

Dear Jim,

Wecht/Rockefeller Commission 8/24/75

This has been one of those days on which I have not been able to do the work I want to do. As an alternative, when I could, I went over accumulations of materials sent me or clipped from papers I'd not seen. One of these is Wecht's piece in the August issue of The Journal of Legal Medicine on his Rockefeller Commission testimony supposedly but actually another big fat plug for Cyril alone at the bridge.

Not even our Horatio the factual errors are many and serious.

He does not dispute the Commission quoted him accurately. He says instead that its means was "seizing on and publicizing a secondary aspect of my testimony."

This would not surprise me.

He claims there was impropriety in even calling him to testify but cites no such advance protest. He is right that it was improper but he didn't have the balls to write in advance and ask the relevance, even in Belin's extension of the mandate.

For the most part the rest plugs Horatio who also had the only thumb in the dike. He quotes nothing except error (like Epstein, uncredited, with two autopsies the second not in the Commission's hands 1/27/64 - where were you Bob when Cyril needed you so much?) other than evidence that to his knowledge I brought put and he never once admits anyone other than he did.

He actually says that he got some under the Freedom of Information Act without saying it was our use of it. He implies, one could interpret says, that it was his use only. On the memo of transfer only that it "was made available to me in April 1975."

There are "other critics and I have persisted in our efforts," though.

The angles through JFK and JBC prove two different windows and on two different TSEB floors were the sources of shots from two rifles only.

There were smears, in quotes, on the windshield. "Composed of lead" is what he says of this and the curbstone.

Only two fragments were found in the limousine. Both had copper only as he tells it.

The reason for the single bullet theory is the time lag of only a two seconds between the non-fatal shots.

I think there is no need to go on.

Even now I wonder how it can happen, how Billy Sunday/Horatio alone/Dutch boy, lone hero can actually write these things and have them printed.

Best,

## Why Is the Rockefeller Commission So Single-Minded About a Lone Assassin In the Kennedy Case?

**W**HEN the Rockefeller Commission released its report on its investigation of the CIA and related matters, I was chagrined to find that my testimony concerning the assassination of President John F. Kennedy had been misrepresented. Indeed, the Rockefeller Commission created the impression that I agreed with the Warren Report—when in fact I had testified for more than five hours as to why that document is wrong in its conclusion that Lee Harvey Oswald was the sole assassin.

Why will the Commission not make available to me a copy of my deposition or make it public so that the American people may be informed of my dissent with the reportedly unanimous conclusions of the medical witnesses called by the Commission? The Commission is perpetrating a fraud upon the public by seizing on and publicizing a secondary aspect of my testimony while ignoring the primary part. This would become evident if my testimony were released.

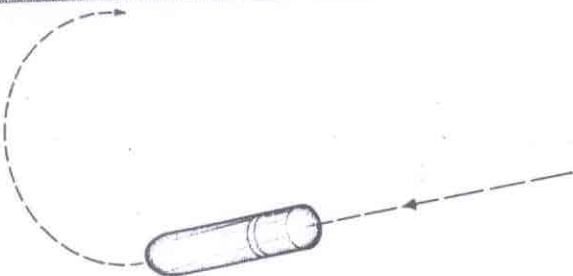
On May 7, 1975, I testified by deposition for approximately five and one-half hours to the effect that the Warren Report's principal conclusion, namely, that the President was assassinated by a lone gunman, was wrong and absolutely irreconcilable with the medical and scientific evidence in the case. In technical papers I have previously published on the case, I have stated that the available evidence, assuming it to be valid, gives no support to theories that postulate gunmen to the front or

right-front of the Presidential car; quite likely, I reiterated that statement in my lengthy deposition to the Rockefeller Commission. I have never taken the position that President Kennedy was shot from the grassy knoll or similar forward locations; this statement in no way, therefore, represents a change from my previous views.

The crux and primary thrust of my testimony, as well as my published papers, is that the Warren Commission's single-bullet theory is wrong and that the available medical, physical, and photographic evidence all point to the assassination being carried out by two gunmen. The fact that both gunmen were located to the rear of the President—which after all includes half the earth's surface—in no way diminishes the impact of that conclusion. Neither does such a conclusion have any bearing, pro or con, on the question of CIA involvement in the assassination; I have never claimed otherwise.

