

Mr. DeLoach

November 9, 1966

Mr. Rosen

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ASSASSINATION OF PRESIDENT  
 JOHN FITZGERALD KENNEDY  
 NOVEMBER 22, 1963  
 DALLAS, TEXAS

SYNOPSIS

Warren Commission

A three-hour television program entitled, "A Re-examination of the Warren Commission Findings: A Minority Report," will be telecast over WNBC-TV, New York, New York, on 11/12/66, at 9 p.m. This program will be aired over WTTG-TV, Channel 5, Washington, D. C., 8 p.m., 11/12/66. This television program will be a panel-type show and participants are Jacob Cohen, Penn Jones, Mark Lane, Leo Sauvage, and Harold Weisberg. The moderator for this show is Jim Bishop. The New York Office, through established sources, obtained a transcript of this show which was recorded August 30, 1966, and it has been reviewed.

Mark Lane, Leo Sauvage, Harold Weisberg, and Penn Jones have all written books critical of the findings of the President's Commission and these individuals have been the subject of previous memoranda showing that their theories, observations, and writings in many instances were prepared out of context and did not reveal the true picture. This television show furthers their efforts to cloud the issues. They have developed no new information or new evidence which indicates that any individual or group of individuals was responsible for the assassination of President Kennedy other than Lee Harvey Oswald.

Mr. Jacob Cohen said he is a defender of the Commission, however, in some instances, he is critical and contends that some portions of the President's Commission Report are carelessly argued. Based on the information furnished, Mr. Cohen was not identified in Bureau files. The moderator of the show, Jim Bishop, is on the Special Correspondent's List and commented he is the only one on the show who "agrees with the Warren Commission Report as it stands."

Throughout the panel discussion, several points are taken up. These include events leading to the assassination; the "climate" in Dallas at the time and whether it was dangerous

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for the President; the question of ownership of the assassination rifle; the question of the identification of the assassination rifle by the Dallas Police Department when it was first found on the sixth floor of the Texas School Book Depository Building; the accuracy and the capacity for firing of the assassination rifle; and the validity of various photographs and movies that were obtained and taken during the assassination.

The FBI was mentioned in several instances. For example, Crville Kix was one of the bystanders who photographed the motorcade in Dallas and the film he took, plus his camera, was utilized to establish the sequence of events of the assassination at the re-enactment. Lane alleged the "Kix" film was ruined by the FBI and that the camera was also destroyed by the FBI. These allegations are absolutely false. The autopsy of the President is discussed and mention is made of the report submitted by Bureau Agents who witnessed the autopsy examination performed on the President at Bethesda Naval Hospital. It is stated that the report prepared by our Agents was "a very imprecise document" and "it's a very incomplete document." Our Agents accurately and completely reported the opinions expressed by the attending autopsy physicians.

Fenn Jones, a Texas newspaper editor, expounds the theory there is something sinister in the fact that at least 16 people are now dead who he alleges had some extra knowledge or connection with Lee Harvey Oswald. He suggests that Dorothy Kilgallen's death could be part of an over-all plot to kill persons connected with the assassination. Kilgallen was a former newspaper columnist who was granted an exclusive interview with Jack L. Ruby by Chief Justice Warren. She allegedly died from a toxic combination of barbiturates and alcohol.

No new evidence was introduced during this television show and each panel member endeavors to support his own theories and observations. This television show will be recorded by the Laboratory Division and thereafter will be reviewed by the Domestic Intelligence Division, the General Investigative Division, and the Laboratory Division to determine if there is any deviation from the taped script the Bureau received.

ACTION:

For information.

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SEE DETAILS

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DETAILS:

A three-hour television program entitled, "A Re-Examination of the Warren Commission Findings: A Minority Report," will be telecast over WABC-TV, New York, New York, on 11/12/66, at 9 p.m. This program will be aired over WTTG-TV, Channel 5, Washington, D. C., 9 p.m., 11/12/66. This television program will be a panel-type show and participants are Jacob Cohen, described as "historian, author of the article, 'The Missing Documents,'" Penn Jones, "Editor, the Midlothian Mirror, and author of 'Forgive My Grief,'" Mark Lane, "attorney, and author of 'Rush to Judgment,'" Leo Sauvage, "correspondent for Le Figaro, and author of 'The Oswald Affair,'" and Harold Weisberg, "author of 'Whitewash: The Report on the Warren Report.'" The moderator for this show is Jim Bishop, syndicated columnist.

