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## Preface to the Paperback Edition

Conspiracy is central to *Breach of Trust*—but it is not a conspiracy tale about who killed President Kennedy. Rather, it is about the ongoing conspiracy by the Warren Commission, the FBI, and other government agencies to hide the fact that Dallas was the work of more than one lone gunman. It was written as a countercheck to the official mythology—the pseudohistoric, fictional, whole-cloth offering of the official account.

In *Breach of Trust* I expose some of the grave flaws in the Warren Commission Report. Most of the 900-page report has little or nothing to do with the evidence in the case. A fair and balanced view of the report is that it deals largely with the life and times of Lee Harvey Oswald, with only superficial and passing reference to the most basic scientific evidence in the case. Here, I review some of the body of evidence that supports Oswald's contention that he was just a "patsy," and I conclude with examples of new evidence that exonerates Oswald and throws more revealing light on the official mythology of the JFK assassination.

For example, forensically critical in any murder is the official death certificate. This was prepared back in Washington by President Kennedy's White House physician, Dr. George G. Burkley, on Saturday, the day after the assassination, before politics took control of the investigation. The report notes that Kennedy sustained a "posterior back wound at about the level of the third thoracic vertebrae."<sup>1</sup> During the course of the Commission's deliberations, it became imperative to reposition JFK's back wound so that it was high enough in the neck region to exit the president's throat and strike Governor John Connally, thus supporting the so-called single-bullet theory, which was necessary to validate the official construction that JFK was the victim of a lone assassin. I argue that the single-bullet theory is one of the prime examples of deception in the Commission's case against Oswald.

Astoundingly, Dr. Burkley's death certificate is not mentioned in the Commission's report and was excluded from the twenty-six volumes of hearings and exhibits! Commission General Counsel J. Lee Rankin, almost certainly with Chief Justice Earl Warren's consent, sent Kennedy's death certificate to the U.S. Government Printing Office with other Commission records that were *not* to be published.

Afterward, President Johnson urged Burkley to stay on as White House physician and promoted the doctor to vice admiral. (The only other presidential physician to hold that rank served in Teddy Roosevelt's White House.) It would not strain credulity to assume that Burkley's promotion was an example of LBJ's well-documented tactic of keeping his friends close but keeping potentially troublesome witnesses even closer. Burkley was never called as a Commission witness, and no members of the Commission ever made it their business to question him about Kennedy's death certificate. He was finally permitted to make a politically innocuous written statement about the events in Dallas, but only after it was cleared through the FBI and Rankin.<sup>2</sup>

Several years later, in 1967, Burkley agreed to take part in an oral history interview for the John F. Kennedy Library. When asked whether he agreed with the Warren report's description of the shooting, Burkley's terse response was, "I would not care to be quoted on that."<sup>3</sup> The bureaucratic internment of the Kennedy autopsy is just one example of the Commission's habitual misrepresentation, deep denial, and seemingly outright deception when it came to evidence that might undermine confidence in the official verdict. While the White House, the FBI, the Commission, and most of the national press insisted that the investigation into President Kennedy's assassination was a thorough examination, in reality, it was merely an exercise intended to foreclose unwanted conclusions.

This description applies equally to the FBI's Commission Document Number 1 (CD 1), a thirty-nine-page report on the Kennedy assassination. When FBI director Hoover told Walter Jenkins the report would speak for itself, he was being prophetic, but in a manner he never intended. For example, CD 1 describes the assassination in fewer than sixty words. Connally's wounds are not mentioned at all. Moreover, the FBI never requested a copy of Kennedy's Bethesda Naval Hospital autopsy protocol and rejected the Secret Service's initial offer to provide it while the Bureau was preparing its report.<sup>4</sup>

The upshot, which would have been untenable in any routine homicide investigation, was two mutually incompatible versions of the Kennedy assassination. For the Commission, the single-bullet theory—an exercise in magical thinking—served as an evidentiary passport to reach a comfortable conclusion that was essential for the official explanation of the crime. In the Commission's version, two bullets hit Kennedy, and the one that allegedly exited his neck then entered Governor Connally; the third bullet missed the limousine altogether.