For the Commission to seize on a purely secondary aspect of my views, namely, that I see no evidence for gunmen in front of the President, to bolster its claims that the Warren Report is correct and that the CIA was not involved is so absurd as to suggest that the Commission or its staff deliberately sought to misrepresent my testimony.

Representatives of the Commission repeatedly asserted to me that the Commission's purposes in examining the Kennedy assassination have been restricted to the question of possible CIA involvement. On May 3, for



example, I was informed by Robert B. Olsen, senior counsel, that "the Commission was created for the purpose of investigating the activities of the CIA within the United States; it was neither directed nor authorized to undertake a general re-investigation of the assassination of President Kennedy or even a general critique of the autopsy performed on the President's body." In the report issued by the Rockefeller Commission, we find, however, that the Commission went well beyond that point, discussing evidentiary aspects of the case that suggest Lee Harvey Oswald was the sole assassin and citing various medical experts to bolster that claim. It is in this context that reference is made to a selected portion of my own testimony, as though I had concurred with the lone-assassin finding.

Obviously, it is a distortion to suggest, on the basis of such a selected portion, that I concur with the Commission's implied defense of the Warren Report when the great bulk of my testimony was directly to the opposite effect. Nor can the Commission justify its neglect of my other testimony on the ground that it lay outside its purposes of investigating only the question of CIA involvement when, in fact, its report went considerably beyond that question.

I asked for the opportunity to testify to the Commission directly and on the full range of my work on the medical and scientific aspects of the case. Although broad, this request was not intended to embrace a "general re-investigation of the assassination." My request for direct testimony was not granted.

By May 5, two days before my deposition to the staff, I had learned that the Rockefeller Commission had appointed a special panel of experts to review the autopsy and other medical and scientific evidence in the case. All had strong ties to the federal government or with persons who had formerly participated in studies defending the Warren Report. The panel was made up of people who are or have been associated with the Baltimore Medical Examiner's Office, the Johns Hopkins School of Medicine's Department of Radiology, and the Armed Forces Institute of Pathology. These three facilities either supplied the members of the original autopsy team or provided members of a panel appointed by the Justice Department in 1968 to defend the Warren Report. Furthermore, David W. Belin, executive director

of the Rockefeller Commission, was one of the principal architects of the Warren Report in his capacity as staff counsel; he has spent much of the past 10 years defending the report and attacking its critics.

Additionally, the Rockefeller Commission did nothing to secure the release of certain items of medical and scientific evidence. In contrast, other critics and I have persisted in our efforts to obtain these materials. Only by full disclosure of all the facts will this case be resolved. From the statements attributed to members of the Belin-appointed panel, it is not clear that they are even aware of some of this evidence.

Two recently disclosed items have been withheld by the government for more than 10 years: autopsy specimens of the President's brain and specialized analysis of the bullet fragments. A "memorandum of transfer," prepared in 1965 by Admiral George Burkley, then White House physician, shows that numerous tissue sections and most probably the President's brain had been turned over to Evelyn Lincoln, the assassinated President's secretary, while she was working at the National Archives on papers for the John F. Kennedy Library. A copy of this memorandum was made available to me in April 1975. From it, we know that these materials existed in 1965 and were in the possession of responsible persons. They are extremely important autopsy materials, essential to a thorough, scientific review of the case. Yet no one has been allowed to examine them since 1963, and we do not even know what happened to them after their transfer to Mrs. Lincoln in 1965. How could the Belin panel do a competent job without seeing these materials?

The spectrographic analysis of bullet fragments is disclosed in a collection of papers and notes from the FBI

### **Why has hard evidence supporting alternative theories been shunned?**

Laboratory. These papers were made available to me just about a week before my deposition by FBI Director Clarence Kelley after more than a year of effort on my part and unlawful delay (under the Freedom of Information Act) by the Justice Department.

