide explicit references and explain why from the official records my remarks in fact constitute cheap, scoff, or attacks. I am therefore forced by his bolts from the blue, as Zeus of old used to throw, to confront with facts his opinion. Here I shall make several comments about portions of his unfair statements, not having the time or space to make extensive remarks.

a. Cheap shots.

He asserts I have made cheap shots at many of the critics.

Nonsense. They are not cheap and they are not shots.

The majority of the critics, so-called, are irrational, unstable imitation "scholars."

It is not cheap nor is it a shot to dismiss upon scholarly grounds that great bulk of the literature that fails to meet the minimal standards for historical work. In this my writing does not deviate from the standard approach in history as manifested in scores of top books. In graduate work seminars in the 1950s I have witnessed students removed from the class and the Ph.D. program for their amazing inability in papers to recognize the difference between speculative drivel and basic sources. The standard--old when I learned it and old with Herodotus the ancient Greek historian--still holds.

b. Scoffs.

Kurtz charge: He claims that I scoff at critics.

Response: I do no such thing. So many of these critics pretend they are Perry Mason Incarnate and set out to "solve" the crime, which is not the function of scholarship and is the bane of objectivity and sound research. But in their approach to the murder they are engaged in playing childish games. It is not research what they do. It is not history what they publish. Just as it is not a scoff that I engage in. It is a dismissal of immature, inadequate, false, corrupt, and misleading works on objective grounds, which is not only the duty of a historian but the sovereign demand of this subject above all others, and is far, far from personal.

c. Attacks on critics.

Kurtz: He asserts I attack critics. While he centers this on the persons, he obviously means their publications. I attack their works not them.

Response: I in fact do criticize their shoddy books, but it is on factual grounds. Why should not I criticize these books? Explain specifically why this is an error for Wrono but not in the works of other historians. Largely they can be characterized as playing detective on one of the major tragedies in American history, one that changed the direction of the nation. They mislead and confuse, present falsities as facts, and by their ineptness, falsifications, hyperbole, post hoc ergo propter hoc writing, cast a net of disrepute over all who dissent from the official doctrines.

What they do not see and what Kurtz does not apparently seem to recognize is that in doing this they are doing the duty of government officials who seek to confuse and mislead on the assassination. They could not be more in league with the forces of reaction than if they were charter members of a club to sow misinformation and confusion

4. On other researchers.

Kurtz: believes I should recognize and "consider" "works" of those who have made substantial contributions to the subject other than Weisberg. He provides three names in particular to illustrate his point, Livingtone, Aguilar and Mantik.

Response: Kurtz has manifested no grasp of the subject matter, yet he makes a major decision for me that is the most damaging of suggestions. After reviewing my manuscript and reflecting upon the subject I conclude that what I have done is correct and does not need any additional reference or working in of others. This is an abbreviated commentary, for time and space imposes a demand that I be brief.

Handwritten notes:
count: 1/10/80 on slm
nothing new
in your work
are valuable
what was
Kurtz

My remarks fall into two parts, general and to his specific suggestions.

In general: Two reflections immediately come to mind. One. Most of the books that have been written on the assassination do not qualify for inclusion based on their failure to reach the minimal standards of scholarship and I would be remiss if I cited them. Two. My manuscript is limited to the Zapruder film and its relationship to the assassination investigation. I seek to relate to that subject and to accurately reflect history.

good!

On "consider." Not relevant. The point is did they report what Weisberg had already reported? If they did I should reference the person who made the original contribution not someone who reiterated it and wants a medal for it, or as Attorney Lincoln once expressed it they are like a neighbor's rampant hogs busting down the split rail fence and feeding off other people's hickory nuts. That is the rule of scholarship, to give credit to the one who did the initial scholarly work.

just in case

On "works." This suffers from a false analogical identity. He makes reference to other authors' books or works, but this is not an accurate depiction of them. These are not books or works in the common sense that history and scholarship thinks of books. They are not sources. Conjecturing, or as the Menominee Indians would say tono mih acemon (fabricating a story), is dignified by these authors and their peers by calling them theories, for somehow that rubric invests their miasma with legitimacy, as it obviously has for Kurtz.