The New York Office, through established sources, obtained a transcript of this show which was recorded August 30, 1966, and it has been reviewed.

Four of the five authors participating in this show, namely, Mark Lane, Leo Sauvage, Harold Weisberg, and Penn Jones, have been critical of the findings of the President's Commission and have all published books setting forth their opinions and observations based on the Commission's findings. In this show, they continue to pursue their allegations that a conspiracy was involved in the assassination of President Kennedy; that the President's Commission ignored witnesses and evidence, manufactured evidence and destroyed evidence to reach their conclusions; there is nothing to show that Oswald was the assassin of President Kennedy; and, several individuals who were interviewed in Dallas, Texas, relating to the assassination have died under mysterious circumstances. Memoranda concerning comments made by these individuals relating to the assassination have previously been prepared and it was determined allegations made were without foundation or substance and in each instance, it was found they developed no new evidence which indicated that any other individual or group of individuals was responsible for the assassination of President Kennedy other than Lee Harvey Oswald.

Mr. Jacob Cohen said that by and large, he is a defender of the Commission and "what I defend, rather what I am convinced by, is that there is one and only one assassin." He said he did not defend the Commission against the charge that "in some of its joints, it is rusty, and that some of the report

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is carelessly argued." As indicated there are documents which the Commission never saw which are pivotal in its argument and, if they were made public now, could effectively verify or silence some of the theories of his colleagues on the show, referring to Leno, Sauvage, Weisberg, and Jones. Based on information furnished concerning Cohen, he was not identified in Bureau files.

The moderator of the show, Jim Bishop, is on the Special Correspondent's List and has said that he is the only one on the show who "agrees with the Warren Commission Report as it stands."

Throughout the panel discussion, several points are taken up such as the events leading to the assassination, the climate in Dallas at the time of the assassination and whether it was dangerous for the President, ownership of the assassination rifle, the various photographs and movies that were taken and obtained during the investigation, the question of the erroneous reporting of the assassination rifle when it was first found on the sixth floor of the Texas School Book Depository Building, and the accuracy and capacity of firing of the assassination rifle. The autopsy of the President is discussed and in this respect, the FBI has been criticized, especially in connection with the observations of Special Agents Sibart and O'Reilly who promptly submitted their FD-302 as to what information was furnished to them by the autopsy physicians. The panel indicated this document was "a very imprecise document" and also that "it's a very incomplete document." This comment is without justification, as when the autopsy was conducted, the autopsy physician, Commander Hymas, was not aware a bullet had passed completely through the President until he confirmed his theory on the following morning, 11/23/63, that an exit wound appearing in the front of the President's throat had been obliterated by a tracheotomy performed on the President at Parkland Hospital, Dallas, Texas.

The television script that we received is 131 pages in length. Some specific comments have been withdrawn to point out the inaccuracies and inconsistencies that exist among these panelists. On page 10, Mark Lane referred to a photograph of Lee Harvey Oswald which shows him holding a rifle and he mentioned that Special Agent Shaneyfelt testified this picture had been altered and doctored. This statement is out of context

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CONCLUSION-OVER

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SA Special Agent Shaneyfelt testified before the Commission that this photograph had been "retouched" prior to publication in various magazines and newspapers and further the Commission determined the newspapers and publications retouched the photograph themselves and it was not the Bureau.

On page 21, Weisberg commented to the effect the assassination rifle reached the Laboratory without any sight on it, that the sight was in an inoperative condition, and that the sight could never be made to operate. The rifle was received in the Laboratory and the telescopic sight was attached loosely to the rifle, but it is not known what condition the rifle and telescope combination were in at the time of recovery by the Dallas Police Department.

On pages 25, 26, and 27, comments are made by both Leo Savage and Mark Lane regarding the ammunition for the assassination rifle. They were exploring the availability and reliability of the ammunition used. Lane commented the Winchester-Western Company sent a letter in which they said because the ammunition was old, it is now of questionable reliability. The moderator, Jim Bishop, commented, "Didn't the FBI test fire this thing the following day, Saturday?" to which Lane replied, the Government did test the weapon "with this old Italian carbine ammunition ..."