In addition, data on neutron activation analysis of bullet fragments apparently exist.

Instead of pursuing data such as these, Mr. Belin as early as March 1 indicated what the Commission's conclusions were likely to be. A UPI news dispatch on that date quoted him as saying that conspiracy theories about President Kennedy's assassination are cases of "invisible gunmen shooting invisible bullets." In fact, the theories being given prominence in the press at that time were among the least supportable criticisms of the Warren Report and provided rickety strawmen that Belin could easily knock over.

In contrast, not one of the three papers I have published presenting "hard evidence"<sup>1,2,3</sup> has been refuted by Mr. Belin or even addressed by him, nor any other defender of the Warren Commission.

Why did the Rockefeller Commission shun hard evidence that alternative theories to the lone-assassin conclusion are valid and that the Warren Commission's principal conclusion is wrong? The crux of the failure to solve the case lies in the "single-bullet theory," the hypothesis that President Kennedy's back and throat wounds and all of Governor Connally's wounds were caused by one bullet. The Warren Commission adopted this hypothesis against overwhelming physical, medical, and ballistic evidence that it could not be correct. It did so even against the objections of at least two of its own members. The hypothesis, however, was essential to the lone-assassin conclusion. As an example of a case where the desired conclusions dictated the selection of evidence, the supposed showcase of investigative thoroughness into America's crime of the century, must rank number one.

The autopsy was conducted in a military facility under military command. Five Secret Service or FBI agents

### The failure to dissect and track the back wound is perplexing

were in the room. One roll of film of photos taken by a medical corpsman during the autopsy was seized by a Secret Service agent and ruined by deliberate exposure to light.

Because the presence of the anterior neck wound was not known or discovered at autopsy, no attempt was made to overcome the problems created by the tracheostomy and to examine it. The failure to communicate with the attending physicians in Dallas is perplexing. Even more so is the failure to dissect and track the back wound, especially since no exit wound was evident and x-rays showed no bullet.

In cases of gunshot wounds in the head, the routine procedure is to take coronal sections through the brain. This was not done.

The transcript of an executive session of the Warren Commission for January 27, 1964, shows that the members at that time—two months after the assassination—were under the impression that the throat wound was caused by a bullet *fragment*. From this transcript, which was withheld from the public for more than 10 years, it becomes evident that the Commission at that time did not have the autopsy report later published. What they apparently did have was an earlier and much different version. Why would an autopsy report be changed?

On August 23 and 24, 1972, I was the first pathologist outside the government to be allowed to inspect the

autopsy evidence in the National Archives in Washington, D.C. This evidence, however, does not include the brain or the sections prepared for microscopic examination. Nor were the sections taken through the skin at supposed wound sites on the scalp and upper back available. These items are described in the supplemental autopsy report in volume 16 of the Warren Commission Exhibits. Color photographs taken of the interior of the chest also are missing. Their existence was indicated in testimony by Commander James J. Humes of the government autopsy team. The path of the bullet that purportedly passed through the upper back could be determined from these photos.

Even without these mysteriously missing items, however, the single bullet theory cannot be sustained. In three previous articles, I have discussed the scientific evidence that points to the use of two rifles, to the shots being fired from points farther west in the Texas School Book Depository Building than indicated by the Warren Report and from two different floors, and to the improbability that the same bullet that passed through President Kennedy's shoulder and trachea also struck Governor Connally's back, broke his rib and wrist, and hit his femur.

The available medical evidence shows that all shots were fired from the rear. It also indicates that one bullet hit the President's shoulder and another his head. On the basis of available data, no conclusion is possible as to whether any of the bullet specimens were part of the fatal missile that struck the President's head.

One nearly intact bullet was recovered from under a stretcher at Parkland Hospital and two bullet fragments were found in the Presidential limousine. In addition, "smears" from bullets were evident on the car's windshield and on a nearby curb. Analysis revealed that both smears were composed of lead.

