THE BASTARD BULLET

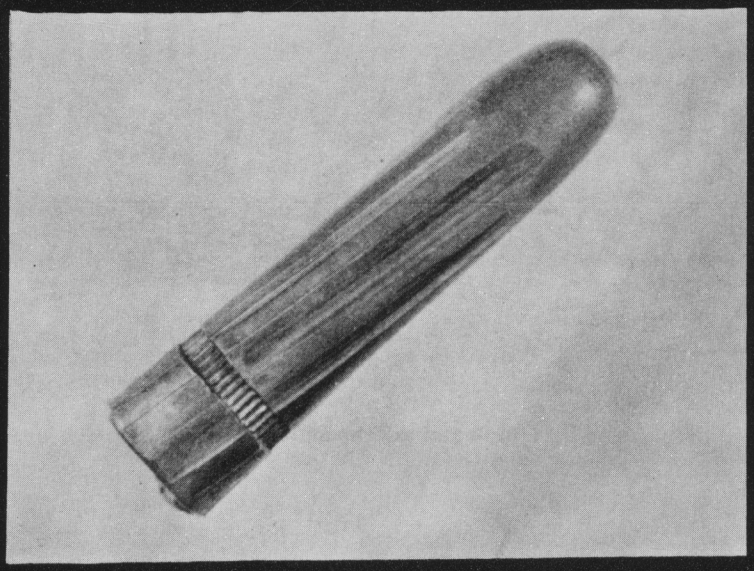
A SEARCH FOR LEGITIMACY

for

COMMISSION EXHIBIT 399

by

RAYMOND MARCUS



". . . In a scholarly and minutely detailed analysis the author demolishes a central and essential portion of the Warren Commission's case."

MARK LANE

"I FOUND THE ESSAY EXTREMELY INTERESTING AND READABLE."

Robert R. Kirsch
Book Editor, Los Angeles Times

ABOUT THE AUTHOR

Raymond Marcus has been engaged in researching various aspects of the assassination of President Kennedy since November 22, 1963, working primarily with the photographic evidence. He has served as a consultant to Ramparts, and is the author of an extensive study of Commission Exhibit 399 titled, "The Bastard Bullet: A Search for Legitimacy for Commission Exhibit 399.

He completed in March, 1965 his unpublished paper, "Hypotheses Re: The Zapruder Film," a detailed study which listed a series of conclusions indicating frames in this film at which bullets had struck the victims.* Marcus also proved that the FBI had mis-numbered frames 314 and 315, and had presented them in reverse order. If undetected, this "error," later admitted by J. Edgar Hoover, would have prevented proper study of the movement of President Kennedy's head after it was struck.

These findings were made available to other critics, and provided a basis for a number of important subsequent articles, including those in Life, November 25, 1966, and Ramparts, January, 1967. His discovery that Governor Connally's right shoulder dropped dramatically in Zapruder frame 238 proved that Connally had been struck by a separate bullet, and thus invalidated the Warren Commission's indispensible single bullet theory. This crucial finding, and his discovery that President Kennedy had been struck in the head almost simultaneously from two different directions, were the basis for the Saturday Evening Post's cover story, "Three Assassins Killed Kennedy," in the December 2, 1967 issue.

*JFK, 189-190, in throat; JFK, 226-227, in back; Connally, 237-238, in back; JFK, 313, in head from right front direction —subsequently amended to two shots to the head: from rear at 312-313, and from right front at 313-314.

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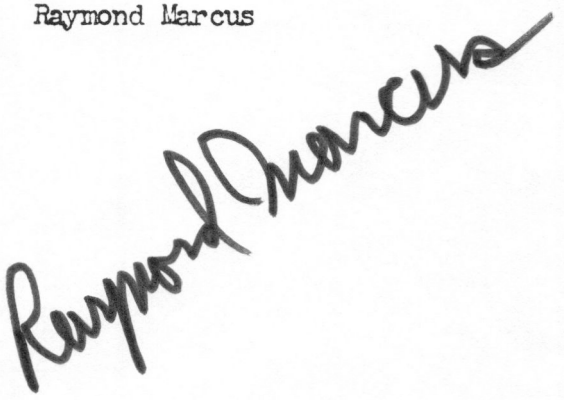

In the years ahead there will be many monographs written regarding specific areas in the evidence assembled for the Warren Commission. Each, examining the evidence carefully, may undermine one crucial area in the government's case.

Raymond Marcus' work, "The Bastard Bullet", is an excellent example of that which is to come. In a scholarly and minutely detailed analysis he demolishes a central and essential portion of the Warren Commission's case.

If Marcus is correct, the case against Oswald as the "lone assassin" collapses. Marcus is correct. The Commission's case, which appears surprisingly ill-based upon cursory examination, falls apart upon detailed examination. I know of no better illustration of that thesis than "The Bastard Bullet".

Mark Lane

COMMENTS BY LEADING WARREN REPORT CRITICS:

" . . . methodically documents the bizarre history of a most crucial piece of evidence . . . one cannot read this treatise without becoming firmly convinced of the impossibility of the Warren Commission conclusion, i.e.: that this is the bullet which penetrated both victims, causing severe wounds and fracturing bones."

Marjorie Field, independent researcher

" . . . an outstanding piece of research . . . . . should be required reading for all college Logic students, and all others interested in the assassination of President Kennedy."

Penn Jones, Jr., editor, Midlothian Mirror
author, "Forgive My Grief"

" . . . a masterful analysis of the stretcher bullet and collateral evidence -- a most impressive, well-argued study."

Sylvia Meagher, author,
"Subject Index to the Warren Report"

" . . . This work provides some essential raw material for the history of the Warren Report's short and unhappy life. It punctures the heart of the Commission's case . . . "

Vincent J. Salandria, attorney,
author

" . . . The Bastard Bullet is an important contribution toward understanding what really happened when President Kennedy was assassinated and how the Warren Commission's subsequent investigation went wrong . . . "

Harold Weisberg, author,
"Whitewash:
The Report on the Warren Report"

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first printing, 1000, July, 1966
second " , 50, May, 1990
third " , 100, July, 1992

"I never did get excited about minor inconsistencies such as an extra bullet."

Rep. Carl Albert, majority leader
House of Representatives

I am grateful to Lillian Castellano, Marjorie Field, and Sylvia Meagher for reading this manuscript and making valuable suggestions; and to Helen Rhodes for typing.

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I COMMISSION EXHIBIT 399 —. A BRIEF INTRODUCTION

The bullet designated by the Warren Commission as Commission Exhibit 399 has already gained a notoriety which assures it a place in history. This is so because the Commission itself attributed to this small missile, measuring little more than one inch in length and weighing less than one-half ounce, a performance upon which it rested its entire case against Lee Harvey Oswald as the lone assassin of President John F. Kennedy.

The Commission contends that this bullet, after having been fired from the Mannlicher-Carcano rifle from the sixth-floor window of the Texas School Book Depository, struck President Kennedy in the back at a point 5-3/8 inches below the top of his coat collar, and 1-3/4 inches to the right of the center seam; that it then exited from his throat at the neck-tie knot; then struck Governor Connally in the back near his right armpit; tore through his chest fracturing his fifth rib*; exited from below his right nipple; pierced his right forearm causing multiple fractures of the wrist bones, and leaving many metal fragments; entered his left thigh depositing two more fragments (one of which remains in his femur to this date); and then — spent by its labors — either immediately or at Parkland Hospital, became dislodged from his thigh and was found, so the Commission tells us, on his stretcher. R-92

A heavy workload indeed for the Commission's small missile. But if its workload was heavy, its trajectory was fantastic.

In order to strike Governor Connally's back at the point of his wound near the right armpit, the bullet, which would have been descending at an angle of approximately 20° if fired from the TSBD window, had to be R-102

*(and, although the Commission does not acknowledge it, leaving at least one metal fragment)

6/11/

deflected upward upon entering President Kennedy's body in order to exit from his throat at "the neck-tie knot"; and then, while still retaining virtually all its original velocity, be deflected again, this time downward and in mid-air before entering Governor Connally's back.*

Our first task shall be to test this key hypothesis of the Commission's; and to examine briefly the circumstances which caused it to rest its case on so vulnerable a proposition, despite overwhelming contrary evidence attested to by eye witnesses, Governor Connally himself, medical and ballistic testimony, the relative positions of the wounds, Newton's Laws of Motion, photographic proof, the FBI report, and common sense.

After satisfying ourselves that the Commission's version is completely untenable, we shall then proceed to our main purpose; an attempt to determine just what role 399 did play in the historic tragedy of November 22, 1963.

* * * * * * * *

*Vincent J. Salandria, "A Philadelphia Lawyer Analyzes the Shots, Trajectories and Wounds", Liberation, January, 1965

II WHY THE MAGIC BULLET?

The theory that a single bullet struck both President Kennedy and Governor Connally was one which the Warren Commission must have adopted with considerable hesitation, in view of the formidable evidence against it. In fact, however, a number of circumstances converged which left the Commission no alternative if its lone-assassin version of the shooting was to remain intact.

The most inflexible of these circumstances was provided by the remarkable and historic 8-mm motion pictures taken by a spectator at the motorcade, Abraham Zapruder. A number of hits, or reactions to hits, are detectable in this film; but none is more startling than that depicted with graphic horror in frame 313, where President Kennedy has been struck in the head. Since this shot immediately knocked JFK over to his left across Mrs. Kennedy's lap, and since by this point the already-wounded Governor was lying on his back across the seated Mrs. Connally, it is apparent that this was the last shot to strike either victim. Frame 313, therefore, marks the end point in the actual shooting of the victims. R-115

The beginning point -- the first frame of the Zapruder film in which a shot could have been fired, consistent with the lone-assassin theory -- is frame 210. This is so because the FBI has proved that for a considerable period prior to this frame, President Kennedy was obscured from the sixth-floor TSBD window by a large oak tree.* Therefore, it is to the one-hundred-and-three-frame period (from 210 to 313) that the Commission's theory has restricted it for all of its shots. R-98

The FBI has further determined that each frame represents slightly

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*the film shows unmistakably that he was not hit prior to being obscured by the tree

less than 1/18 second, and that the Mannlicher-Carcano rifle could be fired no faster than once every 2.3 seconds, the equivalent of forty-two frames of the motion picture film. Therefore, a maximum of three shots could be fired in the 5.6 seconds from 210 to 313; and hence, the Commission's three-shot limitation.

R-97

A corollary of this fact is that if any two hits are recorded by the Zapruder film in less than 2.3 seconds (forty-two frames) it would constitute prima facie evidence of a second assassin.

With the preceding facts in mind, an analysis of the Zapruder film discloses why the Commission was forced to embrace its double-hit hypothesis. President Kennedy, as the Commission concedes, is reacting to a hit in frame 226 as he emerges from behind a road sign. The Commission also concedes that while at this time Governor Connally shows no sign of having yet been struck, he is reacting to a hit prior to frame 240. Even assuming that the shot to which JFK is reacting in 226 had struck him as early as 210 (the first frame in which he would have been clearly visible from the sixth-floor window after emerging from behind the oak tree), there still would not be time for a second shot from the Mannlicher-Carcano rifle until at least forty-two frames later, or 252. Therefore, either the shot to which Governor Connally is reacting by frame 240 is the same one which struck President Kennedy earlier, or there was a second assassin.

5/155-158

The Commission attempts to reconcile the time difference between these two reactions of the victims by suggesting that Governor Connally's was a delayed reaction. But the Zapruder film precludes such a possibility, for it shows not merely the Governor's reaction, but also proves that he was hit immediately prior to frame 238.

5/152-158

At that point Governor Connally had been turning to his right, when suddenly — in the 1/18 second which had elapsed since preceding frame 237 — he is halted in mid-turn, his right shoulder is thrust forward (toward the Zapruder camera) and down, and immediately thereafter his mouth pops open. (Gov. Connally, in his testimony, stated: "I immediately, when I was hit, I said, 'Oh, no, no, no'.") 4/133

The sudden forward thrust of his shoulder, in a direction opposite from that in which he was turning, is conclusive proof that this was not a delayed reaction to pain, but the very moment of impact. To maintain in the face of this irrefutable proof that both men were struck by a single bullet, one must also accept that the Commission's magically weaving missile somehow paused in mid-air for approximately one second after exiting the President's throat before striking the Governor's back.

Unfortunately for its case, physical laws are less impressed with the Commission's prestige than were the American press and public. These laws are not so flexible as to allow for such an incredible performance, either by 399 or any other missile. The Zapruder film proves conclusively that President Kennedy and Governor Connally were not hit by the same bullet; and, in the words of Norman Redlich, special assistant to the Commission's General Counsel, J. Lee Rankin, "To say they were hit by seperate bullets is synonymous with saying there were two assassins".*

* * * * * * * *

*"Inquest: The Warren Commission and the Establishment of Truth", pg. 43, Edward Jay Epstein; Viking Press.

III EXPERT TESTIMONY . . . .

The weight of evidence indicates, as the Commission concludes, that Governor Connally's wounds of the back, chest, and wrist were caused by a single bullet. Although the evidence fails to establish that his thigh wound also resulted from the same missile, the Commission, being desperately short of ammunition, is forced to elevate such a possibility to the level of established fact; and, as we have already seen, further insists that prior to inflicting the Governor's wounds this same bullet, 399, had emerged from President Kennedy's throat after entering the back of his neck.

R-95

The relevant question now before us, however, is not whether all this wounding of two men could have been accomplished by a single bullet; for the Zapruder film shows a double-hit was not possible, and by so doing, has demolished for all time the Commission's lone-assassin case. Nor is it our task to determine if any single bullet could cause all of the Governor's wounds; but rather, to ascertain whether 399 did so, for it was allegedly on his stretcher that 399 was "found".

Even a layman's glance at the remarkably undistorted missile depicted as Commission Exhibit 399 reveals a serious Commission dilemma: How could this bullet have inflicted such damage — particularly, the shattering of Governor Connally's rib and wrist, leaving numerous metal fragments in its wake — and yet emerge itself unscathed? That this should puzzle laymen is not surprising, for the experts themselves were incredulous.