In contrast, in the FBI's version of the shooting, all three shots struck a body. Two bullets hit JFK: one was the fatal head shot, and the other bullet exited Kennedy's body, entered Connally's back, exited his chest under the

right nipple, and then shattered his left wrist. In April 1964 Governor Connally testified before the Warren Commission and insisted that he had been hit directly by the second shot when the president slumped forward after being struck by the first. The third shot was the fatal one to Kennedy's head. On November 21, 1966, the *Washington Post* quoted Connally as saying, "There is my absolute knowledge . . . that one bullet caused the President's first wound and that an entirely separate shot struck me. It is a certainty, I will never change my mind."<sup>5</sup> Director Hoover's marginalia on the FBI document notes: "We don't agree with the Commission as it says one shot missed entirely & we contend all 3 shots hit."<sup>6</sup>

Hoover's acceptance of Connally's version of the shooting was almost certainly based on the report produced by FBI agents James W. Sibert and Francis X. O'Neill, who were assigned to observe the autopsy performed at Bethesda Naval Hospital. Their report states, without equivocation, that a missile entered Kennedy's back about six inches below the shoulder, to the right of the spinal column, at a forty-five- to sixty-degree angle. When one of the prosectors probed the back wound with his finger, he could not find an exit path.<sup>7</sup>

If we can agree that the assassination of a president is the most subversive of all crimes in a political system of popular representation, then the Kennedy assassination was the greatest crime of the American twentieth century. The Warren Commission's eminent members were charged by the Oval Office with reporting to the American people on the crime in Dallas, based almost exclusively, as it turned out, on the evidence gathered and reported by the FBI. Yet, in this most subversive of all crimes, the Commission and the FBI were at loggerheads over the quintessential evidence in the case: the postmortem explanation of how the president met his death.

This unsettling imbroglio did not go unnoticed at the top levels of government—namely, the White House. In October 1966 President Johnson called on an old friend, Supreme Court Justice Abe Fortas, to approach the FBI director about undertaking a "series of lengthy articles or a book . . . concerning the captioned matter." The request was triggered by the national attention drawn to the contradictory versions of events by the Warren Commission and the FBI. Clyde Tolson, the Bureau's assistant director, paraded out reasons why the director could not oblige the White House. Fortas then advanced a more modest request: Would the director consider writing one brief article "restricted solely to the controversy raised by critics with respect to the differences as shown in the autopsy between FBI reports and the final conclusion of the Warren Commission"? Hoover declined Fortas's request.<sup>8</sup>

A half century after JFK's assassination, the irreconcilable conflict between the two versions of the essential forensic medical facts and their crim-

inal consequences has yet to be resolved. Neither account of the shooting in Dealey Plaza persuasively explains what happened on that dark day in Dallas on November 22, 1963. In both versions, descriptions of the wounds to Kennedy's body were manipulated to satisfy political needs, and Dr. Burkley's politically unprejudiced findings on the official death certificate were ignored. As mentioned earlier, he noted a *back* wound—not a neck wound. This is significant because, during the autopsy at Bethesda Naval Hospital, the navy prosecutors could not find an exit wound for this bullet. Therefore, the forensic anatomical evidence did not support the explanation of a bullet exiting Kennedy's body at the level of his neck and entering Governor Connally, which was essential for the official explanation that only three shots were fired.<sup>9</sup>

Over the years, our political leaders and mass media have by default accepted the Warren Commission's deeply flawed and shamelessly politicized version of the assassination. They have displayed an inexhaustible talent for avoiding any potentially dangerous fact, failing to grasp logical errors, and rejecting any train of thought that could lead in a "heretical" direction. This default gives a new meaning to "clear and present danger."

In appendix A of *Breach of Trust*, I include an FBI damage-control "tickle file" (marked "Secret") that was mistakenly released to Mark Allen in April 1985. This four-page internal document reveals the Bureau's thoroughly compromised pseudoinvestigation into the Kennedy assassination and its adversarial relations with the Warren Commission. In this document, Hoover says, "Oswald alone did it. Bureau must convince the public Oswald is real assassin." This was just one day after Hoover had told LBJ that the case against Oswald was "not very, very strong." What had changed was not the discovery of new incriminating evidence; it was Oswald's own murder in the basement of the Dallas Police Department. Now that the alleged assassin of the president was dead, no case needed to be brought before a jury. Alex Rosen, the FBI's assistant director of the General Investigative Division, in a stunning admission, described the Bureau's investigative approach in the case as "standing with pockets open waiting for evidence to drop in."

But even when such evidence was available, the FBI chose to ignore it and hid behind a policy of nonaccountability. For example, the Bureau never bothered to collect Connally's clothes as essential forensic evidence. The governor's bloody clothes found their way back to Mrs. Connally, who kept them for four months before having them dry-cleaned, thereby compromising their forensic value.