The ammunition of the type mentioned was available in Dallas, Texas. Ammunition was used and test fired on numerous occasions by the FBI Laboratory and was found to be in excellent physical condition in every respect. Chronograph tests showed it to perform according to the specifications of the manufacturer. In addition, Special Agent Robert A. Frazier of the Laboratory Division, testified effectively regarding this matter, including the firing and accuracy of the assassination rifle, before the President's Commission on 3/31/64, which clearly established the weapon was a useful weapon. This information is contained in Volume III of the Hearings Before the President's Commission on the Assassination of President Kennedy, commencing on page 390.

A point is also made by the panelists concerning whether or not Lee Harvey Oswald was present in the window of the Texas School Book Depository Building from which the shots were fired. The President's Commission relied on Mr. Howard L. Brennan, yet the critical panelists attempted to discredit him

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saying that he lied and also attempted to point out that due to the position of the sun, the height and opening of the window, it was questionable whether Brennan actually did see Oswald. They also go into considerable detail whether or not Oswald was standing or in any other position, however, with all the observations the panelists made, Brennan did identify Lee Harvey Oswald even though he later admitted he withheld information due to fear that reprisals may have been taken against him and his family. The Commission went into this phase thoroughly and is explained when Howard L. Brennan testified before the Commission on 1/24/64, which information appears in Volume III of the Hearings Before the President's Commission on the Assassination of President Kennedy, beginning on page 140.

The panelists have tried to make a big issue out of the fact that numerous witnesses did not testify before the President's Commission. It must remain in mind that although numerous witnesses did not appear before the President's Commission itself, which comprised only seven members, these witnesses were interviewed by either the Assistant Counselors or staff members, and their testimony was officially recorded.

The panelists, and especially Mark Lane, discussed at great length the findings relating to the autopsy as to whether the wound appearing in the front of the President's throat was an entrance or exit wound. Lane has, and continues, to attempt to defend his theory that shots also came from another location other than the Texas School Book Depository Building which in reality would bolster his theory that two or more assassins were involved in the assassination of President Kennedy. In this respect, Mr. Jacob Cohen, who has assumed the position of defending the President's Commission, made a clear rebuttal to these allegations.

On pages 59 and 60 reference is made to the Zapruder film which is the film taken by Mr. Abraham Zapruder and reveals the President being struck by the lethal bullet. Mr. Weisberg has contended this film was spliced and that some of the frames were removed, that this was corruption and destruction of essential evidence. Lane, during the discussion, said they were not charging Mr. Zapruder with suppressing the frames in this film, but, "we're charging the Commission."

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On pages 61a and 62, Lane refers again to the "Orville Nix film" and alleges the film was ruined by the FBI according to information Nix furnished to Lane. Lane said that "several frames were missing" from the film and alleges "it was the ruined film, the altered film, which was shown to the Commission." This allegation is completely false and again displays the irresponsible approach Lane and the other panelists have taken in furthering their own theories.

The Nix camera was not destroyed by the FBI Laboratory as Lane alleged, as it was used during the re-enactment at Dallas and was working properly at that time and was in good operating condition when it left the Laboratory and was returned to Mr. Nix.

In connection with other photographs, Lane had made reference to a photograph made by Phillip Willis at the assassination scene approximately five minutes after the shots were fired and states that one of the pictures taken by Willis revealed an individual in the background possibly identical to Jack Ruby. Lane alleged the Commission "cropped" the portion of the picture showing this individual at the time the Commission's exhibit was published. The Bureau has no knowledge of any altering or cropping of referred to pictures. The Commission determined that Jack Ruby was at a location other than the Texas School Book Depository Building when the President was shot.

On pages 64 to 66, Lane and Melberg both claim that someone mutilated a photograph found in Oswald's effects portraying an automobile parked in the driveway of General Walker's residence. Lane claimed someone deliberately made a hole in the photograph to remove the portion showing the license plate of the car. This photograph was Commission exhibit 5, which was seized by the Dallas Police Department in its search of Oswald's effects and was turned over to the FBI with other evidence in the case. This photograph was in a mutilated condition when received by us and it appears Oswald himself mutilated the photograph to eliminate the possibility of anyone identifying Walker's residence through identification of the car parked in the driveway.