Mr. Specter (Commission Counsel): . . . . could that missile have made the wound on Governor Connally's right wrist?

3/16/64
2/374

Commander Humes (chief autopsy surgeon, Bethesda Naval Hospital):

I think that is most unlikely . . . the report from Parkland Hospital referring to the . . . wound of the wrist (said) "small bits of metal were encountered at various levels throughout the wound . . ." . . . this missile is basically intact . . . and I do not understand how it could possibly have left fragments . . .

Dr. Humes again emphasizes the unlikelihood of 399 having left fragments when he is asked about the thigh wound:

Mr. Specter: . . . could (399) have been the one to lodge in Governor Connally's thigh?

Commander Humes: I think that extremely unlikely. The reports . . . and x-rays . . . are described as showing metallic fragments . . . which . . . apparently are still present in Governor Connally's thigh. I can't conceive of where they came from this missile.

Colonel Finck, a wound ballistics expert, agreed with his colleague:

Mr. Specter: Could it (399) have been the bullet that inflicted the wound on Governor Connally's right wrist? 3/16/64 2/382

Colonel Finck: No; for the reason that there are too many fragments described in the wrist.

FBI firearms expert Robert A. Frazier did little to support the Commission on this important point:

Mr. Eisenberg (Comm. Counsel): In your opinion, was there any weight loss? 3/31/64 3/430

Mr. Frazier: There did not necessarily have to be any weight loss to the

bullet. There may be a slight amound of lead missing from the base . . . and the bullet is slightly flattened . . .

Mr. Eisenberg: How material would you call the defacement?

Mr. Frazier: It is hardly visible unless you look at the base of the bullet and notice it is not round.

Dr. Paul Gregory, who assisted in Governor Connally's surgery at Parkland Hospital, was a little more helpful, but not much.

Mr. Specter: What opinion, if any, do you have as to whether that bullet (399) could have produced the wound on the Governor's right wrist and remained as intact as it is at the present time?

Dr. Gregory: The only deformity (other than a small piece removed by the FBI for analysis) . . . is at the base . . . where it joined the cartridge . . . The only way this missile could have produced this wound is to have entered the wrist backward.

3/23/64; 4/21/64 4/121

Dr. Gregory explains that a tumbling bullet could enter the wrist backward, but " . . . that is the only possible explanation I could offer to correlate this missile with this particular wound."

Even with this strict qualification, Dr. Gregory's offering of a backward entry seems incapable of solving the Commission's problem. A jacketed bullet striking solid bone in a backward position, with its lead core exposed, would certainly be at least as vulnerable to mutilation as one entering normally.

Dr. Shaw, who operated on the Governor's chest, also was stumped by the pristine appearance of 399:

Dr. Shaw: . . . It is a matter of whether the wrist wound could be caused by the same bullet, and we felt that it could but we had not seen the bullets until today . . . . . I would have to say that this bullet has lost literally none of its substance.

4/21/64
4/109

(Mr. Specter then asks Dr. Shaw to accept a number of assumptions, clearly designed to elicit his support for the Commission's double-hit theory with 399 as the cause; and for its sole culpability in the wounding of the Governor. Dr. Shaw's exasperation can be sensed from his reply):

Dr. Shaw: All right. As far as the wounds of the (Governor's) chest are concerned, I feel this bullet could have inflicted those wounds. But the examination of the wrist both by x-ray and at the time of surgery showed some fragments that make it difficult to believe that the same missile could have caused these two wounds. There seems to be more than three grains of metal missing as far as the -- I mean in the wrist.

4/113

Dr. Shaw's troublesome persistence brings a mystifying response from Specter:

Mr. Specter: Your answer there, though, depends upon the assumption that the bullet . . . (399) is the bullet which did the damage to the Governor. Aside from whether or not that is the bullet . . . Could a bullet traveling in the path which I have described in the prior hypothetical question, have inflicted all of the wounds on the Governor?

Precisely what bullet does Mr. Specter have in mind if not 399? At no point does the Commission claim some other as yet unidentified bullet inflicted these wounds. Is it possible that the Commission's magically weaving stop-start missile, after achieving the Commission-dictated double hit, performed

the additional feat of rendering itself invisible? If so, then where did 399 come from? But no, Specter soon makes it clear that his abandonment of 399 is a strictly temporary device, designed to enable Dr. Shaw in good conscience to give "yes" answers to questions he otherwise would answer "no". After extracting two "yeses" in this manner, Specter renews the pressure to legitimatize 399:

Mr. Specter: What is your opinion as to whether bullet 399 could have inflicted all of the wounds on the Governor . . . ?

but Dr. Shaw still resists;

Dr. Shaw: I feel that there would be some difficulty in explaining all of the wounds as being inflicted by bullet Exhibit 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet.

4/114

. . . A hard man, Dr. Shaw. Immediately thereafter, there appears in the testimony the following ubiquitous phrase; one which those familiar with the twenty-six volumes of hearings and exhibits have come to expect repeatedly, at moments of Commission discomfiture: "off the record".

* * * * * * * *

IV . . . AND INEXPERT TESTS

Dr. Alfred G. Olivier is employed by the Department of the Army at Edgewood Arsenal, Md., as "Chief of the Wound Ballistics Branch". He describes his work as "investigating the wound ballistics of various bullets and other military missiles". In this capacity, he was "in charge of a series of tests performed to determine certain wound ballistics on circumstances analagous to the underlying facts of wounds inflicted upon President Kennedy and Governor Connally on November 22, 1963". In the course of these tests he used the Mannlicher-Carcano rifle and the same type of ammunition allegedly used by Lee Harvey Oswald to shoot President Kennedy and Governor Connally. 5/75

It frequently happens that in tests conducted to confirm or refute physical hypotheses, it is not possible to duplicate precisely the original conditions. It is axiomatic, however, that before such tests can be given serious notice, every effort will have been made to duplicate these conditions insofar as it is possible. Did Dr. Olivier's tests meet this basic requirement? The answer is unequivocal and negative: from his own description of his procedures, they failed utterly to do so. 5/77-87

Dr. Olivier explained to the Commission that in the conduct of his tests he used gelatin blocks (to simulate muscle tissue) as well as animal and human cadaver parts. Bullets from the Mannlicher-Carcano rifle were fired into these substances, ostensibly to compare the resulting wounds with those of President Kennedy and Governor Connally; as well as to compare the effects on the respective bullets. To simulate the President's neck, gelatin blocks and boxed horsemeat and goatmeat of the appropriate thickness ($13\frac{1}{2}$-$14\frac{1}{2}$ cm.) were used. In simulating the wounds of Governor Connally a goat was utilized for the back and chest wounds, and the forearm of a human cadaver for the wrist wound. But these test targets were not arranged so

that a single bullet could be fired through all of them at once, as was allegedly the case with 399 and the human targets of November 22. Nor, even, was any attempt made to simulate all of the Governor's wounds by firing a single bullet through both the body target (the goat) and the cadaver wrist. (Apparently no attempt was made to simulate the Governor's thigh wound.)

It is obviously well within the range of Dr. Olivier's abilities and the technical means at his disposal to have arranged the target substances in the appropriate manner. The Commission's failure to insist on such a procedure does little to inspire confidence in the validity of the experiments. Nevertheless, it is interesting to note the reported results.

Dr. Olivier is asked to compare a bullet (C.E. 853), fired through the goat, with 399; an erroneous comparison, since 399 has had imputed to it a far heavier assignment. Even so, the comparison is not favorable to the Commission:

5/13/64
5/80

Dr. Olivier: The bullet (goat-test bullet #853) has been quite flattened . . . the bullet (399) recovered from the stretcher has not been flattened as much . . . our particular bullet (#853) is flattened the whole length . . .

Dr. Olivier further informs the Commission that "the amount of goat tissue it (#853) traversed was probably somewhat less than the Governor . . ."

Dr. Olivier was also asked to compare another test bullet (#856) with 399. In this case the test bullet had been fired through the forearm of a cadaver; again, performing only one of the multiple tasks allegedly executed by 399. Even so, the difference in the appearance of 856 and 399 is striking, as the former is grossly deformed. In response to Mr. Specter's request that he describe the wrist-test bullet, Dr. Olivier

says: ". . .the nose of the bullet is quite flattened from striking the radius".

Mr. Specter: How does it compare, for example, with Commission Exhibit 399?

Dr. Olivier: It is not like it at all. I mean Commission Exhibit 399 is not flattened on the end. This one (856) is very severely flattened on the end. 5/82

But, as we have already seen, Mr. Specter is not a man easily discouraged. Undismayed by this most unsatisfactory comparison, he presses on . . .

Mr. Specter: Do you have an opinion as to whether, in fact, bullet #399 did cause the wound on the Governor's wrist, assuming if you will that it was the missile found on the Governor's stretcher at Parkland Hospital? 5/90

. . . and succeeds;

Dr. Olivier: I believe that it was. That is my feeling.

We cannot know what Dr. Olivier's "feeling" might have been had Mr. Specter not appended the rather restrictive qualification to his question. Phrased as it was, Dr. Olivier could have answered in no other way without immediately raising serious doubts as to the legitimacy of 399.

Since the Commission was apparently unperturbed by Dr. Olivier's grossly inaccurate reconstruction of its own double-hit hypothesis, we should not wonder at its lack of curiosity as to why a goat was used for Governor Connally's body wounds when human cadavers were available* Nor should it surprise us that only these two test bullets --#853 and #856--

*A month earlier, in response to a question from Specter with respect to the double-hit hypothesis, Colonel Finck had replied, " . . .we would need experiments and similar circumstances with the same type of ammunition at the same distance through two human cadavers, which I did not do".

5/82

are presented in evidence, although Dr. Olivier's testimony makes clear that other test bullets of the same type were also used. Under the circumstances, the suspicion is justified that other test bullets would have been presented had they lent credence to the Commission's case.

The tests as conducted are totally worthless as support for the Commission's theories. Nor do they help unravel the mystery of the relatively undistorted condition of 399, and its role in the assassination. On the contrary, to the extent that the tests show anything, they tend to prove not only that 399 did not achieve a double hit, but that it was not even involved in the wounding of Governor Connally. The likelihood of its having been involved in the wounding of President Kennedy will be considered later.

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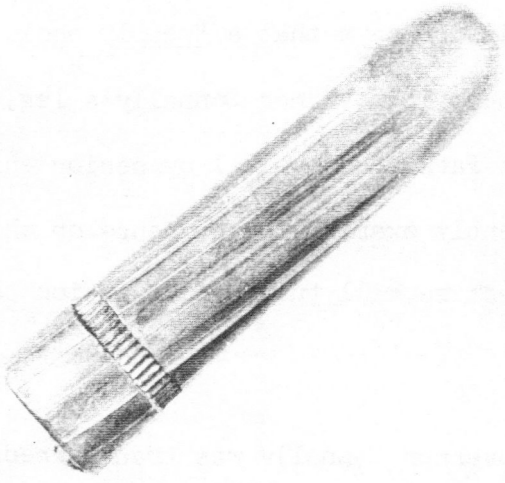
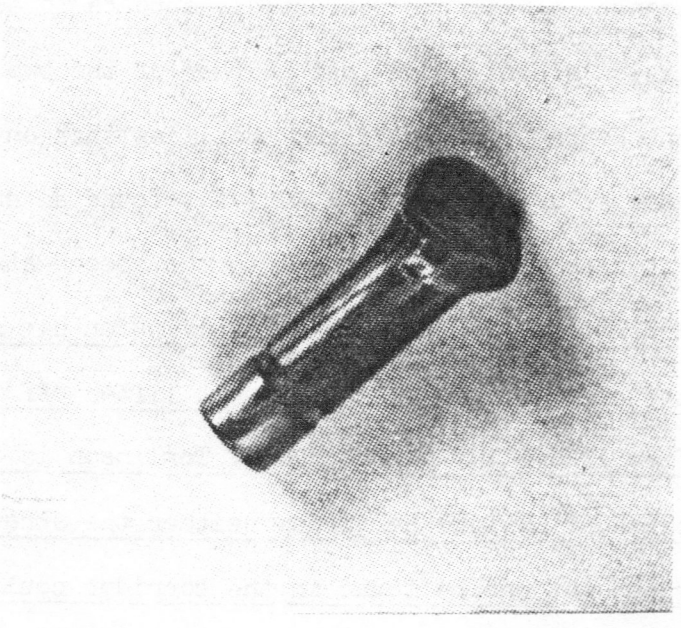


Commission Exhibit 399

This is the bullet which the Warren Commission insists pierced President Kennedy's neck; then pierced Governor Connally's chest from back to front, fracturing his rib; then pierced his right wrist, shattering the bones; then penetrated his left thigh. The Commission further insists that this bullet left the numerous metal fragments found in the Governor's body.



Commission Exhibit 856

This is a bullet (of the same type as 399), which was test fired for the Commission through the wrist of a human cadaver.

V WHICH STRETCHER?

The Warren Commission says that a "nearly whole" bullet (399), which had fallen from a wound in Governor Connally's leg, was found on his stretcher in a corridor at Parkland Hospital by senior engineer Darrell C. Tomlinson. We shall presently examine the evidence on which the Commission bases its premise; but first we will turn our attention to the stretchers themselves.

R-79

Shortly after Governor Connally was transferred from his stretcher to an operating table, the stretcher was pushed onto an elevator by an orderly. Sometime thereafter, Tomlinson removed an empty stretcher from the same elevator, and placed it in a corridor on the ground floor -- next to another stretcher which was already there. The Commission concludes that it was Governor Connally's stretcher that Tomlinson removed from the elevator; and that the stretcher already in the corridor at the time was unconnected with either victim.