The FBI displayed the same kind of Dogberry-like performance when it came to the shooting of Dallas policeman J. D. Tippit. Oswald was his accused killer, but the first slug removed from the officer's body and sent to

the FBI was so severely mutilated that the Bureau could not determine whether it came from Oswald's handgun. Not until four months later, at the prompting of the Warren Commission, did the FBI collect the other three bullets removed from Tippit by Dr. Earl F. Rose, the Dallas County medical examiner. After examining these .38-caliber hulls, the Bureau's crime lab reported, "No conclusion could be reached as to whether or not they were fired from the same weapon or whether or not they were fired from C15." C15 was alleged to be Oswald's revolver that had been wrested from him in the Texas Theatre by Dallas police.<sup>10</sup>

Pages three and four of the tickler file reveal the FBI's poisonous adversarial relations with the Warren Commission. For example, the Bureau prepared dossiers on Commission members and staff. Hoover's relentless campaign was prompted by the Warren report's evenhanded criticism of the FBI's pivotal shortcomings in preventive intelligence work prior to the assassination.<sup>11</sup> Under "Assistance to the Commission," most of the entries reflect foot-dragging and resistance to any semblance of cooperation. The document concludes with the revelation that despite the FBI's public pledge that the case would remain open "until we have obtained all the evidence we can," in reality, the secret internal files on the case were declared "closed."

On his way to an interrogation session after his capture, Oswald shouted out to the press corps, "I never killed anybody."<sup>12</sup> What follows are a few documented examples that strongly suggest Oswald was telling the truth when he asserted his innocence. If one keeps an open mind, one cannot fail to question how quickly Oswald became the suspect in the assassination of President Kennedy. For example, cabinet members aboard SAM 86972 en route to Tokyo learned of the attempt on Kennedy's life at 12:45 CST from the White House Situation Room. They were told, "Three shots were fired at President Kennedy's motorcade in Downtown Dallas." The State Department's Robert Manning, accompanying Secretary Rusk to Tokyo, recalled that after the initial news of the shooting, there was an interlude before the devastating follow-up that "Lancer" was dead. According to Manning, they then learned that "someone named Oswald was the suspect in the case" and "had been in the Soviet Union. . . . The news caused great alarm."<sup>13</sup>

In Dallas, the president was declared dead just minutes after 1:00 P.M. At 1:40 P.M. the Dallas police had Oswald in custody and were citing him as the lone assassin of the president and the prime suspect in the killing of officer Tippit and the wounding of Governor Connally.<sup>14</sup> Suspicion that Oswald was being railroaded is strengthened by the actions of Assistant Chief Don Stringfellow, of the Dallas Police Department Intelligence Section. Stringfellow notified the 112th Military Intelligence Corps Group in San Antonio that "Oswald confessed to shooting of President Kennedy and Police Officer Tibbets [*sic*]" and that Oswald had "defected to Cuba in 1959" and "was

a card carrying member of the Communist Party.” None of these statements has any basis in fact.<sup>15</sup>

Authorities’ burden from the outset was coming up with a credible explanation of how Oswald was identified so quickly as the gunman responsible for this nightmare in Dallas. The official account—still embraced by defenders of the Warren report—is that Oswald became an immediate person of interest because he was the only employee of the Texas School Book Depository (TSBD), the site where the shots allegedly originated, who left the building without first reporting to authorities. The documented reality is that the government’s own records reveal that *at least* eighteen employees left the TSBD that day without checking in with the police.<sup>16</sup>

Oswald was in custody for almost forty-five hours before he was the victim of an assassin’s bullet. During that time, from Friday until Sunday, he was interrogated for a combined eleven hours by Captain Will J. Fritz. FBI and Secret Service agents sat in on these sessions and asked their own questions. Neither the FBI, the Secret Service, nor the Warren Commission exhibited any incredulity when Fritz announced that there was no record of what transpired during this interrogation. Fritz’s explanation was that for two years he had been requesting funds so the department could purchase a tape recorder, only to be denied! Apparently, it never occurred to him to have a court stenographer sit in on these sessions and take notes. So the American people were asked to believe that there was no record of Oswald’s explanation of his alleged actions.

