JL- Hold this for a free moment after the May stuff. You and - ... other after the District ... call today when I hollered "hey!" too late to tell you. In today's mail was a marked-up copy of Cyril's piece in October's Modern Medicine. I read it while I was resting after our first conversation and before I went back into the woods. If you had not been so busy you might have wondered why your old pal, colleague and office-mate Bob Smith hadn't sent you a copy, huh? You think maybe Bud doesn't have it? Only you don't, I think. My suggestion is that when you have the papers filed you drop Bob a simple note telling him you understand Cyril wrote such a piece and could you please have a copy of it and the correspondence you are told it concludes by saying Cyril made public. If he fails to send you a copy you can copy mine, but I think it would be better if you read it without the markings of two others to influence your impressions. It would not be fair to give you no hints at all, so one is that the Archives, out of the overflowing goodness of their hearts only, made the 1/27/64 transcript available and it is available to their knowledge only at the Archives. Says Cyril, with or without ghost. And he has been persevering- saying he alone- to get the spectrographic analysis. From this article there were no freedom of informations suits, only Saxbe mentioned something about such a law to Cyril. I think I owe it to you to prepare you for a brave new world, that by 10/74 Cyril had concluded - in the sense of he alone, "I" being the most common word in this piece - that the DJ has actually been engaged in a cover-up. Cyril has just discovered it. Noble man! MW 12/7/74

Commentary

New evidence rekindles old doubts

JFK assassination: 'a prolonged and willful cover-up'

Cyril H. Wecht, M.D., J.D.

Two years ago in this journal,[1] I wrote that the assassination of President John F. Kennedy in 1963 simply did not happen the way the Warren Commission said it did and that my own examination of the available records and the autopsy photographs and x-rays at the National Archives had led me to conclude that more than one person had been involved in the shooting. I described several irreconcilable flaws in the "single-bullet theory" of the *Warren Report*, the hypothesis that both the President and Texas Governor John Connally had been hit by the same bullet early in the shooting. The Commission used the theory to accommodate no less than four separate penetrating wounds in the two men by means of a single shot and thus avoided the evidence of more than one assassin.

I cited a number of serious errors and omissions in the autopsy procedure itself, as well as the fact that some of the most important items from the autopsy, items that were definitely known to exist and that had played an essential role in the autopsy findings, had not been made available to me despite my repeated requests.

Finally, I pointed out that it was still possible to resolve some of the critical questions about the assassination if the government would make available the missing autopsy materials and certain other scientific test data, specifically the spectrographic analyses of the bullet fragments recovered in the FBI's investigation of the case. I also suggested that the government should conduct neutron activation analysis (NAA) of these bullet fragments as a further aid to determining their origin.

Since then, the government has not changed its position on release of these materials. On the other hand, additional facts have come to light that add considerable emphasis to the points made earlier. The net result is that I can say today—with even more confidence—that the Warren Commission did not solve this case. Moreover, I now believe that there has been a prolonged and willful cover-up of the Commission's failure by the government.

Early in 1973, within two months after my article[1] appeared, the government released, for the first time, a considerable volume of correspondence that had passed between the Warren Commission and various governmental agencies during the period when the Commission was still deliberating on the case. This material previously had been withheld from public view, although it apparently had been on file at the National Archives since 1964. The material had not been classified and it is not clear just why it should ever have been withheld. Neither is it clear why the government suddenly

Dr. Wecht is coroner of Allegheny County (Pittsburgh), Pennsylvania, clinical associate professor of pathology at the University of Pittsburgh School of Medicine, and research professor of law and director of the Institute of Forensic Sciences at Duquesne University School of Law.

chose to release it at that particular time, although some parts of it, as I shall show, are directly relevant and seemingly responsive to the point I had made about the need for the spectrographic analyses and NAA of the bullet fragments.

Buried within this volume of correspondence are three letters from FBI Director J. Edgar Hoover to J. Lee Rankin, then general counsel to the Warren Commission, discussing various aspects of the FBI's examinations of the bullet fragments. These letters, bearing various dates from February to July 1964, contain references to previous inquiries by Rankin and are evidently in response to the Commission's requests for technical information about the FBI's identification of the bullet fragments. Two of the three Hoover letters, in fact, make specific reference to the spectrographic analyses of the lead portions of certain of the fragments, reporting that the compositions of some of these fragments were "similar" or that "no significant differences were found within the sensitivity of the spectrographic method."