R-79-81

The evidence, albeit circumstantial, appears to adequately support the Commission's conclusion that neither of the two stretchers could have been President Kennedy's. Tomlinson testifies that on November 22, he went to the elevator at approximately 1:00 P.M., found an empty stretcher there, and moved it into the corridor next to the second stretcher. But at 1:00 P.M., President Kennedy's body was still lying on his stretcher in another room of the emergency area. He was not lifted off it into a coffin until sometime after 1:40 P.M. Therefore, if Tomlinson is anywhere near correct as to the 1:00 P.M. time he gives, neither the stretcher he removed from the elevator nor the one he found in the corridor could possibly be President Kennedy's. Furthermore, unlike either the corridor or the elevator stretcher, President Kennedy's had been stripped of all sheets and

6/129

18/814

paraphernalia after he was lifted from it, leaving only a rubber mattress, after which it was pushed into a nearby empty room. There is no indication that it was moved from there anytime thereafter -- near the elevator or elsewhere. 6/138 6/142

To believe, then, that either of the two stretchers of which Tomlinson speaks could have been President Kennedy's, one must believe the following:

that some unknown person replaced sheets on the President's stretcher after they had been removed; that some unknown person then wheeled it onto the elevator or into the corridor; that this was done prior to Tomlinson's initial arrival at the elevator; and therefore, that Senior Engineer Tomlinson was in error by at least forty minutes in giving the 1:00 P.M. time for his arrival there.*

On the other hand, the Commission's conclusion that the elevator stretcher taken off by Tomlinson was indeed Governor Connally's is not adequately supported. While it is quite clear that the Governor's stretcher was placed on the elevator, and that Tomlinson sometime thereafter did remove a stretcher from the elevator, there is no evidence that during the interval Governor Connally's stretcher was not taken off by someone else; which would then indicate that the stretcher subsequently removed by Tomlinson was an entirely different one, also unconnected with either victim. What emerges then is the following: 6/126

1. Tomlinson "found" a bullet on one of two stretchers in the corridor, near the elevator.
2. It is most unlikely that either of these stretchers had been used by President Kennedy (the Commission itself

*Unfortunately (and unlike numerous other hospital personnel), no written statement by Tomlinson appears in evidence detailing his activities that day. Such a statement could have served to substantiate his recollection of the time.

excludes the possibility).

3. It is possible that either of them could have been used by Governor Connally (the Commission concludes that the elevator stretcher was the Governor's).

It is time now to turn our attention to the "finding" of bullet 399.

* * * * * * * *

VI "I BUMPED THE WALL AND A . . . BULLET ROLLED OUT . . ."

As is frequently the case, when dealing with matters vitally effecting its conclusions, the Commission is vague and somewhat contradictory in referring to the "finding" of bullet 399. It is variously described as having been " . . . found on Governor Connally's stretcher"; as having " . . . rolled out . . . after one of the stretchers (was bumped) against the wall . . ."; and as having " . . . rolled off the stretcher used by Governor Connally". Tomlinson himself says:

R-79, 95, 557
R-81
R-641

Mr. Tomlinson: I pushed it (a stretcher) back against the wall.

3/20/64
6/30

Mr. Specter: What, if anything, happened then?

Mr. Tomlinson: I bumped the wall and a spent cartridge or bullet rolled out that apparently had been lodged under the edge of the mat.

Later, he adds:

. . . I made several trips before I discovered it on the end there.

Despite his rather ambiguous references, Tomlinson seems to be indicating that he first saw the bullet on the stretcher immediately after bumping it against the wall; and he assumes it had rolled onto the stretcher from under the mat folded at one end. A simple question or two by Specter could have clarified at least this point, but they were not asked. (Tomlinson explains that the two stretchers had been about two feet from the corridor wall, near the door to the men's room. An "intern or doctor" moved a stretcher away from the wall "to get in" to the men's room, and when he failed to replace it on leaving, Tomlinson pushed it against the wall and " . . . a bullet rolled out . . .")

Furthermore, the Commission's conclusion that Tomlinson "found"

the bullet on Governor Connally's stretcher is not only unsupported by anything Tomlinson said, but is contrary to his repeatedly stated view that he believes it was the corridor stretcher which he pushed against the wall, just before he "discovered" the bullet on it. But since it has been shown (as the Commission definitely concludes) that the corridor stretcher was most probably unconnected with either victim, there would be no legitimate way an assassination bullet could have come from it.

To avoid this ominous pitfall, Specter subjects Tomlinson to relentless pressure in order to change his belief that it was the corridor stretcher he bumped against the wall. But despite the badgering by Specter (and previous questioning by the FBI and Secret Service), Tomlinson makes it abundantly clear that he continues to believe it was the corridor stretcher, and not the one he took off the elevator, that he bumped against the wall, and from which he retrieved the bullet; although he is not sure to the point of being willing to take an oath to that effect.

6/131-134

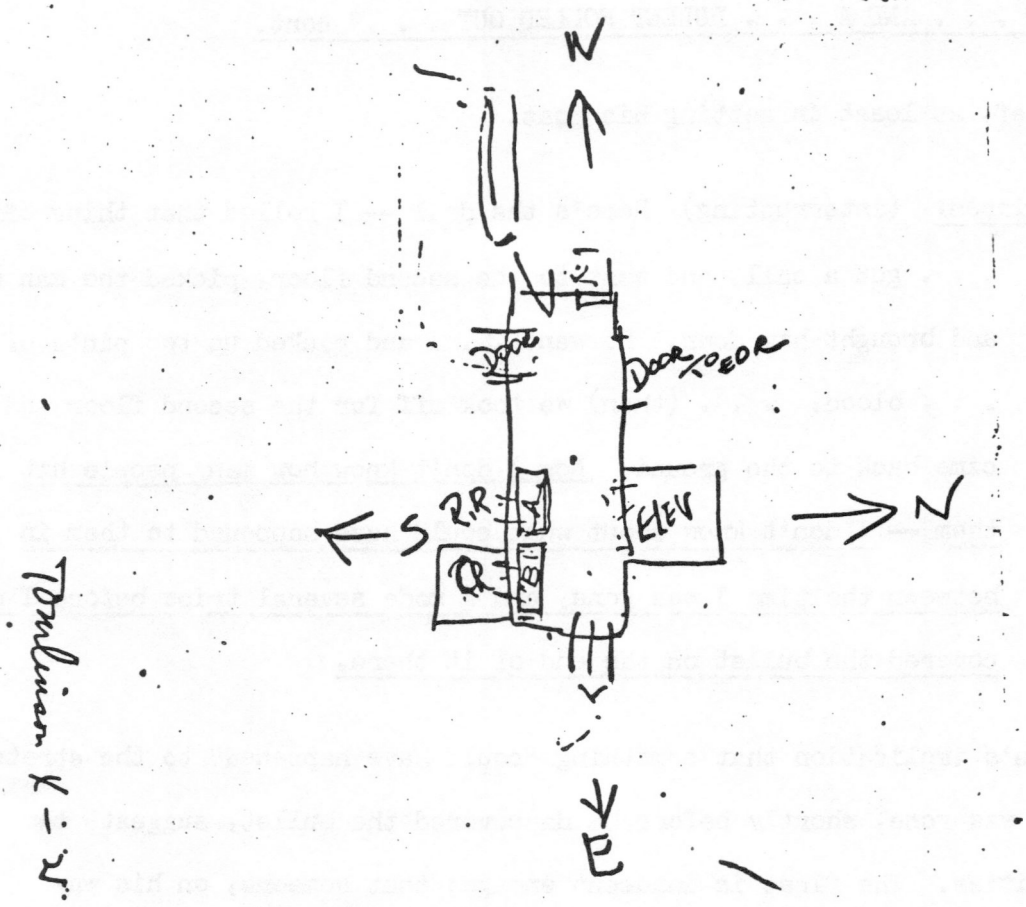
It is equally clear, however, that Mr. Specter is unwilling — if he can help it — to leave on the record Tomlinson's belief that the bullet was found on a stretcher which the Commission says was unconnected with the assassination. He continues to press Tomlinson:

Mr. Specter: When I first started to ask you about this, Mr. Tomlinson, you initially identified stretcher A (the one Tomlinson believes the bullet did not come from) as the one which came off the elevator car?

Mr. Tomlinson: Yes; I think it's just like that.

Mr. Specter: And, then, when —

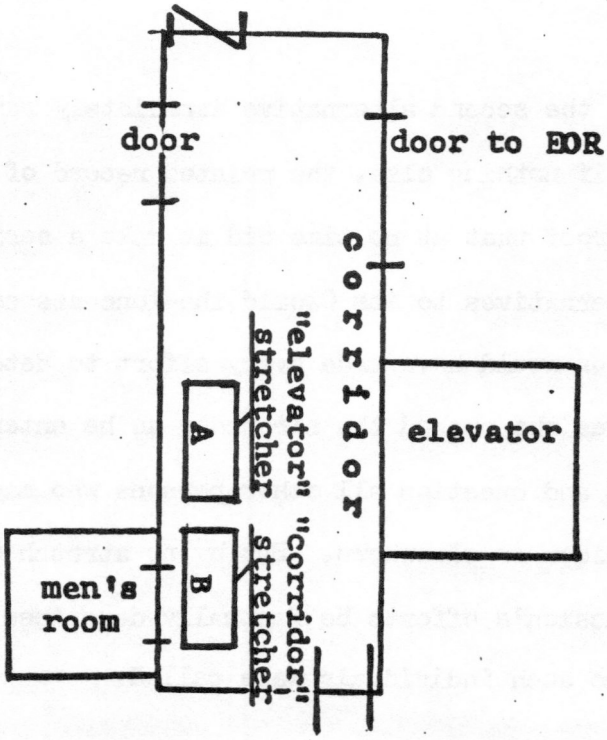
At this point, Mr. Specter succeeds, if not in getting Tomlinson to abandon



TOMLINSON EXHIBIT No. 2

The above sketch was made by Darrell C. Tomlinson to illustrate the hospital corridor and stretcher arrangement.

The sketch below is of the same area, and is presented for greater clarity. It is not a Commission exhibit, and is not drawn to scale.



his belief, at least in getting his goat.

Mr. Tomlinson: (interrupting) Here's the deal -- I rolled that thing off, . . . got a call, and went to the second floor, picked the man up and brought him down. He went . . . and picked up two pints of . . . blood. . . . (then) we took off for the second floor and I came back to the ground. Now I don't know how many people hit them -- I don't know about what could have happened to them in between the time I was gone, and I made several trips before I discovered the bullet on the end of it there.

5/132

Tomlinson's implication that something "could have happened" to the stretchers while he was gone, shortly before he discovered the bullet, suggests two possibilities. The first is innocent enough; that someone, on his way through the corridor or into the men's room, may have moved the stretchers around during Tomlinson's absence, thus confusing him as to whether the stretcher on which he "found" the bullet was or was not the same one he discovered in the corridor. But the second possibility is anything but innocent; that in his absence someone may have placed the bullet on the stretcher.

Obviously, the second alternative immediately raises the dark cloud of conspiracy; and, if nothing else, the printed record of the Commission's work is historical proof that at no time did it make a serious attempt to explore sinister alternatives to its Oswald-the-lone-assassin theory. An adequate investigation would have made every effort to determine who the "intern or doctor" was who pushed the stretcher as he entered the men's room; as well as to locate and question all other persons who may have had access to them, in the corridor or elsewhere. But by no stretch of the imagination can the Warren Commission's efforts be factually described as an adequate investigation; and no such individuals were called.

Possibly, the innocent alternative may have emerged as the correct one, had such an effort been made. But possibly not. Perhaps further investigation would render more suspect the background of bullet 399. If one is determined not to draw sinister conclusions regardless of the facts, best not to tread on hazardous ground. At any rate, Mr. Specter takes no notice of either possibility implicit in Tomlinson's provocative remark. Instead of a relevant response, he chooses to ignore the implications, and continues to harass Tomlinson:

Mr. Specter: You think, then . . . that this could have been either, you took out of the elevator . . . or you just can't be sure? 6H33-135

Mr. Tomlinson: It could be, but I can't be positive or positively sure — I think it was A (the stretcher which he believes did not contain the bullet), but I'm not sure.

Mr. Specter: Now, before I started to ask you questions, which have been taken down here, I told you . . . that the Secret Service man wrote a report where he said that the bullet was found on the stretcher which you took off of the elevator.

Mr. Tomlinson: Yes; you told me that.

. . .

Mr. Specter: And there was a lot of confusion that day, which is what you told me before?

Mr. Tomlinson: Absolutely. And now, honestly, I don't remember telling him definitely — I know we talked about it, and I told him that it could have been. Now, he might have drawed his own conclusion on that.

. . .

Mr. Specter: You just don't remember for sure whether you told him you thought it was A or not?

Mr. Tomlinson: No, sir; I really don't remember. I'm not accustomed to being questioned by the Secret Service and the FBI and by you and they are writing down everything, I mean."

Tomlinson's exasperated protest brings a solicitous reply from Specter:

Mr. Specter: That's all right. I understand exactly what you're saying . . . and I really just want to get your best recollection . . . and I appreciate that, and so does the President's Commission, and that is all we can ask a man.

Mr. Tomlinson: Yes, I'm going to tell you all I can, and I'm not going to tell you something I can't lay down and sleep at night with either.

* * * * * * * *

VII MR. DULLES IS CONFUSED; MR. SPECTER MAKES A PREDICTION

The murkiness of the stretcher-of-origin question makes it possible to sympathize with Commission member Allen Dulles in the perplexity he displays, during Dr. Humes' testimony on March 16, 1964.

Mr. Dulles: Could I ask a question about the missile, I am a little bit -- the bullet. I am a little bit -- confused. It was found on the stretcher. Did the President's body remain on the stretcher while he was in the hospital? . . . Otherwise it seems to me the bullet would have to have been ejected from the body before he was taken or put on the bed in the hospital. 2/368

Note that four months after the assassination, and therefore four months after the autopsy report ostensibly revealed that the bullet which struck President Kennedy in the back had exited from his throat, Mr. Dulles is still under a different impression; that the bullet did not exit from the President's throat at all, but had fallen from his body back through its own entrance wound, onto his stretcher.