The Warren Commission concluded that the nearly intact bullet had struck both President Kennedy and



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## The bullet was recovered in a remarkably unscathed condition, losing only about 2.5 gm over its bone-shattering course

Governor Connally. After passing from a point approximately 4.5 cm to the right of the spine's midline and some 6 cm below the lowest crease of the back of the President's neck, this bullet is said to have exited at the midline of the throat, some 15 cm away. Upon exit, it singed the left edge of Kennedy's tie knot. Then, if the Warren Commission conclusion is to be believed, the bullet made an acute right turn in midair to strike the far right side of Governor Connally's back near the axilla. It fractured the right fifth rib and exited just below the right nipple. Next, it is said to have struck 5 cm above the wrist joint and exited 2 cm from the wrist crease on the palm side, leaving behind a comminuted fracture of the right radius. Finally, this single bullet is said to have pierced Connally's left thigh, and a small metal fragment (revealed by x-ray) lodged in the femur.

The single bullet said to have done all this, it must be stressed, was recovered in a remarkably unscathed condition. It weighed approximately 159 gm. This means that along its bone-breaking route, it had lost only about 2 to 2.5 gm, an unlikely condition after such a course. X-rays of the chests of both men and of the right wrist and left thigh of Connally show metallic fragments, indicating that the bullet or bullets lost mass over the course. Based on my extensive experience as a forensic pathologist, I am certain that such a trail of fragments in four locations in two different persons could not add up to the small amount of metal missing from the recovered bullet.

Furthermore, the upper 2 cm of the bullet (nose and midportion), which was fully jacketed in copper, exhibit no gross, visible deformities, areas of mutilation, or loss of substance. One small piece was removed from the jacket for spectrographic analysis by the FBI, according to a notation in the records. There is no other deformity in the upper two-thirds of the bullet. A minimal flattening is evident in the lower third and perhaps there was minimal outpouring of the inner lead core onto focal portions of the copper rim at the base. Could a bullet that had caused as much damage as this one is reputed to have done remained in this condition? I am certain it could not. It would have been more deformed and scarred and would have lost more substance. I am convinced of this particularly because one of the bones shattered was the distal end of the radius, a very dense bone, especially in a man the size of Governor Connally, who is 6' 4" tall.

In addition to this bullet, two copper fragments of bullets were found in the front of the car. No report has

even been made public as to whether these two fragments were part of the same bullet or from two separate ones. Such determination could have been made by neutron activation analysis. Such tests, in which a specimen is irradiated in a nuclear reactor and the induced radioanalysis assayed, apparently were done at the Atomic Energy Commission in 1964. These studies are alluded to in a letter written by FBI Director J. Edgar Hoover on July 8, 1964. Why were the findings derived from this highly sensitive testing method not made public for more than nine years?

The angles of the back wounds in the two men also deserve attention. On the basis of wound lines postulated by the 1968 review panel, I calculate that Kennedy was struck by a bullet travelling downward at an angle of 9.5 to 13.5 degrees relative to the horizontal plane and right to left at an angle of 15.5 to 19.5 degrees relative to the sagittal plane. Witnesses before the Warren Commission estimated that the bullet that hit Connally was traveling at a downward angle of 25 degrees and right to left at 20 degrees. On the basis of these calculations, I believe that shots striking the two men were fired from different windows and that neither originated where the rifle was found.

Tests of the rifle found in the Texas School Book Depository have demonstrated that it could not be refired in less than 2.3 seconds. Governor Connally was wounded less than two seconds after President Kennedy was struck in the back. This, undoubtedly, is why the Warren Commission came up with the single-bullet theory. It was the only way to explain away the rifle firing lag.

My questioning by a commission staff member was detailed and tenacious; in fact, the questions were much more in the form of cross examination than simple elicitation of direct testimony. I have written Vice President Rockefeller that I shall be most interested to learn whether the transcript of depositions will reveal the same manner of questioning of other persons called, particularly those whose avocational research has led them to concur with the Warren Report.

Why are the transcripts not being made public? Why was the original autopsy report revised? Why are known data and materials not being utilized to solve the case? Why must the official explanation remain that a lone assassin fired two or three shots and that a single bullet traveled an impossible course and emerged virtually unscathed? Is a conspiracy being concealed? ■

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