Oswald himself was assassinated by Jack Ruby in the basement of the Dallas Police Department surrounded by 98 policemen and 150 reporters. This occurred after the Dallas authorities and the FBI had been alerted early Sunday morning that there would be an attempt on Oswald’s life. As soon as news of Oswald’s murder broke, the Secret Service swept up Marina Oswald and her children, Oswald’s mother, and his brother Robert and took them to the Inn of the Six Flags outside of Arlington, Texas. After dinner, two Secret Service agents grilled Marina for almost eight hours—all of it on tape, which was promptly sent to Secret Service headquarters in Washington, D.C., on Monday morning. It is impossible to believe that the Secret Service, the FBI, and Captain Fritz grilled Oswald, the only suspect in the case, for eleven hours and made no permanent record of the interrogation. But over the past fifty years, these tape recordings have never surfaced. Presumably, they were quietly deposited down the memory hole.<sup>17</sup>

The official assertion that the early evidence against Oswald was irrefutably convincing is so far from reality that it defies caricature. One noteworthy example: In September 1964, just weeks before the Warren Commission Report was made available to the public, Alan Belmont, assistant to the director, told Clyde Tolson, the Bureau’s number-two man, that

Oswald's paraffin tests, which allegedly linked him to the shooting of President Kennedy, were "erroneous as the results were essentially negative . . . and in addition highly technical examinations made by the Atomic Energy Commission and our Laboratory of these paraffin tests could not connect Oswald with the rifle."<sup>18</sup> One wonders how the jury would have reacted to such disclosures, if Oswald had lived to have his day in court.

In light of such contradictions and the government's implicit denial that they exist, conspiracy theories and charges of an official cover-up continue to resonate with the American public. In one poll, some 75 to 80 percent of respondents said they were suspicious about the Warren Commission's conclusions.<sup>19</sup> Even so, the Obama administration has apparently targeted all conspiracy theories, dismissing out of hand any political opinions that do not concur with the status quo and banning them from serious public discourse. According to Cass Sunstein, the White House's former information czar, JFK conspiracy theories fall into that suspect category.<sup>20</sup>

A half century later, we still have two major and starkly different versions of the crime. In January 2013 Robert F. Kennedy Jr. appeared with Charlie Rose at a Friday night event at the Winspear Opera House. During the course of the evening, Kennedy stunned the audience when he announced that his father, Robert Kennedy, had never accepted the Warren Commission's version of the president's assassination and believed that JFK had been the victim of a conspiracy. Kennedy noted that his father considered the Warren report "a shoddy piece of craftsmanship."<sup>21</sup>

Another contemporary major actor in the national tragedy of Dallas was Lyndon B. Johnson. During a November 25, 1963, phone conversation with Hoover, the new president was extremely upset by news that a lawyer in the Justice Department was lobbying the *Washington Post* to come out in support of a presidential commission to investigate the assassination. LBJ was livid. He and Hoover had agreed that, after Oswald's own assassination, the best way to proceed was for the FBI to write its report on the Kennedy assassination, send it over to the Justice Department, and have Attorney General Robert Kennedy release it to the public. Johnson was infuriated by the plot in the Justice Department and snapped at Hoover, "We can't be checking on every shooting scrape in the country." It will be a great disgrace to the nation if Lyndon Johnson ends up having the last word on the most corrosive political event of twentieth-century America.<sup>22</sup>



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# Introduction

It has been more than forty years since President John F. Kennedy was gunned down in the streets of Dallas. If polls about the Kennedy assassination are any guide, most Americans believe either that the government was never fully forthcoming about the real facts of Dallas or that the official version of those facts, the Warren Commission Report, was simply a cover-up of the real truth behind JFK's death.<sup>1</sup> *Breach of Trust* is based mostly on the government's own documents to answer lingering national questions about the Kennedy assassination: Are the content and conclusions of the Warren Commission Report credible? Did the Commission undertake a truly good-faith, thorough, and controlled investigation, or did politics infiltrate the investigative process? Were the Commission's conclusions shaped by the way the Commission was formed, the Commission's methodology, or the actions and priorities of key participants and politics?

When the Warren Commission Report along with twenty-six volumes of Hearings and Exhibits first reached the public in 1964, with its more than seventeen thousand pages of testimony and more than ten million words, it was initially celebrated as the most comprehensive criminal investigation ever undertaken in all of history. Surprisingly, during the ten months that the Commission was in session there was little or no criticism from the media or political commentators about the wall of secrecy behind which the Commission conducted its investigation. Although the Commission had no authority to classify anything, it classified the transcripts of its proceedings "Secret" except when it classified them "Top Secret." Even the Commission's staff was not privy to what went on behind the closed doors of the executive sessions. When proceedings were leaked, it was almost always in the form of "authorized leaks," disclosure of information planted in the media by either the Commission or the FBI to prepare the public for the eventual release of the official explanation of the Kennedy assassination: that Lee Harvey Oswald was the lone assailant and there was no foreign or domestic conspiracy. There was no public opportunity to objectively examine anything relating to the evidence, evaluate witness testimony, or question the Commission's conclusions or the scope of its investigation until the report was made public ten months later.