At least the idea that a bullet was found on the President's stretcher is in line with early press reports that mentioned a stretcher bullet; but it is apparent that no one has informed Mr. Dulles of the Commission's yet-to-be adopted double-hit theory, which made it mandatory that the bullet that entered President Kennedy's back not come to rest in his body; for in order to account for the wounding of Governor Connally, it had much work remaining to do.

While Mr. Dulles' belief that 399 was found on the President's stretcher may have seemed plausible in relation to the earlier hypothesis that it had fallen from his body, it obviously was no longer tenable if 399 was now to exit from the President's throat, and go on to wound Governor

Connally. It is clear that if a "double-hit" bullet was to be legitimately found on any stretcher, it could only be Governor Connally's.

Furthermore, by this time Mr. Specter must have been aware that while it was entirely possible that one of the stretchers in the corridor where 399 was "found" had been used by Governor Connally, it was also highly improbable that either had been used by President Kennedy. Therefore, once again, the only stretcher such a bullet could have come from legitimately was the Governor's.

Mr. Specter then proceeds to bring Mr. Dulles up to date on the impending version of where bullet 399 was "found".

Mr. Specter: There has been other evidence, Mr. Dulles. If I may say at this point, we shall produce later, subject to sequential proof, evidence that the stretcher on which this bullet was found was the stretcher of Governor Connally. We have a sequence of events on the transmission of that stretcher which ties down reasonably closely, so that on the night of the autopsy itself, as the information I have been developing indicates, the thought preliminarily was that was from President Kennedy's stretcher, and that is what led to the hypothesis which we have been exploring about, but which has since been rejected. But at any rate the evidence will show that it was from Governor Connally's stretcher that the bullet was found.

The reader can judge for himself whether the subsequent testimony of Tomlinson, which we have already examined, justifies Specter's prediction that " . . . the evidence will show that it was from Governor Connally's stretcher that the bullet was found". What is not open to question, however, is the fact that Mr. Specter made this prediction four days before taking testimony from Tomlinson (March 16 v. March 20, 1964).

Since no other witness testifies to seeing bullet 399 prior to its "discovery" by Tomlinson, and since no written statement from Tomlinson appears in evidence, it is difficult to understand how Specter could be so sure of what " . . . the evidence will show . . .".

That Specter could come to such a conclusion at that time is further evidence that no illegitimate possibilities were considered in connection with the sudden and mysterious appearance of 399. Excluding such possibilities, therefore, and assuming the bullet came from one of two stretchers; one of which may have been Governor Connally's, and the other unconnected with the assassination, it is easy to see what the conclusion had to be. And if the circumstances surrounding the discovery of the bullet — as described by the man who "found" it — contradicted the pre-selected conclusion, then the description, and not the conclusion, must be deemed incorrect.

But even after Specter's lengthy "explanation", Dulles, small wonder, is still not clear on the bullet/stretcher matter:

Mr. Dulles: So this bullet is still missing?

(Since earlier testimony had given no indication that bullet 399 was lost, Mr. Dulles' query suggests that off-the-record conversations had taken place previously on this matter.)

Mr. Specter: That is a subject of some theories I am about to get into. That is an elusive subject . . .

As to this conclusion, at least, it would be difficult to argue with Mr. Specter.

* * * * * * * *

VIII SUPPORTING DOCUMENTS?

There are in evidence three documents which relate to the "stretcher bullet", subsequently identified as Commission Exhibit 399.

The first is a note from Secret Service Special Agent Richard E. Johnsen (Commission Exhibit 1024) dated November 22, 1963, 7:30 P.M., covering his transmittal of the bullet, and addressed presumably to his superior (no addressee appears on the note as reproduced and it appears to have been cropped immediately above the first line). The note reads as follows:

18/800

> The attached expended bullet was received by me about 5 min., prior to Mrs. Kennedy's departure from the hospital. It was found on one of the stretchers located in the emergency ward of the hospital. Also on this same stretcher was rubber gloves, a stethescope and other doctor's paraphernalia. It could not be determined who had used this stretcher or if President Kennedy had occupied it. No further information was obtained.
>
> Name of person from who I received this bullet:
>
> Mr. O. P. Wright
> Personnel Director of Security
> Dallas County Hospital District
>
> By
>
> Richard E. Johnsen
> Special Agent
> 7:30 p.m.
> Nov. 22, 1963

The reference to "rubber gloves, stethescope, and other doctors' paraphernalia" indicates that the stretcher to which Johnsen refers is the

UNITED STATES GOVERNMENT

Memorandum

TO : Chief James J. Rowley DATE: November 30, 1963

FROM : SA Johnsen - White House Detail Confidential

SUBJECT: Activities of Reporting Agent on November 22, 1963

Approximately 5 minutes prior to leaving the hospital with the casket and Mrs. Kennedy I was instructed to remain at the Presidential door and wait to be advised that the casket was leaving the hospital and then to ride the follow-up car to the airport. During this period a Mr. Wright from the security staff came to me with an expended bullet and wished to turn it over to a Secret Service Agent. The only information I was able to get from him prior to the departure of Mrs. Kennedy and the casket was that the bullet had been found on a stretcher which President Kennedy may have been placed on. He also stated that he found rubber gloves, a stethoscope, and other doctors' paraphernalia on this same stretcher.

On the drive from the hospital to AF #1 I rode the follow-up car. Upon our arrival at AF #1 I assisted in placing the casket upon USAF #26000. While awaiting for the departure of AF #1 I was instructed by ATSAIC Stout to ride in the rear of the plane with the casket. This had been a request of President Johnson.

Upon our arrival at Andrews Air Force Base, Md., I positioned myself near the press area. After the statement to the press by President Johnson I rode helicopter #2 to the White House.

APPROVED:

Richard E. Johnsen
SA 1-16

Gerald A. Behn
SAIC 1-16

COMMISSION EXHIBIT 1024—Continued

The attached expended bullet was received by me about 5 min., prior to Mrs. Kennedy's departure from the hospital. It was found on one of the stretchers located in the emergency ward of the hospital. Also on this same stretcher was rubber gloves, a stethescope and other doctor's paraphernalia. It could bot be determined who had used this stretcher or if President Kennedy had occupied it. No further information was obtained.

Name of person from who I received this bullet:

Mr. O. P. Wright
Personnel Director of Security
Dallas County Hospital District

COMMISSION EXHIBIT 1024—Continued

By
Richard E. Johnsen
Special Agent
7:30 p.m.
Nov. 22, 1963

same one Tomlinson identified as the original corridor stretcher (the one which the Commission concludes was unconnected with the assassination), and not the elevator stretcher, which it concludes was Governor Connally's. (Tomlinson describes the stretcher he found on the elevator as having "sheets on it and had a white covering on the pad," and that he " . . . don't believe there was anything else) on that one . . . ". On the other hand, he describes the original corridor stretcher as having "one or two" bloody sheets " . . . rolled up on the east end of it and there were a few surgical instruments on the opposite end and a sterile pack or so".)

The second document (also included in Commission Exhibit 1024) is a memorandum from Agent Johnsen to Secret Service Chief James J. Rowley, dated November 30, 1963. The pertinent portion of this memo repeats essentially the same information given in his earlier transmittal note, but explicitly reveals that hospital security director, O.P. Wright told Johnsen that he himself had seen the various medical articles on the same stretcher on which the bullet was "found".

" . . . The only information I was able to get from him (Wright) prior to the departure of Mrs. Kennedy and the casket was that the bullet had been found on a stretcher which President Kennedy may have been placed on. He also stated that he found rubber gloves, a stethescope, and other doctors' paraphernalia on this same stretcher . . . "

Both the above documents, by furnishing corroboration for Tomlinson's belief that the bullet came from the stretcher that held bloody sheets and medical instruments, strengthen the possibility that by so doing, it came from a stretcher that had nothing to do with either victim. Why Mr. Specter did not refer to these during Tomlinson's testimony, or use them to test the accuracy of his recollection, can only be surmised.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Dallas, Texas
July 7, 1964

RE: LEE HARVEY OSWALD

By letter dated May 20, 1964, the President's Commission requested the tracing of various items of physical evidence. Pursuant to this request, the following information is submitted:

Re: LEE HARVEY OSWALD

Rifle Bullet, C1

On June 12, 1964, Darrell C. Tomlinson, Maintenance Employee, Parkland Hospital, Dallas, Texas, was shown Exhibit C1, a rifle slug, by Special Agent Bardwell D. Odum, Federal Bureau of Investigation. Tomlinson stated it appears to be the same one he found on a hospital carriage at Parkland Hospital on November 22, 1963, but he cannot positively identify the bullet as the one he found and showed to Mr. O. P. Wright. At the time he found the bullet, the hospital carriage was located in the Emergency Unit on the ground floor of the hospital.

On June 12, 1964, O. P. Wright, Personnel Officer, Parkland Hospital, Dallas, Texas, advised Special Agent Bardwell D. Odum that Exhibit C1, a rifle slug, shown to him at the time of the interview, looks like the slug found at Parkland Hospital on November 22, 1963, which he gave to Richard Johnsen, Special Agent of the Secret Service. He stated he was not present at the time the bullet was found, but on the afternoon of November 22, 1963, as he entered the Emergency Unit on the ground floor of the hospital, Mr. Tomlinson, an employee, called to him and pointed out a bullet, which was on a hospital carriage at that location. He estimated the time as being within an hour of the time President Kennedy and Governor Connally were brought to the hospital. He advised he could not positively identify C1 as being the same bullet which was found on November 22, 1963.

On June 24, 1964, Special Agent Richard E. Johnsen, United States Secret Service, Washington, D. C., was shown Exhibit C1, a rifle bullet, by Special Agent Elmer Lee Todd, Federal Bureau of Investigation. Johnsen advised he could not identify this bullet as the one he obtained from O. P. Wright, Parkland Hospital, Dallas, Texas, and gave to James Rowley, Chief, United States Secret Service, Washington, D. C., on November 22, 1963.

On June 24, 1964, James Rowley, Chief, United States Secret Service, Washington, D. C., was shown Exhibit C1, a rifle bullet, by Special Agent Elmer Lee Todd. Rowley advised he could not identify this bullet as the one he received from Special Agent Richard E. Johnsen and gave to Special Agent Todd on November 22, 1963.

On June 24, 1964, Special Agent Elmer Lee Todd, Washington, D. C., identified C1, a rifle bullet, as being the same one he received from James Rowley, Chief, United States Secret Service, Washington, D. C., on November 22, 1963. This identification was made from initials marked thereon by Special Agent Todd at the Federal Bureau of Investigation Laboratory upon receipt.

COMMISSION EXHIBIT No. 2011—Continued

24/412

The third document (Commission Exhibit 2011) is an unsigned letter on FBI letterhead, dated July 7, 1964, Dallas, Texas. It's ostensible purpose is explained in its opening paragraph:

> RE: Lee Harvey Oswald
>
> By letter dated May 20, 1964, the President's Commission requested the tracing of various items of physical evidence. Pursuant to this request, the following information is submitted . . .

(the letter then purports to trace various items; bullets, bullet fragments, shells, clothing, hair, etc. The section relating to "bullet C1" -- which is the FBI's designation for the missile the Commission later calls C.E. 399 -- is reproduced below;(underlines added):

> On June 12, 1964, Darrell C. Tomlinson, Maintenance Employee, Parkland Hospital, Dallas, Texas was shown Exhibit C1, a rifle slug, by Special Agent Bardwell D. Odum, Federal Bureau of Investigation. Tomlinson stated it appears to be the same one he found on a hospital carriage at Parkland Hospital on November 22, 1963, but he cannot positively identify the bullet as the one he found and showed to Mr. O. P. Wright. At the time he found the bullet, the hospital carriage was located in the Emergency Unit on the ground floor of the hospital.
>
> On June 12, 1964, O. P. Wright, Personnel Officer, Parkland Hospital, Dallas, Texas, advised Special Agent Bardwell D. Odum that Exhibit C1, a rifle slug, shown him at the time of the interview, looks like the slug found at Parkland Hospital on November 22, 1963, which he gave to Richard Johnsen, Special Agent of the Secret Service. He stated he was not present at the time

the bullet was found, but on the afternoon of November 22, 1963, as he entered the Emergency Unit on the ground floor of the hospital, Mr. Tomlinson, an employee called to him and pointed out a bullet, which was on a hospital carriage at that location. He estimated the time as being within an hour of the time President Kennedy and Governor Conally were brought to the hospital. He advised he could not positively identify C1 as being the same bullet which was found on November 22, 1963.

On June 24, 1964, Special Agent Richard E. Johnsen, United States Secret Service, Washington, D. C., was shown Exhibit C1, a rifle bullet, by Special Agent Elmer Lee Todd, Federal Bureau of Investigation. Johnsen advised he could not identify this bullet as the one he obtained from O. P. Wright, Parkland Hospital, Dallas, Texas, and gave to James Rowley, Chief, United States Secret Service, Washington, D.C., on November 22, 1963.

On June 24, 1964, James Rowley, Chief, United States Secret Service, Washington, D. C., was shown Exhibit C1, a rifle bullet, by Special Agent Elmer Lee Todd. Rowley advised he could not identify this bullet as the one he received from Special Agent Richard E. Johnsen and gave to Special Agent Todd on November 22, 1963.

On June 24, 1964, Special Agent Elmer Lee Todd, Washington, D. C., identified C1, a rifle bullet, as being the same one he received from James Rowley, Chief, United States Secret Service, Washington, D. C., on November 22, 1963. This identification was made from initials marked thereon by Special Agent Todd at the Federal Bureau of Investigation Laboratory upon receipt.

It is often the case that Commission exhibits raise as many questions as they answer. These three documents are such exhibits.