Resolving critical questions

This, in principle, is exactly the kind of information I had in mind when I wrote that such data are vital to resolving some of the critical questions about the assassination. Thus, if it had been found that the composition of the lead in the fragment recovered from Governor Connally's wrist wound was indistinguishable from the composition of the lead in the nearly whole bullet found at Parkland Hospital (Commission Exhibit [CE] 399), that fact alone would lend strong support to the single-bullet theory, since under that theory the Commission had postulated that all of the nonfatal wounds of both the President and the Governor had been inflicted by CE 399; whereas, if the compositions were significantly different, the single-bullet theory would have to be abandoned, independently of the other reasons I cited in the November 1972 article.[1]

Unfortunately, the FBI's spectrographic analyses as described in the Hoover letters do not appear to have included that particular comparison; at any rate, it is not reported. One can find statements that the fragment from Connally's wrist was "similar in composition" to a certain fragment found in the front of the car (CE 567), which is believed to have been part of the bullet that caused the President's head wound (an implied origin of Connally's wrist wound that the Commission considered but rejected); however, one looks in vain for a direct statement about the critical comparison between the Connally wrist fragment and CE 399.[2] Nor does one find any statement at all comparing the *copper* portions of the fragments, although there were two large fragments, CE 567 and CE 569, found in the front of the car, both with substantial copper portions that could and should have been compared to determine whether they had originated from the same bullet or from two separate bullets. The latter is a question of considerable importance in attempting to determine the number of shots fired and what happened to them, but the Commission was forced to leave it unanswered[3] and we still do not know the answer today.

it turns out that the government has not given us the full story on the bullet analyses

However, despite the incompleteness of the FBI's spectrographic comparisons, the Hoover letters on the bullet analyses might appear to lend some support to the Commission's lone-assassin conclusion. After all, the several fragment compositions that *were* compared and reported were found to be "similar" and that suggests, in the FBI's cautious semantics, that all the fragments came from a common source and thus, presumably, from the same gun. Is this not a sufficient answer to me and other critics? So why don't we just shut up and leave the *Warren Report* alone?

It is not a sufficient answer and we are not going to shut up. Aside from the flaws in the single-bullet theory—which I cited and which are still unrefuted two years later—it turns out that the government has not given us the full story on the analysis of the bullet fragments. When I wrote the previous article, I did not know that NAA of any of the fragments had been performed.

Sensitivity of NAA

A few words are necessary here to describe the general nature of NAA and why it is so valuable. The technique involves irradiation of a specimen in a nuclear reactor, followed by detection and analysis of the induced radioactivity. Particular elements in the specimen produce a characteristic radiation pattern, and this permits the determination of the elemental composition of the specimen in great detail, considerably more so than by spectrographic analysis, for example. Trace elements can be detected and measured down to parts per billion or even less in somes cases.[4] Thus, different

. . . Hoover's letter to Rankin is a masterpiece of tactful palliation . . .

specimens of paint, paper, metals, and many other substances can be analyzed and compared to determine whether they have a common origin, for example, whether a certain flake of paint came from a particular automobile. It is one of the most powerful and sophisticated forensic science methods ever developed, and its uses are growing.

No reference was made to such NAA tests of the bullet fragments in the *Warren Report* or in any of the accompanying 26 volumes of testimony and exhibits.[5] I had therefore assumed that it had not been conducted, for surely it would have merited mention in the *Warren Report* if the Commission had been aware of it. After all, determination of the origin of the various fragments was one of the most crucial considerations in the Commission's reconstruction of the shooting, and even the Commission itself was well aware that its reconstruction had some uncertainties in it.[6]

I was astonished to discover, then, that one of the newly released Hoover letters to Rankin disclosed that NAA had indeed been conducted on several of the bullet fragments, including CE 399 and the Connally wrist fragment, and that some differences in composition had been observed! The letter reporting this information to the Commission is dated July 8, 1964, and by that time the Commission was already committed to the single-bullet theory and the lone-assassin conclusion. In fact, the first draft of Chapter 3 of the *Warren Report*, the chapter that sets forth the single-bullet theory and the Commission's reconstruction of the shooting, had already been written by Arlen Specter and submitted to Rankin a month earlier.[7] Undoubtedly, the lateness in the availability of the NAA information played a role in the manner in which the information was presented to the Commission by the FBI: By July 1964, the Commission's staff had already missed one deadline for the final report and was being told by Rankin that, at that stage, it should be "closing doors, not opening them."[8]

In any case, Hoover's letter to Rankin announcing the NAA tests is a masterpiece of tactful palliation of the fact that some differences in composition were detected among the various bullet fragments. The language has to be read in its entirety to be appreciated, and so I quote the July 1964 letter verbatim:

> As previously reported to the Commission, certain small lead metal fragments uncovered in connection with this matter were analyzed spectrographically to determine whether they could be associated with one or more of the lead bullet fragments and no significant differences were found within the sensitivity of the spectrographic method.
>
> Because of the higher sensitivity of the neutron activation analysis, certain of the small lead fragments were then subjected to neutron activation analyses and comparisons with larger bullet fragments. The items analyzed included the following: C1 – bullet from stretcher; C2 – fragment from front seat cushion; C4 and C5 – metal fragments from President Kennedy's head; C9 – metal fragment from the arm of Governor Connally; C16 – metal fragments from rear floor board carpet of the car.
>
> While minor variations in composition were found by this method, these were not considered sufficient to permit positively differentiating among the larger bullet fragments and thus positively determining from which of the larger bullet fragments any given small lead fragment may have come.
>
> Sincerely yours,
> /s/ J. Edgar Hoover

Continued on page 40EE

. . . the autopsy report says nothing about the throat wound having possibly been caused by a fragment . . .

The final paragraph of the letter contains several nuances difficult to comprehend, but in any case, we know that some significant differences in composition were observed. That much is clear from comparison with the language used to describe the spectrographic results in the first paragraph. Moreover, if there had been a close match between the compositions of "C9" (the Connally wrist fragment) and "C1" (the stretcher bullet, i.e., CE 399), it is unlikely that Hoover's letter would have omitted mention of it, for such an observation would have been very helpful to the Commission's single-bullet theory and undoubtedly would have been useful in the *Report*. On the other hand, note that if the compositions of these two items had been found to be "positively" different, as I suspect they were, that fact would not be contrary to Hoover's conclusion as stated, because the Connally wrist fragment, C9, is not one of the "larger bullet fragments." (C9 weighed only 0.5 gr and was the smallest item among those tested.)

Semantic exercises aside, the Hoover letter is exasperating for its lack of detail and complete absence of any quantitative data. Nor is there any indication in any of the other available documents at the Archives that the Commission later asked for or received the details, probably because of the Rankin dictum that doors should be closed, not opened.

Shedding more light

Nor is this the whole story. In June of this year, another document was released that sheds still more light on the Commission's procedures and the history of the NAA tests. The transcript of the Warren Commission's executive session meeting of January 27, 1964—classified "top secret" and withheld for more than 10 years—is now available at the National Archives. It is an intriguing document for many reasons, although no part of it has any visible connection with national security.

This transcript shows that as of January 27, 1964, more than two months after the assassination, Rankin and the members of the Commission clearly are under the impression that the autopsy report then in their hands suggests that the President's throat wound had probably been caused by a *fragment* of a bullet, not a whole bullet and not CE 399. Moreover, Rankin expresses considerable bewilderment that the President's back wound, as Rankin understands it, is "below the shoulder blade" and thus *below* the hole in the front of the President's shirt where the bullet or fragment could have emerged. He and the Commission members then indulge in speculation as to just how these wounds in the President could have been inflicted by an assassin firing from a position *above* the President.[9]

On its face, this passage of the transcript might reflect no more than the normal early consideration of the evidence, before the final explanation had been found. The trouble is that the autopsy report published by the Commission[10] says nothing about the throat wound having possibly been caused by a *fragment* of a bullet. Neither does it note any problem about the relative elevations of the back and throat wounds nor equivocate in any manner whatsoever about the path of the bullet that purportedly caused these wounds. The autopsy report as published by the Commission concludes plainly that the "missile entered the right superior posterior thorax above the scapula," going on to add that this missile passed through the President's neck, leaving various indications of its passage allegedly observed by the autopsy team, and then "made its exit through the anterior surface of the neck." Now I submit that there is no way to misinterpret that conclusion, no way to be bewildered about the bullet's supposed pathway, and no way to imagine that this autpsy report somehow suggests that the throat wound had been caused by anything but a whole bullet. Yet, this is the autopsy report that Commander Humes testified that he had drafted on the morning of November 24, 1963,[11] and it is the "official autopsy report" that Hoover declared had been given to the FBI and the Warren Commission on December 23, 1963,[12] more than a month before this executive session of the Commission. There is only one possible inference: the Commission, as of January 27, 1964, did *not* have the autopsy report that was ultimately published as the "official" autopsy report. They had some earlier and obviously much different version of the autopsy report, and both Humes and Hoover were in error—to use the most charitable language for their statements.

Blunder or lie?