The panelists discuss the arrest of Oswald and his subsequent appearance in a lineup at the Dallas Police Department. Leo Sauvage said "the whole implication by lineup have absolutely no validity." Following this statement, Mr. Bishop, the

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moderator, said you, referring to Sauvage, "are then in a position of throwing out the things which do not agree with your thesis and accepting only those which embrace you." Further discussion along this line was resolved by Mr. Bishop who said to Sauvage "then you would throw out the five witnesses" and Sauvage said "completely."

On page 80, Weisberg alleges Special Agent James P. Harty, Jr., did not stay for the interview of Oswald on 11/22/63 at the Dallas Police Department. Special Agents James P. Harty, Jr., and James W. Bookhout were present during an interview of Oswald which interview was conducted by Captain Will Fritz of the Dallas Police Department on 11/22/63. Both Agents identified themselves and advised Oswald of his rights. On 11/23/63, these Agents prepared an FD-302 which contained the results of the interview which was in accordance with Bureau policy in reporting interviews of subjects in Bureau investigations. This FD-302 was included as pages 90 and 91 of the report of Special Agent Robert P. Gembarling dated 11/30/63 at Dallas and copies of this report were disseminated to the President's Commission.

On page 83, Lane alleged the FBI said they heard Oswald comment he was having lunch with two Negroes on November 22, 1963. Lane, in trying to make a point that investigators disagreed on highly pertinent interrogation reports of Oswald, said that the Secret Service said Oswald stated he was alone having lunch on 11/22/63, whereas the FBI said they heard Oswald say he was having lunch with two Negroes.

Lane's statements on this particular point are without question absolutely false. Special Agent James W. Bookhout participated in a subsequent interview of Oswald on 11/22/63, at which time Oswald stated he had lunch in the lunchroom at the Texas School Book Depository building alone, but recalled possibly two Negro employees walking through the room during this period. The results of this interview were recorded in an FD-302 dated 11/25/63 which was included as pages 99 to 102 of the report of Special Agent Robert P. Gembarling dated 11/30/63.

Lane also alleged that FBI Agents followed him all over the country and recorded every word he said as revealed on pages 83 and 84. At no time did we conduct surveillance of Lane.

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Lane traveled extensively throughout the United States and Europe denouncing the work of the Warren Commission and attempted to show others were involved in the assassination of President Kennedy and Police Officer Tippit. These wild allegations caused members of the Warren Commission deep concern and on 2/15/64, Mr. J. Lee Rankin, General Counsel of the President's Commission, requested the Bureau to make arrangements to have talks and meetings of Mark Lane recorded where possible. This was done through cooperation of various sources and the tape recordings were furnished the Warren Commission as obtained.

On page 29, Mark Lane misrepresents what one witness reported regarding the General Walker incident. Lane claimed that Walter Kirk Coleman, neighbor to General Walker, heard a shot the night someone shot at General Walker. Lane stated Coleman reported he saw a man, carrying what appeared to be a rifle, jump into a car, put the rifle on the floor, then drive away. Lane claimed the Commission completely ignored Coleman's information and didn't even list Coleman's name in its index to the report. Coleman was interviewed at the Dallas Police Department following the incident and said he heard what appeared to be a shot from a shotgun and did see an unknown male enter an automobile and speed away. Coleman made no reference to any rifle. This record was reviewed at the Dallas Police Department by one of our Agents and was recorded and is revealed in the report of Special Agent Robert P. Gamberling dated 12/10/63 on pages 461 and 462. Copies of this report were disseminated to the Commission.

Contrary to what Lane infers, Coleman's name is indexed in Volume XV of the Hearings Before the President's Commission on the Assassination of President Kennedy.