During Tomlinson's testimony, when Specter informed him that a Secret Service report said the bullet had been found on a stretcher which Tomlinson had removed from the elevator, Tomlinson replied that the agent " . . . might have drawed his own conclusion on that". Tomlinson says that he was interviewed by the Secret Service " . . . the first part of December (1963)". Where is this alleged report? Clearly, it could not be either of the two Johnsen documents; not only do they both bear November dates, but neither of them mentions an elevator stretcher, nor any personal interview between the Secret Service and Tomlinson. Furthermore, Specter does not indicate its date, does not name the secret service agent who made it, does not show it to Tomlinson, and nowhere does it appear in evidence.

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The FBI letter has its own quota of strange aspects. Its reference to the Commission's request for tracing dated May 20, 1964, indicates that until six months after the assassination the Commission did not even request a trace of the mysterious 399; despite the obviously suspicious implications raised many weeks (and even months) earlier by the relevant testimony of any of the Drs. Humes, Finck, Olivier, Shaw, or Gregory; or FBI firearms expert Frazier.

Also, of the four individuals listed who supposedly handled "C1" (bullet 399) from the time of its discovery by Tomlinson to its receipt by the FBI in Washington, none was able to identify it. And, as with the Secret Service documents, there is a problem of dates; for Tomlinson states that he was interviewed by an FBI agent during " . . . the latter part of November (1963)", and that " . . . he asked me about the stretcher . . . the same thing we've gone over here". This clearly is not the same interview

6/132

referred to in the FBI letter as having taken place "On June 12, 1964". An FBI report of an interview with Tomlinson in November, 1963, would indicate a time when his recollection of his activities at Parkland Hospital would be fresher, by more than six months, than during the June 12th, 1964 interview. Yet, no such November report is presented in evidence. Nor is Agent Odum's report of the June 12th interview presented; reference to it being made only in the FBI letter to the Commission.

If these omitted documents supported the Commission's version of 399's origin, and contained no information further clouding its authenticity, why were they not presented?

Why did Mr. Specter not ask for a more specific description from Tomlinson of precisely where he "found" the bullet?

Why wasn't Tomlinson asked what he did with it after "finding" it? (Since Tomlinson's testimony was taken on March 20, 1964, Specter would have to have been again engaging in clairvoyance to know that the FBI letter, dated July 7, 1964, would"reveal" that after discovering the bullet, Tomlinson called O. P. Wright and "pointed out a bullet which was on a hospital carriage at that location").

Why was personnel Director, O. P. Wright not even called to testify, although it was from him that Secret Service Agent Johnsen says, in his two reports, that he received the bullet; and to him that the FBI letter says Tomlinson gave it?

By failing to call Mr. Wright, the Commission also avoided an opportunity to ask him about a startling lapse; that nowhere in the entire course of his four-page, single-spaced, typewritten report to Hospital Administrator, C. J. Price (dated Dec. 4, 1963, and whose subject is listed

21/229

as "Activities from 12:30 P.M., November 22 through November 25, 1963"), does Wright mention anything about the bullet; not its discovery, nor his receipt of it, nor his transmittal of it to Agent Johnsen. Yet, three paragraphs of Wright's carefully detailed statement are taken up with his receipt, possession, and transmittal to the Secret Service of President Kennedy's wrist watch.

It is incredible that in the course of relating his activities, Mr. Wright could forget so singular an occurrence as his handling of an assassination bullet. In failing to have Wright testify in order to clarify this incomprehensible omission, the Commission displays once again that gross lack of curiosity so characteristic of its conduct from beginning to end. It is consistent with this pattern that neither Secret Service Agent Johnsen, nor FBI Agent Odum (who, according to the FBI letter questioned both Tomlinson and Wright) were called to testify.

That such an obviously inadequate effort was made by the Commission in tracing so critical a piece of evidence is inexcusable. In fact, the record justifies the conclusion that it carefully avoided any real inquiry into the background, discovery, and chain of possession of bullet 399.

* * * * * * * *

IX BULLET, BULLET, ____ ___ ___ _____?

To the extent that it is possible to do so from a gleaning of testimony and exhibits (the Johnsen documents and the FBI letter); and bearing in mind the undissipated clouds which engulf bullet 399; reconstructed below is its chain of possession, from the time of its "discovery" at Parkland Hospital on November 22, 1963, until its reported use by FBI Agents Odum and Todd respectively, on June 12 and June 24, 1964, in their fruitless attempts to have it identified by any of the four people who had allegedly handled it prior to its FBI custody:

1. Darrell C. Tomlinson, senior engineer, Parkland Hospital: Discovered bullet on a stretcher in a corridor of the hospital emergency area between 1:00 and 1:50 p.m., November 22, 1963. Called O. P. Wright and "pointed out" bullet. (Tomlinson testifies, but is asked very little about his finding of the bullet; and nothing about its appearance or his handling and disposition of it. Unlike most other hospital personnel, no written report covering his activities appears in evidence; unable to identify 399 as the bullet he "found").

2. O. P. Wright, Personnel Officer, Parkland Hospital: Received bullet from Tomlinson; or removed it from stretcher after it was "pointed out" by Tomlinson 1:00 - 1:50 p.m., November 22. Gave it to Richard E. Johnsen shortly thereafter. (Wright not called to testify. No direct statement from him in evidence referring to bullet. He failed to mention it in lengthy report, to hospital administrator, concerning his activities November 22 - November 25 (1963), although detailing his handling of President Kennedy's wrist watch. Unable to

identify 399 as bullet he handled.)

3. Richard E. Johnsen, Special Agent, U. S. Secret Service:
Received bullet from O. P. Wright at Parkland shortly before 2:00 p.m., November 22, 1963. Transmitted to James Rowley same day.
(Johnsen not called to testify. Unable to identify 399 as bullet he received from Wright.)

24/412

4. James J. Rowley, Chief, U. S. Secret Service:
Received bullet from Johnsen on November 22, 1963. Gave it to FBI Special Agent Todd same day.
(Rowley testifies July 7, 1964, but is not asked anything about the bullet. No written statement from him concerning his possession of it. On June 24, 1964, he was unable to identify 399 as the bullet received from Johnsen.)

24/412

5/449

5. Elmer Lee Todd, Special Agent, FBI:
Received bullet from Rowley in Washington, D. C., November 22, 1963. Upon receipt, Todd marked bullet with his initials at FBI Investigation Laboratory. Gave it to Robert A. Frazier same day.
(notes on Todd follow his second entry-- 11. --below)

24/412

6. Robert A. Frazier, Firearms Identification Expert, FBI:
Received bullet from Todd in FBI laboratory, Washington, D. C., November 22, 1963. Frazier put his initials on it.
(information regarding Frazier's relations to 399 given later)

3/428

7. John F. Gallagher, spectrographer, Special Agent, FBI:
Made spectrographic examination of bullet, (date not given,

but apparently prior to March 31, 1966) 3/28 5/69

(No written statement from Gallagher appears in evidence. He was not called to testify until September 15, 1964, less than two weeks prior to publication of the Warren Commission Report. His entire seven-page testimony is taken up with a discussion of "neutron activation analysis", as it pertains to a determination of whether or not an individual has fired a weapon.* Counsel Norman Redlich failed to ask Gallagher a single question regarding his spectrographic examination of bullet 399.) 15/746

(more information relating to Gallagher's examination of 399 later)

8. Melvin A. Eisenberg, assistant counsel, Warren Commission: 3/497
Received bullet from FBI in Washington, D.C., March 24, 1964. Transmitted it to Joseph D. Nicol same day.

9. Joseph D. Nicol, Superintendent, Bureau of Criminal Identification, State of Illinois: 3/496-498
Received bullet 399 from Eisenberg in latter's office, (together with other bullets and fragments), Washington, D. C., March 24, 1964. Made ballistics comparisons with other bullets and fragments. Date not given for return of 399 to FBI custody. (Nicol testifies April 1, 1964. Counsel Eisenberg failed to ask his opinion as to whether or not 399 could have caused Governor Connally's wounds.** He states 399, test bullets, and

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* The Commission concluded that this technique failed to provide conclusive results as related to Oswald. R-560-562

**Nichol is also associate editor of "Journal of Criminal Law and Criminology."

fragments allegedly recovered from Presidential car, all originated from same weapon; but all samples were furnished to him by FBI through Eisenberg — he was not given the weapon.* Additional information concerning his examination of 399 later.)

10. Bardwell D. Odum, Special Agent, FBI:

On June 12, 1964, he showed bullet 399 to Tomlinson and Wright. They could not identify it as the bullet "found" by Tomlinson and handled by Wright.

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(Odum not called to testify. No direct written statement from him appears in evidence covering his June 12 interviews with Tomlinson and Wright. His written report on unrelated matter, dated July 10, 1964, is presented in evidence).

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11. Elmer Lee Todd, Special Agent, FBI:

On June 24, 1964, he showed bullet 399 to Johnsen and Rowley. They could not identify it as the bullet they had handled. On same date, Todd identified it, from his initials, as same one he received from Rowley in Washington, D. C., on November 22, 1963.

(Todd not called to testify. No direct written statement from

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* Nicol explains his failure to examine the rifle, or to fire test bullets, as follows: " . . . two very basic reasons.
One, the matter of time, and secondly, the fact that I did not have facilities in the area where I was working for the collection of such tests from a high-powered weapon. There is the other problem . . . it was apparent the weapon in . . . firing . . . was undergoing some changes . . . which would make these (test bullets) the best specimens rather than those I might fire now . . . "

3/497-498

Eisenberg adds: " . . . I had been informed by the FBI that 50 or more bullets had been fired . . . and that . . . this would seriously alter the firing characteristics of the barrel."

him appears in evidence concerning his June 24 interviews with Johnsen and Rowley; or his receipt of bullet from Rowley on November 22, 1963).

24/412

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X "THE BULLET WAS CLEAN . . . "

The testimony of FBI Special Agent Robert A. Frazier, as it relates to bullet 399, deserves our particular attention. For twenty-five years 3/391 Frazier has been an FBI firearms expert, having made between 50,000 - 60,000 firearms and bullet comparisons during that time. As previously noted, he first received the bullet subsequently identified as Commission Exhibit 399 3/428 from Special Agent Todd in the FBI laboratory in Washington, November 22, 1963, and initialed it at that time.

During his testimony of March 31, 1964, he identifies 399 from his initials, and states that the bullet then was in the same condition as when he received it; except for his initials, those of "other examiners", " . . . a discoloration at the nose caused apparently by mounting this bullet in some material which stained it", and a " . . . small dent or scraped area (where) the spectrographic examiner* removed a small quantity of metal for analysis".

Frazier then makes clear that there was no blood or other matter visible on the bullet when he received it on November 22:

Mr. Eisenberg: Did you prepare the bullet in any way for examination? That is, did you clean it or in any way alter it?

Mr. Frazier: No, sir; it was not necessary. The bullet was clean and it was not necessary to change it in any way. 3/428

Here is a surprising revelation by Frazier. Here is a bullet which had supposedly gone through the neck of one man, and through the back, chest, wrist, and into the thigh of another, smashing bones along the way. One

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* Presumably Gallagher, though not named at this time.

would certainly expect that such a missile would have accumulated some amount of blood and tissue (even ignoring, for the moment, its intact appearance).* Yet, this bullet was clean when received by Frazier within hours of the assassination. No wonder Eisenberg's next question contains a note of incredulity:

Mr. Eisenberg: There was no blood or similar material on the bullet when you received it?

Mr. Frazier: Not any which would interfere with the examination, no, sir. Now there may have been slight traces which could have been removed just in ordinary handling, but it wasn't necessary to actually clean blood or tissue off of the bullet.

3/429

Frazier's slight concession does little to solve the Commission's dilemma, for Eisenberg failed to inform him of the prodigious and bloody workload its hypothesis had imputed to 399. Therefore, we cannot know what Frazier's opinion might have been as to the amount of blood or tissue he would expect to find adhering to such a missile. However, it is an entirely reasonable assumption that a bullet having traveled the gory path ascribed to 399 by the Commission, would, several hours later, still retain some evidence of human residue, unless it had been deliberately cleaned.

The chain of possession prior to Frazier's receipt does not reveal a likely "link" that could account for any such possible cleaning. Tomlinson either had it only a very short time; or did not handle it at all, but merely pointed it out to Wright (the record being ambiguous on this question). Wright, as chief security officer at Parkland presumably would know enough of the importance of bullets as evidence to handle a possible assassination

* See footnote, page 76

bullet with great care, during his brief custody before turning it over to Agent Johnsen. That Johnsen would also be expected to exercise similar (or greater) caution in its transmittal to Secret Service Chief Rowley; and Rowley in passing it to FBI Special Agent Todd; and Todd in delivering it to Frazier at the FBI laboratory, is self-evident.

There is, therefore, no reason to believe that bullet 399 was cleaned of human residue prior to its receipt by Frazier, and there is no legitimate reason whatever why it should have been.

Nine pages later in his testimony, Frazier is asked by Eisenberg about Commission Exhibits 567 and 569, two bullet fragments reportedly found in the Presidential car, which, like 399, Frazier had identified as having been fired from the Mannlicher-Carcano rifle:

3/429
3/435

Mr. Eisenberg: Getting back to the two bullet fragments mentioned, Mr. Frazier, did you alter them in any way after they had been received in the laboratory, by way of cleaning or otherwise?

3/437

Mr. Frazier: No sir; there was a very slight residue of blood or some other material adhering, but it did not interfere with the examination. It was wiped off to clean the bullet for examination, but it actually would not have been necessary.

Mr. Eisenberg: Is that true on both fragments?

Mr. Frazier: Yes, sir.

A puzzlement. That Frazier found bullet 399 free of blood and tissue after its alleged bone-crushing, flesh-rending assignment is

unusual enough.* But the paradox becomes sharper in light of his admission that two fragments, reported to have been involved in the wounding, did retain such residue -- despite the fact that each was a fraction of the size of the conspicuously unmutilated 399, therefore possessing much smaller surfaces onto which blood and tissue could adhere.