This is a sickening discovery, and it might be thought to confirm some of the worst suspicions ever expressed about the *Warren Report* and the integrity of those who produced it. I hope that it means no more than that the autopsy team had blundered

I am forced to conclude that the Justice Department is covering up the . . . failure to solve the case

badly and found it necessary to rewrite their report at a later date, with the Commission and the FBI consenting to a cover-up of that fact on the grounds that the later report was the correct one and that was all that mattered.

But this is still not all. In the same portion of the transcript, where Rankin is found casting about for some explanation of the President's wounds consistent with an elevated location for the lone assassin, we read that the bullet fragments had been sent in early January to the Atomic Energy Commission (AEC), "who are trying to determine by a new method . . . whether they [the fragments] are a part of one of the bullets that was broken and came out in part through the neck, and just what particular assembly of bullet they were part of."[13] The new method referred to by Rankin, of course, has to be NAA, as there would otherwise be no special reason to send the fragments to the AEC. There is no further mention of this test in any of the subsequent executive sessions of the Commission. The next time the subject appears in any of the available records is in the aforementioned Hoover letter to Rankin of July 8, 1964, almost six months later, when it was too late to be of any assistance to the Commission.

What could possibly account for this long interval between the AEC's receipt of the fragments for NAA testing and the FBI's carefully qualified report of the results? I believe there were two separate tests. I find no other way to account for the long lapse, since the test can be completed in a few days and the Commission obviously was in need of the results as soon as possible. If indeed two separate NAA tests had been conducted, what were the results of the first one and why was it necessary for the FBI to repeat it? Like so many other questions about the government's investigation of this case, no answers are available.

I have spent a great deal of effort over the past few months trying to get the NAA data from the FBI and the Justice Department. Alternatively, in lieu of the actual laboratory data, I requested the Justice Department to provide some definitive answers to the most crucial questions about the data. For example, I asked if the composition of the Connally wrist fragment did or did not differ significantly from that of CE 399 and if the copper portions of the two large fragments found in the front of the presidential car, CE 567 and CE 569, did or did not differ significantly. It has been a totally frustrating experience. I have three courteous letters from FBI Director Kelley and Attorney General Saxbe, but I have received no data, no answers to the questions, and no explanation for the denials except a reference to, of all things, the "Freedom of Information Act."[14]

I am forced to conclude that the Justice Department is covering up the Commission's failure to solve the case. If anyone has a more palatable explanation for these events, I should like to know what it is. In the meantime, I am going to continue to point out the government's blundering and hypocrisy about the case, and I am going to continue to insist that there was more than one assassin, based on the presently available evidence. □

FOOTNOTES

1. Wecht CH: Pathologist's view of JFK autopsy: an unsolved case. Mod Med 40:28-32, 1974. A fuller exposition of these observations and other details can be found in: Wecht CH, Smith RP: The medical evidence in the assassination of President John F. Kennedy. Forensic Sci 3:105-128, 1974.
2. The *Warren Report*, p 85, contains a statement implying, *inter alia*, that the Connally wrist fragment had been found to be "similar in metallic composition" to CE 399. This specific comparison, however, is *not* one of those reported by the FBI, and the reference for the statement cited in the *Report* does not support the implication.
3. *Ibid*,[2] p 85.
4. Morrison GH (Editor): Trace Analysis: Physical Methods. New York City, Interscience Publishers, John Wiley & Sons, 1965, chap 1.
5. There are, of course, a number of references to spectrographic analysis, e.g., *Warren Report*, p 85, and vol 5 of the *Hearings*, pp 59, 69, 73, and 74, so that there is no question that the Commission was aware of the importance of such comparisons.
6. *Ibid*,[2] chap 3, passim.
7. Epstein EJ: Inquest. New York City, Bantam Books, Inc, 1966, pp 22, 65.
8. *Ibid*,[7] p 83.
9. *Transcript, Report of Proceedings of the President's Commission on the Assassination of President Kennedy*, Washington, D.C., January 27, 1964, vol 5, pp 193-195 (available at the National Archives).
10. *Ibid*,[2] Commission Exhibit 387; also printed as Appendix IX in the *Report* itself.
11. *Ibid*,[2] vol 2 of the *Hearings*, pp 350, 372, 373.
12. *The New York Times*, November 26, 1966.
13. *Ibid*,[9] p 194.
14. My correspondence with the Justice Department on this matter was made available to the national media in June 1974 and was almost universally ignored. In the era of Watergate, efforts to clear up the mysteries of the Kennedy assassination apparently no longer merit the support of the news media.