The panel discussed at length the single bullet theory, referring to the bullet that struck the President in the back, exited out the front, struck Governor Connally and was subsequently recovered at the Parkland Memorial Hospital. This is Commission exhibit 397 which Lane continually refers to as a pristine bullet. Lane has said "that bullet, insofar as I'm concerned, looking at the evidence, is totally unrelated to the assassination. I see nothing which relates it, and the Commission's ludicrous tale." He then goes on as to what the

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Commission said regarding this bullet in an attempt to prove this same bullet could not have struck both the President and Governor Connally. This eventually leads into the autopsy report and comments are made regarding Commander Hines, who admitted he destroyed his original notes of the autopsy and by doing so, the penelists are attempting to establish some kind of sinister conspiracy. They discuss the accuracy of the drawings showing the entrance wounds on the back of the President and Lane questions their validity as they were only artist's conceptions because the Government was never to look at the original photographs and X-rays taken at the time of the autopsy.

Mr. Cohen, who has been defending the President's Commission, describes these drawings very pointedly. Lane at that time asked whether FBI Agents were present when the autopsy was conducted. This conversation leads to the report of Special Agents Francis X. O'Neill, Jr., and James W. Sibert, which accurately reported what Commander Hines told them prior to the time he determined the bullet which struck the President in the back had passed completely through his body. Mark Lane read this report practically verbatim and Mr. Jacob Cohen commented that it was obvious there was a discrepancy between the autopsy report which was written by Commander Hines on 11/24/63 and our report. He said the FBI report, or document Lane had been quoting from, is a document written by two FBI men who were present during the autopsy. Cohen said, "it is a very imprecise document. It's a very incomplete document." He also said the report has no reference to a hole, entry wound, in the throat, and it is clearly based upon "what O'Neill and Sibert of the FBI overheard in the autopsy room that night." Further, Cohen mentioned our Agents are not medically trained and that they made countless errors in their interview.

Although Cohen has been defending the Warren Commission throughout this panel discussion, his comment in respect to our Agents and our reporting is strictly opinionated and not factual, as our Agents accurately reported the information that was furnished to them. Although Cohen stated that the doctors revealed in the autopsy, a bruise on the top of the President's lung, and after conferring with the doctors on Saturday in Dallas, "concluded on the basis of all of the evidence, and out of ear shot and in view shot of the FBI concluded that this bullet had exited from the throat. All I'm saying is...I don't want to shock you now, the FBI made a whooper of a mistake when it thus summarized that autopsy finding."

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This is a completely irresponsible and untruthful statement as the doctors did not establish for certain that bullet had passed through the President until Dr. Humes' theory was confirmed by his telephone call with Dr. Forry in Dallas, Texas, on 11/23/63, following the completion of the autopsy. When the autopsy was completed on the night of 11/22/63, our Agents left and were not apprised of the doctors' theories and the Bureau was not aware of the final autopsy results until received on 12/23/63. Therefore, the comments made by Cohen are without qualification.

It is noted the panelists make reference to the fact the Government suppressed the x-rays and photographs taken during the autopsy. Since the time this show was recorded, these photographs and x-rays were made available to the National Archives and have since been reviewed by Commander Humes who has publicly stated they support his original conclusions reported to the President's Commission.

During the latter portion of the program, Mr. Penn Jones, Editor of the "Midlothian Mirror," commented and expounded the theory there is something sinister in the fact that at least 14 people are now dead who he alleges had some extra knowledge or connection with Lee Harvey Oswald or Jack L. Ruby. He even mentioned Dorothy Kilgallen, who spoke to Jack L. Ruby during his trial. This is pure speculation as there has been no evidence or information developed either during the investigation of the assassination or subsequent thereto, that any person mentioned by Penn was a part of a sinister conspiracy or that Jack L. Ruby was part of any conspiracy.

Throughout the script, it is apparent that an argumentative atmosphere exists among members of this panel, especially between Weisberg and Cohen. Nothing was proven and panel members who have been critical of the President's Commission in the past were each trying to prove their own points. At the end of the show, Jim Bishop, the moderator, commented that he finds himself in disagreement with the other panel members. He indicated that when he writes his book, which may be in two years, that unless evidence to the contrary presents itself between then and now, he will support the Warren Commission Report and that Lee Harvey Oswald "did it, and did it alone." This television show will be recorded by the Laboratory Division and thereafter will be reviewed by the Domestic Intelligence Division, the General Investigative Division, and the Laboratory Division to determine if there is any deviation from the taped script the Bureau received.