That Eisenberg noted the discrepancy is made perfectly clear by his next "question" -- if it can be called that.

Mr. Eisenberg: You also mentioned there was blood or some other substance on the bullet marked 399. Is this an off-hand determination, or was there a test to determine what the substance was?

Mr. Frazier: No, there was no test made of the materials.

What can this "question" possibly mean? Nine pages earlier in his testimony Frazier stated unequivocally that he observed no blood on bullet 399. Now, after being confronted with Frazier's embarrassing admission that the much smaller fragments did have blood on them, Eisenberg states that Frazier said the opposite of what he, in fact, did say; and without asking for Frazier's acknowledgment of this reversal, or even pausing to allow time for him to comment on it, he proceeds immediately to ask an ambiguous question (did it refer to 399, or to the fragments?).

What possible interpretation can be placed on this weird statement-question, other than it was deliberately intended to "correct" Frazier's

* this is especially so when considering the fact that the bullet which wounded the Governor was tumbling as it smashed through his wrist, thereby presenting sharp and irregular surfaces to the resisting flesh, and thus making it even more likely that blood and tissue would be picked up. Further, recalling Dr. Gregory's reply when pressed to relate bullet 399 to the Governor's wrist wound, his sharply qualified endorsement of such a possibility was restricted solely to a backward-entering, (and therefore cutting-edged) bullet; (" . . . the only way this missile could have produced this wound is to have entered the wrist backward."); and therefore, once again, precluding the possibility that 399's un-bloodied appearance could be explained by hypothesizing it had drilled cleanly through the forearm in a nose-first condition.

4/12/1

hazardous no-blood-on 399/blood-on-the fragments testimony; or at least, to soften its troublesome effect by confusing the record?

To make such an accusation is, of course, a serious charge. Unfortunately, the Commission's behavior leaves the objective researcher little choice but to make it. For the Commission repeatedly — in scores and perhaps hundreds of important instances — conducts its "investigation" in such a fashion as to allow for only two possible interpretations: Either it consistently and deliberately selects, bends, and rejects facts and testimony so as to fit a preconceived conclusion — that the assassination was the work of one man, and one man only — or else it is guilty of incompetence so shocking as to be virtually incredible. Since there is no reason to believe that the experienced and highly trained attorneys who comprised the Commission's staff were incompetent, the former alternative emerges as the more likely.

As to Frazier's failure to correct Eisenberg's erroneous quotation of himself, the record reveals no definite reason. Perhaps he thought it wiser not to make an issue of it; perhaps he was confused by it, and was still thinking of the previous question regarding blood on the fragments.

That the latter may have been the case is possibly indicated by his reply, "No, there was no test made on the materials"; for if Frazier was referring to the fragments — which, it appears indisputable, were found in the President's car and did result from bullets which had struck the victim(s) — it would not be disturbing that tests were not made of the adhering substances.

But, if, in total contradiction to his earlier statement, Frazier's reply did refer to his having wiped blood from 399 — a bullet whose back-

ground even then was very much in doubt -- such deliberate alteration of a suspect piece of evidence would constitute a shocking breach of duty.

The impression one gets from Frazier's lengthy and highly professional testimony is that he would not be guilty of such a breach; and therefore it is likely that he indeed was thinking of the fragments when responding to Eisenberg's stupefying statement/question.

That Frazier's testimony did nothing to enhance the dubious reputation of 399 is finally illustrated by his answer to the following question:

Mr. Eisenberg: How material would you call that defacement (of 399)?

Mr. Frazier: It is hardly visible unless you look at the base of the bullet and notice it is not round.

. . . and by the failure of Eisenberg to ask "the next obvious question";* i.e., whether or not Frazier believed a bullet could have fractured Governor Connally's rib and wrist, leaving numerous fragments, and emerge as intact and with such "hardly visible" defacement as bullet 399.

* * * * * * * *

* Penn Jones, Jr., editor of the Midlothian (Texas) Mirror, so characterizes the Commission's persistent failure to press obvious leads in testimony before it.

XI " . . . NO FURTHER TESTS WERE RUN . . . "

As noted in our reconstruction of the "chain", FBI spectrographic expert Gallagher did not testify until two weeks prior to the release of the Warren Report. No questions whatever were asked of him regarding bullet 399, and one would not know from his testimony that he ever examined it. 15/746

That Gallagher did indeed do so is revealed by Frazier during his testimony of May 13, 1964, with counsel Specter; although no dates for the examination are given or asked. Specter did not inquire of Frazier as to whether Gallagher may have detected any blood/tissue residue on 399 during his examination; nor was he asked whether the "neutron activation analysis" — whose usefulness in crime-detection is described in fascinating and lengthy detail by Gallagher — could have been employed to detect such traces on 399, and to determine their origin. 5/67 15/746

Yet another opportunity to learn something about the mysterious bullet's history was missed, by Mr. Eisenberg, in his questioning of Joseph D. Nicol, the Illinois firearms expert, on April 1, 1964. After explaining to Eisenberg his opinion that 399 and the two bullet fragments (C.E. 567 and 569) originated from the same weapon as did several test bullets furnished him, he was asked:

Mr. Eisenberg: Mr. Nicol . . . is there any further testimony you wish to give on the subject of the rifle bullets?

Mr. Nicol: The only other work I did was with respect to an examination of the nose of (399) to ascertain whether there was any evidence of ricochet or perhaps contact with fabric and so on. 3/505

However, although there were some fine striations on there, there

was nothing of such a nature that it would suggest a pattern, like a weave pattern or anything of that nature. So that except for the nick, which I understand has been explained as a site where spectrographic tests were conducted, no further tests were run . . .

Mr. Eisenberg: Yes.

But doesn't Nicol's statement at least suggest that a bullet which had pierced the clothing of two men might be expected to have impressed upon it something suggesting a weave pattern?

And shouldn't a bullet that had smashed bones show some "evidence of ricochet"? Eisenberg's laconic one-word response showed no interest in these questions, so clearly implicit in Nicol's intriguing revelations.

Another "next obvious question" unasked; another Commission pitfall avoided.

* * * * * * * *

XII DOUBT UPON DOUBT

The strange and suspicious curcumstances surrounding the handling of bullet 399 by the Commission raise still other questions which merit our attention. In individual cases, and in the cumulative weight of some of these circumstances, suspicion of 399's legitimacy by the FBI itself, as well as the Commission, can be inferred:

1. Why was 399 still undergoing tests by the FBI four months after the assassination and three months after the FBI had submitted its report to the Warren Commission naming Lee Harvey Oswald as the lone assassin?

(The bullet was first presented in evidence by Specter on March 16, 1964, during the testimony of Commander Humes. Specter says: "We have been asked by the FBI that the missile not be handled by anybody because it is undergoing further ballistic tests . . . ".

Joseph Nicol did not receive it for testing until March 24, 1964.)

2. Was any attempt made during the FBI tests to analyze 399 for possible blood/tissue residue? If not, why not? If so, why are the reports not presented? Why were these questions not asked by the Commission?

3. Why was not a single FBI expert (including Frazier) asked by the Commission to state his views as to the possibility of 399 having caused the multiple wounds imputed to it?

4. Why did Specter fail to ask Frazier, during his May 13, 1964, testimony to establish the chain of possession of bullet 399; although requesting him to do so and receiving immediate

compliance in the cases of the other missiles involved (fragments)? 5/72

(These missiles, including 399, were being discussed on May 13. Yet, the aforementioned FBI letter of July 7, 1964, indicates that the Commission made no request for tracing of 399 until May 20, 1964* -- six months after the assassination.) 24/412

5. What is the meaning of Commissioner Dulles' enigmatic question shortly prior to 399's introduction into evidence on March 16, 1964 -- four months after the assassination: "So this bullet is still missing?" . . . and of Specter's even more enigmatic reply -- "That is the subject of some theories I am about to get into. That is an elusive subject . . . " 2/368

6. Why is Dulles still dubious two weeks after Specter's "explanation" . . .

(Mr. Dulles, March 30, 1964: . . . Did you know anything about the spent bullet that was found on . . . the litter?

Dr. Perry: My first knowledge of that was one of the newspaper publications had said there was a bullet found there. I don't know whether it was or not. I didn't find it.) 3/389

. . . and three weeks after that?

(Mr. Dulles, April 21, 1964: Did you hear at that time or have any knowledge, of a bullet which had been found on a stretcher? 4/116

* Also indicating the FBI took seven weeks to make its reply.

Dr. Shaw: No; this was later knowledge.

Mr. Dulles: When did you first hear that?

Dr. Shaw: This information was first given to me by a man from the Secret Service who interviewed me in my office several weeks later. It is the first time I knew about any bullet being recovered.)

7. Why is Senator Russell also skeptical? That this is so is implicit in his question during testimony of Dr. Gregory.

(Senator Russell, April 21, 1964: When did you first see this bullet, Doctor . . . ?

Dr. Gregory: This morning, sir.)

4/123

Nor are the commissioners alone puzzled, for the doctors' responses betray their own doubts.

8. Why was no prompt attempt made to have these doctors who attended Governor Connally try to relate bullet 399 to his wounds?

(The testimony of Drs. Shaw and Gregory reveal that they were not shown the bullet that allegedly inflicted these wounds until five months after the assassination.

That no such attempt was made at any time prior to their testimony -- let alone, shortly after the event when the doctors' impressions would have been most vivid -- could well indicate official mistrust of bullet 399.)

9. Why did the Parkland doctors not hear of the discovery of a bullet ("stretcher" or any other) much sooner?

(Drs. Shaw and Perry said they never even heard of a bullet found at Parkland Hospital until some date considerably after November 22, 1963; in the case of Dr. Shaw, " . . . several weeks later". That word of the "finding" of an assassination bullet did not travel like wildfire throughout the hospital can be explained logically only by assuming that the individuals involved in its discovery and handling were ordered not to talk. Such an order would be most consistent with official suspicion of 399, and may further serve to explain Hospital Personnel Director O. P. Wright's otherwise incomprehensible failure to include any mention of it in his activity report, submitted to his superior just twelve days later.)

Thus far, our inquiry has not solved the mystery of Commission Exhibit 399. The walking-on-eggs performance of the Warren Commission and the FBI, far from legitimatizing it, have instead further beclouded its genealogy.

Expert testimony was twisted or ignored; "tests" were conducted (Dr. Olivier's) which tested nothing but the Commission's gullibility, or worse; while others which should have been made were not; important witnesses were not called, or were not asked relevant questions; pertinent reports were not presented, while conspicuous omissions in others went unchallenged; obvious implications went unexplored.

We have yet to learn the actual part played by bullet 399 in the unforgettable tragedy of November 22, 1963.

* * * * * * * *

XIII HYPOTHESES

The Commission tells us that no more than three shots, and no fewer than two, were fired at the Presidential car. Of these, it says only two struck the victims; therefore, the Commission concludes, if there was a third (which it deems "probable"), it missed entirely. R-110-111

Since there is no legitimate way a missed shot could end up on a stretcher in Parkland Hospital (even if such a bullet could somehow retain the virginal appearance of 399), and since the bullet which shattered President Kennedy's head is known to have fragmented, the Commission was stuck with 399 as the sole cause of the remaining wounds of the President, and all those of Governor Connally. R-87

However, as we have seen, the Commission has not only failed to prove 399 inflicted all -- or any -- of the wounds attributed to it, but also has done nothing whatever to investigate alternative possibilities as to its involvement.

We shall have to do the Commission's work; for while the proof of the Zapruder film has destroyed any factual basis for clinging to the Commission's lone-assassin - three-shot shibboleth, the question of 399's role still remains a vital one. Could it have been any one of any number of shots fired at the victims, from any direction, whether or not it struck a human target?

In this section we shall examine all seemingly plausible hypotheses. At first, we shall list, weigh, and eliminate those which must be precluded for reasons pertaining to the condition of 399, to the wounds it allegedly inflicted, or to the impossibility of its having been in different

parts of the country at the same time. These three factors will be the only ones considered initially, even where exclusion of a hypothesis would be justified on other grounds. This contrary evidence will be based on observations by experts, and their views as given to the Commission.

(Such statements in reference to 399 as " . . . bullet would have been distorted", are to be interpreted as meaning more noticeably distorted than 399 — which actually was slightly flattened towards the rear.)

Then, we will examine the remaining hypotheses, and in these cases, additional factors will be considered.

Since our intention is to avoid overlooking any (initially) plausible manner in which 399 could have been implicated, our list shall include many alternatives not entertained by the Commission.

A. HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO ALLEGED JFK-JC DOUBLE HIT

(evidence presented below regarding relationship to Governor Connally's wounds also applicable here)

B. HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO GOVERNOR CONNALLY'S WOUNDS (JC HYPOTHESES)

1. entered back; came to rest in body.

Evidence Against:

a. no evidence of bullet being removed from Governor's chest at Parkland Hospital.

b. wound at front of chest was exit wound. Evidence indicates only one entrance wound in back; therefore same bullet must have exited from front causing chest wound.

Hypothesis Eliminated

2. entered back, shattered rib, exited chest, pierced and shattered wrist, entered left thigh.

Evidence Against:

a. numerous fragments left in Governor's body (chest, wrist, thigh) rule out 399 as their source.

b. bullet shattering rib and wrist would most probably have been distorted.

Hypothesis Eliminated

3. first pierced Governor's wrist, shattering bones, then entered thigh.

Evidence Against:

a. coat fibres carried into wrist wound by missile indicated it had previously hit other obstruction.

R-96

b. numerous fragments left in wrist and thigh rule out 399 as their source.

c. bullet shattering wrist would most probably have been distorted.

Hypothesis Eliminated

4. first pierced wrist, shattering bones, struck no other part of Governor's body.

Evidence Against:

(same as in 3, above, except for deletion of "and thigh" in b)

Hypothesis Eliminated

5. first struck Governor's thigh.

a. (at normal velocity);

Evidence Against:

(1) minor nature of thigh wound precludes unspent bullet as cause.