These are not an appropriate part of the critical culture upon which a sound volume on the JFK assassination ought to rest. When things are not appropriate they should not be utilized.

i. Livingstone.

Kurtz's statement that I should utilize Livingstone reveals his astonishing lack of knowledge about the JFK literature. Let me illustrate the problems of using Livingstone with one example, although many, many could be had.

Livingstone is prone to violence and is crude; he goes around with a ~~former~~ ^S Baltimore policeman. On one occasion he visited Weisberg's home and insulted him. Weisberg told him never to return, but Livingstone ignored him and returned not once but twice more. Weisberg is old, feeble, and helpless, the slightest wrong exertion or stress could be terminal. He was afraid of physical violence from the threatening men. In the course of what must be called the raid, Livingstone stole ^{no copy some} ~~one~~ of Weisberg's files. ~~He then~~ ^{and} at a ~~November~~ conference of critics ~~announced the results of new research~~ ^{used the} ~~purloined file data in one of his terrible books.~~ Weisberg put the same information pieced together from alternate and duplicated sources in one of his latest books. This is backed up and proven by memoranda, letters, personal statements, and in other ways [?] documented.

Now, should I cite Livingstone or Weisberg for those particular facts? A cruel, violent thief or a scholar who researched and assembled and published the information in objective format? The scholarly answer is Weisberg.

Livingstone's latest book libeled everyone except the Pope. Does Kurtz really expect me to footnote a dreadful volume like that? And have me send readers and scholars to that cesspool? Never. Livingstone furthermore does not eliminate the government's story and is undependable.

Weisberg wrote a book detailing the errors of fact and corruption of facts in Livingstone's books, which even a casual reading of would demonstrate why no serious critic has anything to do with the man. [Weisberg, Inside the JFK Publishing Industry, CD-Rom, Wrone's archive.]

ii. Aguilar and Mantik.

As to Kurtz's reference to Aguilar and Mantik as typical scholars to be worked into the text I observe that what they have done has been to duplicate by different means what has already been done. Each argues counterfeit film was created to cover up the conspiracy and protect the Warren Report, in Aguilar's instance the autopsy material, in Mantik's the Zapruder film. But the alleged toyed film defeats the Warren Report!

Furthermore, Aguilar does not write on the Zapruder film. I know him well, correspond with him, he telephones me, and I have visited with him in San Francisco. Also, on the subject matter he is lost.

As to Kurtz's earlier suggestion that I devote a new chapter to Mantik's work in Fetzer's latest abomination, I observe that the book appeared in December three months after I had sent the manuscript to Kansas.

I refuse to write a chapter on Mantik.

Observe what will happen. If I do that it will open me up to an endless stream of comment and dispute with the irrational ones that will never cease. I have enough in the book that a reasonable person can find the tools to defeat the error filled Mantik's silliness. My purpose is not sensationalism and it is not to write for conjecturists to read and endlessly dispute illogic and nonsense, like the Medieval scholars tore themselves

work on
Zapruder film?

summary

apart arguing about how many angels could sit on the head of a pin, which is what Fetzer, et alia are consumed with. It is to present a scholarly history.


Even if in the extreme they are correct they add nothing, only duplicate and also have undependable sources.

5. Shots and the Zapruder film.

Kurtz's Point: He insists that I explain where on the Zapruder film the various shots appear. He is rather strident in his statement. He queries about the Tague shot and jiggles on the film *NPIC analysts could not*

Response: This is the theorist in Kurtz writing.

First as to his factual points. He mentions the bounce of the Tague bullet.

Impossible. Where does the film show Tague hit? Not even Tague knew he was hit until *a policeman on* later ~~someone~~ pointed to the flecks of blood on his cheek. As to the jiggles, this  comment is not worthy of consideration by me for it is inherently irrational.

For many reasons that I do not believe is pertinent to my book to explain one cannot show on the film the various hits and misses.

This is not a sensationalist book. This is a scholarly description of the film and its role in the assassination.