(a) failing to encounter bone (or failing to encounter it squarely) bullet would almost certainly have pierced leg, causing exit wound. No evidence of such wound.

(b) encountering bone (squarely) would have shattered bone (no indication of such fracture); bullet would most probably become distorted.

Hypothesis Eliminated

b. (at exceptionally low velocity, caused by "weak charge" or otherwise defective cartridge);

Evidence Against:

(1) bullet-fragment penetrated into femur, indicating bullet from which it came was unspent.

Hypothesis Eliminated

C. HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO MISSED SHOT(S)

1. missed car and occupants, struck pavement or hard surface.

Evidence Against:

a. bullet would have been distorted.

Hypothesis Eliminated

We have now eliminated seven hypotheses and sub-hypotheses for reasons immediately decisive. Of the remaining thirty-seven which follow, some --where warranted-- will likewise be immediately eliminated; but others will be retained for further consideration.

D. REMAINING HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO GOVERNOR'S WOUNDS

6. entered back, shattered rib, exited front of chest, struck no other part of body. (downward angle of bullet exiting from chest would insure its striking interior of car, resulting in one of the following):

a. hit solid obstruction in interior of car at high speed.

Evidence Against:

(1) it would have been distorted.

Hypothesis Eliminated

b. penetrated upholstery, coming to rest in soft material, thus preventing further distortion.

Evidence Against:

(1) it would have to have been recovered and placed on stretcher.

(2) no reason for such a bullet to be placed on stretcher.

Hypothesis Retained

c. spent upon exiting Governor's chest and jacket, came to rest in car without damaging it, or distorting bullet.

Evidence Against:

(same as in b above)

Hypothesis Retained

7. entered Governor's back, exited front of chest, then struck his thigh. Bullet subsequently:

a. was removed surgically at Parkland.

Evidence Against:

(1) such surgical removal contrary to all evidence.

(2) if so removed, no reason to place it on stretcher.

Hypothesis Retained

b. fell out of thigh wound; either into his trousers, and from there onto his stretcher; or later, directly from the wound onto the stretcher.

Evidence Against:

(1) if bullet fell from thigh wound, it must have been nearly spent prior to striking thigh -- otherwise, it would have penetrated to depth that would have precluded dislodgment. But in fact, bullet-fragment penetrated into his femur; which indicates it came from missile still retaining considerable velocity.

Hypothesis Retained .

E. HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO JFK's WOUNDS

1. struck President Kennedy's head, exited, then struck car.

a. encountering hard object in interior of car at high speed.

Evidence Against:

(1) bullet piercing skull would most probably have been distorted.

(2) bullet then striking hard object in car (of sufficient substance to stop it)would be further distorted.

Hypothesis Eliminated

b. penetrated upholstery, coming to rest in soft material, thus preventing further distortion.

Evidence Against:

(1) bullet piercing skull would most probably have been distorted.

(2) it would have to have been recovered and placed on stretcher.

(3) no reason for such bullet to be placed on stretcher.

Hypothesis Retained

c. spent upon exiting head, came to rest in car without further distortion to bullet or damage to car.

Evidence Against:

(1) bullet piercing skull most probably would have been distorted.

(2) it would have to have been recovered and placed on stretcher.

(3) no reason for such bullet to be placed on stretcher.

Hypothesis Retained

2. struck President Kennedy's head; exited, escaped car without striking it.

a. still unspent after escaping car, bullet encountered solid obstruction.

Evidence Against:

(1) bullet piercing skull most probably would have been distorted.

(2) striking other hard object would have resulted in further distortion.

Hypothesis Eliminated

b. still unspent after escaping car, bullet struck soft surface (grass, soft earth), thus penetrating deeply.

Evidence Against:

(1) bullet piercing skull most probably would have been distorted.

(2) recovery in time for placement on stretcher unlikely.

(3) no reason to place such bullet on stretcher.

Hypothesis Retained

c. still unspent after escaping car, bullet traveled unobstructed until spent.

Evidence Against:

(1) bullet piercing skull most probably would have been distorted.

(2) recovery in time for placement on stretcher unlikely.

(3) no reason to place such bullet on stretcher.

Hypothesis Retained

d. spent upon exiting head and escaping car, bullet fell to surface.

Evidence Against:

(1) bullet piercing skull most probably would have been distorted.

(2) it would have to have been recovered and placed on stretcher.

(3) no reason to place such bullet on stretcher.

Hypothesis Retained

3. entered JFK's neck (either front or rear), ranged upward into head, piercing skull; exiting, and escaping car without striking it.

a. (alternative and "Evidence Against" same as in 2a, above)

Hypothesis Eliminated

b. (" " " " same as in 2b, above)

Hypothesis Retained

c. (" " " " same as in 2c, above)

Hypothesis Retained

d. (" " " " same as in 2d, above)

Hypothesis Retained

4. entered neck (either from front or rear), ranged upward through head, exited skull through pre-inflicted wound -- thus avoiding further distortion -- and escaping car.

   a. (alternative and "Evidence Against" -- with deletion of (1), same as in 2a, above)
   Hypothesis Eliminated

   b. (" " " " " " 2b, ") Hypothesis Retained

   c. (" " " " " " 2c, ") Hypothesis Retained

   d. (" " " " " " 2d, ") Hypothesis Retained

5. entered JFK's neck (either from front or rear), ranged upward into head; did not exit, removed surgically.

   Evidence Against:

   a. such surgical removal at Parkland contrary to all evidence; no reason to place such bullet on stretcher.
   Hypothesis Retained

   b. any such removal at Bethesda would have precluded same bullet being found at Parkland hours earlier.
   Hypothesis Eliminated

6. entered JFK's neck (from front or rear), ranged downward in body and did not exit; removed surgically.

   Evidence Against:

   a. such removal at Parkland contrary to all evidence; no reason to place such bullet on stretcher.
   Hypothesis Retained

   b. any such removal at Bethesda would have precluded same bullet being found at Parkland hours earlier.
   Hypothesis Eliminated

7. entered JFK's throat, exited back.

   a. if unspent, bullet would have penetrated interior of car.

Evidence Against:

(1) even if penetration of soft material prevented further distortion, bullet would have to have been recovered from car and placed on stretcher.

(2) no reason to place such bullet on stretcher.

(3) size and description of back wound suggests it was entry.

Hypothesis Retained

b. if spent after exiting body and piercing clothing, bullet would have come to rest in car.

Evidence Against:

(1) no reason to place such bullet on stretcher.

(2) size and description of back wound suggests it was entry.

Hypothesis Retained

8. entered JFK's back, exited throat, missed other occupants, struck interior of car.

a. (alternative and "Evidence Against" same as in 7a, above.)

Hypothesis Retained

b. (" " " " same as in 7b, above.)

Hypothesis Retained

9. entered JFK's back, exited throat, escaped car without striking it.

a. (alternative and "Evidence Against" — with deletion of (1) — same as in JFK 2a) Hypothesis Eliminated

b. (alternative and "Evidence Against" — with deletion of (1) — same as in JFK 2b) Hypothesis Retained

c. (alternative and "Evidence Against" — with deletion of (1) — same as in JFK 2c) Hypothesis Retained

d. (alternative and "Evidence Against" — with deletion of (1) — same as in JFK 2d) Hypothesis Retained

10. entered JFK's back, came to rest in body; subsequently fell out of

back through same wound onto stretcher (possibly at time chest massage applied at Parkland).

Evidence Against:

a. for bullet to have any conceivable chance to thus fall from body, its penetration into back would have to be extremely shallow.

(1) such shallow penetration could only result--

(a) from bullet having expended most of its energy by striking other object prior to entering back (in such case, distortion would be most likely).

(b) from "weak charge", or otherwise defective cartridge.

(2) even in case of shallow penetration, expert opinions indicate such dislodgment from body extremely unlikely.*

Hypothesis Retained

F. HYPOTHESES INVOLVING RELATIONSHIP OF 399 TO MISSED SHOT(S)

2. missed occupants, struck car,

a. encountered hard obstruction

Evidence Against:

(1) it would have been distorted.

Hypothesis Eliminated

b. penetrated upholstery, missing hard obstruction, thus preventing distortion.

Evidence Against:

(1) bullet would then have to have been recovered from car and placed on stretcher.

(2) no reason to place such bullet on stretcher.

Hypothesis Retained

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*See footnote page 74

3. missed car and occupants, struck grassy area (or soft earth). (grass in Dealy Plaza well-tended, watered regularly; it had been raining earlier).

a. if unspent, bullet encountering such surface would penetrate deeply (if it struck sub-surface rock it would have been distorted).

Evidence Against:

(1) recovery in time to place on stretcher unlikely.

(2) no reason to place such bullet on stretcher.

Hypothesis Retained

b. if spent, due to "weak charge", or having been fired from great distance, bullet would still probably penetrate such surface.

Evidence Against:

(1) bullet would have to be recovered and placed on stretcher.

(2) no reason to place such bullet on stretcher.

Hypothesis Retained

* * * * * * * *

XIV A PROCESS OF ELIMINATION

On the basis of conclusive evidence, we have eliminated nine more of our remaining hypotheses and sub-hypotheses, leaving twenty-eight still open.

Of the remaining number, the largest group (nine) require that 399 come to rest somewhere in the President's car (as a result of the shooting); be recovered therefrom, and placed on the stretcher on which it was found at Parkland Hospital. Some brief testimony by FBI firearms expert Frazier is in order here, for he examined the car within hours after the assassination:

Mr. Specter: Mr. Frazier . . . Do you have any knowledge through any source whatsoever of any bullets or fragments found anywhere in the vicinity of the assassination, other than those (fragments) which you have already testified to, which were in the car, or the whole bullet from the Connally stretcher . . . ?

5/13/64
5/13

Mr. Frazier: No sir; I have never heard of any nor have any been submitted to me.

The next questions answered by Frazier emphasize still further the unlikelihood of 399 having been found in the car (or in the vicinity of the assassination).

Mr. Specter: During the regular processing of the FBI examination in this case, would all such bullets or bullet fragments be brought to you for examination in accordance with your assignment to this matter generally?

Mr. Frazier: Yes, they would.

. . .

5/71

Mr. Specter: Was your examination (for bullet penetration of the automobile) a thorough examination of all aspects of the interior of the car?

Mr. Frazier: Yes, sir . . . we examined the rugs carefully for holes . . . we examined all the upholstery covering, on the back of the front seat, on the doors . . . the jump seats, the actual rear seat, the back of the rear seat, and . . . the front seat, and we found no bullet holes.

Hypotheses JC-6c and JFK-1c are two of this first group (of nine). To believe that either offers a reasonable explanation for 399, one must believe that —Frazier notwithstanding— 399 was found in the car; and that it was then placed on a stretcher at Parkland. In the case of JFK-1c, we must further accept that 399 somehow avoided distortion while piercing President Kennedy's head.

Two more of this group are JFK-7b and JFK-8b. To believe that either of these can explain 399, one must believe that it had been fired by a "weak charge", or otherwise defective cartridge; that Frazier was wrong in saying only fragments were found in the car; and that 399 was recovered from the car and placed on a stretcher.

The five remaining hypotheses in which 399 must be recovered from the car are JC-6b, JFK-1b, JFK-7a, JFK-8a, and MISS-2b. These have the impediment of requiring 399 to penetrate the upholstery of the car, making prompt recovery for placement on the stretcher that much more difficult.

As we have seen, Frazier said there was no evidence of such penetration; and Dr. Olivier states that if such a bullet struck the interior of the car after piercing President Kennedy, " . . . you would have seen a good deal of evidence".

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Therefore, to retain any of these five as possibilities, one must accept that Frazier was wrong in believing that only fragments were found in the car; that he was wrong again in saying there was no evidence of penetration in the car; and that 399 was recovered from the car's interior and placed on the stretcher at Parkland. In the case of JFK-1b, we must also accept that 399 avoided distortion although piercing the President's skull.

An additional hurdle common to this group, but one which must be surmounted in order to retain any of its nine alternatives, is the fact that the Secret Service was in complete possession of the car from the time of its arrival at Parkland until it was flown from Dallas three hours later at 3:35 p.m. It follows, then, that if anyone recovered 399 from the car at Parkland and placed it on a stretcher (or gave it to someone who did), it almost certainly could have been no one but a member of that agency. 18/731

(At this point, it would be well to recall that it is most unlikely that either of the two stretchers handled by Tomlinson could have been used by President Kennedy; the Commission not only agreeing on this point, but is unequivocal in excluding the possibility entirely. We have also seen that there is at least a reasonable doubt that either stretcher was used by Governor Connally -- despite the Commission's conclusion that the one removed from the elevator by Tomlinson was indeed the Governor's.

This leads us to the near certainty that no more than one of the two stretchers on which Tomlinson could have "found" the bullet was connected with either victim; and that it is entirely possible that neither of them was so involved.

These conclusions, unaided by any other considerations, but fully supported by the evidence, inevitably raise the possibility that 399 was planted. However, since it is our purpose to find, if possible, a legitimate

and natural explanation for the pristine appearance of bullet 399, we shall make two important concessions toward that end by assuming that either of the two stretchers in Tomlinson's vicinity when he "found" the bullet could have been President Kennedy's or Governor Connally's.)

Another group of the remaining hypotheses, five in number, are JFK-2b, JFK-3b, JFK-4b, JFK-9b, and MISS-3a. Four of these involve 399's escaping the car after wounding the President; and the fifth, a miss. All five make it necessary that bullet 399 be dug out of the earth at varying and indeterminate distances from the assassination site, and placed on a stretcher at Parkland. To retain any of these five as possibilities, one must be willing to believe that someone either observed the impact of an unspent bullet on the grass or soft earth, or located the spot shortly afterward; that although this occurred at an indeterminate distance from the assassination site, and despite the considerable depth to which such a bullet would penetrate such a surface,* it was, nevertheless, promptly retrieved; and that someone then placed it on a stretcher at Parkland.

Four other alternatives, JFK-2c, JFK-3c, JFK-4c, and JFK-9c, also are cases in which 399 exited the car without striking it, after inflicting wounds on the President. Here, however, instead of penetrating the soil, 399 would have traveled unobstructed until spent.

To retain any of these four, one must accept that promptly after the shooting, the spent 399 was somehow located at what probably would have been a great distance from the assassination site (Frazier says such a bullet after piercing President Kennedy's neck would travel approximately

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* As to depth of penetration in soft earth, Dr. Olivier's testimony gives some indication. He reveals that bullets of this type fired into tissue-simulation materials from the Mannlicher-Carcano rifle, in some cases pierced more than thirty inches of the material, and still retained sufficient energy to bury themselves in a mound of earth.

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a mile if unobstructed after leaving the car — even if it had also pierced the windshield); and that it was subsequently placed on a stretcher at Parkland. In the cases of JFK-2c and JFK-3c, we must, again, accept that 399 escaped distortion although piercing the President's skull.

Four more hypotheses involving 399's escape from the car (in these cases, as a spent bullet), after wounding the President, are JFK-2d, JFK-3d, JFK-4d, and JFK-9d; the former two, once again, only after piercing his head.

Therefore, retention of any of these four is dependent upon believing that 399 was located and recovered from the Dealy Plaza area, and placed on the stretcher; and additionally, in the two former instances, that 399 was not distorted although fracturing the President's skull.

Hypothesis MISS-3b, also, calls for the discovery of 399 in the Dealy Plaza area shortly after the shooting, and for its placement on the stretcher. Its failure to penetrate the soft surface deeply requires us to further believe that it resulted either from a very weak charge, or that it was spent as a result of having been fired from a very great distance.

Three hypotheses, JC-7a, JFK-5a, and JFK-6a, involve the surgical removal of 399 at Parkland Hospital, and its placing on a stretcher. For this to have occurred would mean that the doctors attending the victims not only failed to include such critical information in their written reports made shortly after the event, but that they falsified those reports, and committed perjury before the Commission.

Further, that this deliberate concealment of such surgical removal began at Parkland Hospital immediately after attending the victims; for at no time — either at the November 22 hospital press conferences explaining the victims' wounds and treatment, or at any other time — was any mention

made of a whole bullet (or "nearly whole" as the Commission chooses to describe 399) having been surgically removed from either President Kennedy or Governor Connally. And, of course, after such surgical removal, the bullet would still have to have been placed on one of the stretchers.

Before turning our attention to the two remaining hypotheses, we should note that of the "retained" hypotheses reconsidered thus far (after the elimination of the first seven), whether their individual impediments impress one as decisive or not, each of them requires that some unknown person or persons retrieved bullet 399; either from the Presidential car, or from the general vicinity of the assassination, or from an unknown location at an indeterminate distance from the site of the shooting; or from the bodies of the victims themselves; and then placed it, or arranged to have it placed, on one of the stretchers.

The point must be emphasized that not only would this be an inexcusable and inexplicable mishandling of vital evidence even if somehow committed with no sinister purpose, but that there is no reason whatsoever why this should have been done with a legitimate assassination bullet even for a sinister purpose. The "planting" of a bullet can only be with the intention of having it "found" so as to ensure positive identification with a weapon the "planter" wishes to implicate (whether such a weapon is actually involved in the crime or not). Such a person would be delighted to discover that an assassination bullet had been recovered in the near pristine condition of 399, thus assuring the desired ballistic identification. What possible motive could he then have for jeopardizing his good fortune and the legitimacy of such crucial evidence (not to speak of his own risk of criminal involvement) by "planting" it? The answer, of course, is that no such motive exists.

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XV THE CHOICES NARROW

There are now but two hypotheses remaining for our reconsideration. They are unique in that they are the only ones that do not require 399's having been unnaturally transported from the place where it came to rest after the shooting to a hospital stretcher at Parkland. We shall take them up separately.

The first, JC-7b, states that 399 entered Governor Connally's back, exited from his chest after shattering his rib; then struck his thigh causing the small wound the doctors found there; and then became dislodged, either falling into his trousers and eventually from there onto his stretcher, or later, directly from the wound onto the stretcher.

The Commission of course believes this bullet did become so dislodged; but their three-shot limit requres also that it had already pierced and shattered the Governor's wrist during its trip from his chest to his thigh, and that it had previously gone through President Kennedy's neck before striking the Governor.

It is doubtful that anyone reading this far can still believe bullet 399 could have done what the Commission says it did. The Commission's single-assassin case is dead; laid low by the fatal blows inflicted by Abraham Zapruder's film, and neither Hypothesis JC-7b nor anything else can bring it to life. But cannot JC-7b at least provide a reasonable and legitimate explanation for 399; which, after all, is the object of our search?

An objective examination of the facts dictates an almost certain "no". Even after conceding that bullet 399 could retain its undistorted appearance after fragmenting the Governor's rib, there are other formidable

barriers in the path of JC-7b's acceptance.*

A bullet does not fall out of its entry wound unless its penetration is extremely shallow; almost certainly, not unless its penetration was so slight as to have come to rest with part of it still protruding from the wound.** But a penetration anywhere near this shallow by 399 would indicate that it was almost completely spent, retaining only a fraction of its velocity when it struck the leg. The facts are, however, that there is a bullet fragment in Governor Connally's femur, which could have entered in no other way except through the single wound observed on his thigh, the same wound the Commission says was caused by 399. How could a tiny fragment have the necessary momentum to penetrate the tissues of the thigh clear to the bone, and then penetrate deeply into the bone itself (the heaviest of the human body), if the bullet from which it came had impacted the thigh with so little force as to have become dislodged and fallen back out?***

To believe, therefore, that JC-7b may solve the mystery of 399, one must believe either of the following:

1. That 399 struck the Governor's thigh with so little force that it fell from the wound it created; and that despite the feebleness of its impact, a fragment nevertheless instantly dislodged from it and penetrated into the femur.
2. That the fragment in the Governor's femur came from a dif-

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* this hypothesis, of course, involves the further concession that the metal fragments left by a bullet in the Governor's chest and thigh could have come from 399, despite strong contrary testimony by the Commission's own expert witnesses.

** see footnote, page 74

*** compare with Dr. Olivier's tests in which this type of ammunition completely pierced more than thirty inches of simulation materials.

ferent bullet, and that -- since it is undisputed there was only a single wound on the Governor's leg -- the then impotent 399 must have struck his thigh at the exact same place where the fragment had entered (or vice versa), thereby causing two separate entrance wounds to appear as one.

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We now have but one hypothesis, JFK-10, remaining to be reconsidered. It states that 399 first struck the President's back (or "neck", as the Commission prefers); came to rest in his body, and subsequently fell out through the same wound onto a stretcher -- presumably while chest massage was being applied at Parkland. (This indeed, is the hypothesis clearly implied--though not quite explicitly stated --in the recently declassified and by now famous FBI report submitted to the Commission on December 9, 1963.* The "FBI Supplemental Report" dated January 13, 1964,* gives the depth of penetration into the President's back as " . . . a distance of less than a finger length".)

As with our preceding hypothesis, JFK-10 offers --at first glance-- a seemingly plausible legitimate explanation for the condition and discovery of bullet 399. However, a closer examination leads to a different conclusion.

To begin with, we again have the problem of "fall-out". As with the case of the Governor's slight thigh wound, for such dislodgement from the President's body to have any reasonable possibility of occurring, the

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* Epstein, "Inquest: The Warren Commission and the Establishment of Truth", Viking. (The FBI through anonymous spokesmen has made a series of "statements" reported in the press from the 29th of May, 1966, to the present; including refusals to comment; suggestions that the FBI reports were only preliminary and hasty; and suggestions that the FBI was only repeating what the doctors had said.)

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bullet's penetration would have to be extremely shallow; by independent expert opinion, much less than even the two-to-three inches constituting a finger's length.* Such shallow penetration could conceivably be accounted for in three ways:

1. the bullet was spent as a result of having been fired from a very great distance (as Frazier indicated; with ammunition of this type, more than a mile; obviously a circumstance less than ideal for an assassination attempt.)
2. the bullet was spent as a result of having dissipated most of its energy by encountering some other obstruction prior to striking the President's back. (Frazier's testimony indicates there was no car damage attributable to this bullet, and specifically, no holes in the upholstery. It is difficult, then to conceive of an obstruction encountered by 399 before reaching the car, that could slow it down enough to allow for

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* The author obtained opinions from six experts; coroners, coroners' pathologists, and criminalists in three major cities. Ranging in experience from six to forty years, representing a collective total of almost one hundred years, these men had made an aggregate of approximately 15,000 separate bullet wound examinations. They were unanimous in stating the following:

1. they had never seen a case involving "fall-out" through the entrance wound by a bullet that had completely penetrated the skin, let alone two or three inches of tissue.
2. they had never heard, through their colleagues or professional journals, of such an occurrence.
3. that the only cases of "fall-out" they could conceive of —and had occasionally dealt with— were those in which the bullet had come to rest partially protruding from the skin; either as a result of failing to completely enter the body; or, after almost piercing it entirely, failing to completely exit.

The reason given by all six experts as precluding "fallout" was that the missile, upon striking the body, forces its way through skin and tissues, which immediately contract behind it; thereby leaving a free passage smaller than the diameter of the bullet. In reply to the specific question as to whether such "fall-out" was a reasonable possibility if chest massage had been applied in an effort at revival, the unanimous answer was no.

penetration so shallow as to permit "fall-out". Even if such were the case, gross distortion of the bullet would have almost certainly resulted.)

3. The bullet was grossly underpowered as the result of a "weak charge", or otherwise defective cartridge, therefore possessing only a fraction of the velocity normal for this type of ammunition. (expert opinions received by the author indicate this is an extremely rare occurrence in ammunition of reasonably current manufacture; more frequent in very old or "reloaded" ammunition).

It follows from the above that if our final hypothesis is to be retained as an explanation of 399, we can do so logically only by accepting the following:

1. That 399 made an extremely shallow penetration of JFK's back; and did so either as a result of:
   a. having been fired from a very great distance.
   b. having first spent most of its energy,
      (1) by encountering a previous obstruction prior to reaching the car;
      (2) by first striking some portion of the car; and in either case, managed to avoid distortion.
   c. having been fired by a cartridge so defective as to impart to it a vastly sub-normal velocity.
2. That having made such shallow penetration, 399 later fell from his back, through its own entrance wound, onto his stretcher.

In addition, for those still believing JFK-10 a reasonable

possibility, it should be recalled that yet another improbability must be added to the series on which this hypothesis already depends; that our earlier concession that President Kennedy's stretcher could have been the one on which Tomlinson found the bullet is itself contingent upon two factors:

1. that contrary to all indications, someone replaced sheets on President Kennedy's stretcher after they had been once removed, and then moved the stretcher to the elevator or corridor area where Tomlinson found it.
2. that Tomlinson arrived at the elevator close to an hour later than he said he did.

Nor is even this quite all, for JFK-10 shares with all other hypotheses one final handicap; there is no evidence of any blood or tissue ever having been on 399. Frazier --despite Eisenberg's obfuscation-- said he saw none; there is no indication that any of those handling it previously saw any; and, if any laboratory analysis was made which verified or refuted the presence of such residue, neither the Warren Report nor any of the twenty-six volumes of testimony and exhibits reveal that fact.*

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* Opinions received from experts referred to in footnote on page 74 reveal that such complete lack of adhering blood or tissue would be unusual for a bullet that had pierced a body.

XVI CONCLUSION

Our search for legitimacy for Commission Exhibit 399 is almost at an end. It has not been an easy one. Although all initially plausible hypotheses have been presented which could involve it as a legitimate assassination bullet (albeit, with two exceptions, a bullet which was inexplicably placed on a stretcher), most would agree that upon close examination even the least unlikely of these presents a remote possibility, at best.

And yet, 399 exists. If its undistorted appearance, immaculate condition, suspicious discovery, and mysterious handling cannot be reasonably accounted for by any hypothesis implying legitimacy, the answer must lie elsewhere.

Indeed, it has been implicit at many junctures throughout our search; and it has now become as inescapable as it is ominous:

That bullet 399 is not a legitimate assassination bullet at all; that it was never fired at any human target; that instead, it was deliberately fired in such a manner as to prevent its mutilation; and then, with the intention of assuring its identification with the Mannlicher-Carcano rifle allegedly belonging to Lee Harvey Oswald, it was planted by person or persons unknown on the hospital stretcher where it was subsequently "found".

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R.M. July, 1966

COMMENTS BY LEADING WARREN REPORT CRITICS:

" . . . methodically documents the bizarre history of a most crucial piece of evidence . . . one cannot read this treatise without becoming firmly convinced of the impossibility of the Warren Commission conclusion, i.e.: that this is the bullet which penetrated both victims, causing severe wounds and fracturing bones."

Marjorie Field, independent researcher

" . . . an outstanding piece of research . . . . . should be required reading for all college Logic students, and all others interested in the assassination of President Kennedy."

Penn Jones, Jr., editor, Midlothian Mirror
author, "Forgive My Grief"

" . . . a masterful analysis of the stretcher bullet and collateral evidence — a most impressive, well-argued study."

Sylvia Meagher, author,
"Subject Index to the Warren Report"
"Accessories After the Fact"

" . . . This work provides some essential raw material for the history of the Warren Report's short and unhappy life. It punctures the heart of the Commission's case . . . "

Vincent J. Salandria, attorney,
author

" . . . The Bastard Bullet is an important contribution toward understanding what really happened when President Kennedy was assassinated and how the Warren Commission's subsequent investigation went wrong . . . "

Harold Weisberg, author,
"Whitewash:
The Report on the Warren Report"

". . . Ray Marcus was in the forefront of those critics who saw that the 'official solution' was impossible and who did something about it."

Jim Garrison,
Judge, Court of Appeals,
former District Attorney,
New Orleans