Most of the fifteen volumes of witness testimony were taken by a staff lawyer, with only the court reporter and the witness present and no member of the Commission in attendance. Except for the former director of central intelligence, Allen Dulles, whom Kennedy had replaced after the Bay of Pigs debacle, all of the commissioners were burdened with heavy demands on their time. As a group they were present for less than 20 percent of the testimony of the hundreds of witnesses questioned.<sup>2</sup> When it first appeared, the magnitude of the report and the twenty-six volumes of appendices achieved what it set out to accomplish: to distract attention from the severe limitations of the investigation.

Richard Whalen, an early critic of the Warren Commission, astutely noted that the report “tells us too much about too little.”<sup>3</sup> Only about 11 percent of the 912-page report deals with the alleged facts of the assassination. The report spends considerably more time on the Secret Service and the protection of the president than on the Kennedy autopsy. Most of the report is given over to a detailed biography of the alleged assailant, Lee Harvey Oswald. Commissioner Dulles insisted on this inclusion, and the Commission’s general counsel, J. Lee Rankin, embraced Dulles’s suggestion, noting, “Some of it will be necessary to tell the story and to show why it is reasonable to assume that he did what the Commission concludes that he did do.”<sup>4</sup>

Obviously, biographical information about the man charged with Kennedy’s murder was necessary for the Commission in order to settle on the question of motive. But it raises justified suspicions that the reason why the overwhelming majority of the report is on the life and times of Lee Harvey Oswald was to create a state of unquestioned acceptance in the public mind of Oswald’s guilt when the concrete forensic evidence proved his innocence. As for the question of Oswald’s motive, the Commission ultimately fell back on painting Oswald as having “an overriding hostility to his environment.” The day the Commission held its last executive session, President Lyndon Johnson asked Commissioner Richard Russell the “why” of Dallas. Understandably curious, Johnson wanted to know what the Commission had concluded regarding Oswald’s motives after ten months of investigation. “He was just a general misanthropic fellow,” Russell explained. “He had never been satisfied anywhere he was on earth—in Russia or here. And,” the Georgia senator continued, “he had a desire to get his name in history.” Former Commission counsel Burt Griffin, who worked on this section of the report, had a different view: “We ducked the question of motive,” the then judge Griffin admitted years later.<sup>5</sup>

This is not to suggest that everything in the official accounting is wrong, that none of it had been established as fact even without that marvelous machine for establishing truth: scrutiny of evidence and cross-examination of witnesses. But there are countless examples of the Commission placing spe-

cial twists or interpretation on the facts. The Commission had a selective attitude toward testimony: It favored witnesses who strengthened the case for Oswald's guilt and discounted or even suppressed testimony (and evidence) of those who jeopardized the prosecution case the government was building against a dead man. A few examples confirm this assertion. The irreconcilable discrepancy between the FBI report of the Dealey Plaza shooting and the scenario found in the Warren report is a striking example.

On the evening of November 22, 1963, when the now president of the United States, Lyndon B. Johnson, returned from Dallas to Washington, he placed FBI Director J. Edgar Hoover in charge of the investigation. Over the weekend following the assassination the two discussed what would be included in the FBI report. According to an FBI document, Johnson "approved the idea that [the FBI] make a report showing the evidence conclusively tying Oswald in as the assailant of President Kennedy." The president and Hoover had agreed on the "official solution" of the crime before any evidence was tested, any witness was questioned, or Kennedy's remains were interred at Arlington National Cemetery. That Sunday (November 24), LBJ told Hoover that he wanted the report on his desk by Tuesday, November 26. Hoover agreed on the timetable and ordered the bureau's General Investigative Division to "wrap up investigation; seems to me we have the basic facts now."<sup>6</sup>

Because of unanticipated intervening events, the FBI's report on the assassination (Commission Document Number 1, or CD 1) was not ready until early December. Due to White House pressure, CD 1 was so hastily thrown together that the FBI never acquired a copy of the official JFK autopsy protocol before putting together its 833-page report. In fact, the FBI initially refused a copy of the autopsy protocol when the Secret Service offered to provide a copy (see Chapter 1). CD 1 asserted that Oswald fired three shots at the presidential motorcade. The three bullets were consistent with the three spent hulls found in the vicinity of the alleged sniper's nest on the sixth floor of the Book Depository Building overlooking Elm Street. According to CD 1, two bullets hit Kennedy and a separate missile struck Texas Governor John B. Connally. The Secret Service agreed with the FBI's three-shots-and-three-hits scenario.

Initially, the Commission satisfied itself with the FBI's construction of the shooting until seven months later, when it was forced to account for a nick in a curb that was made by a bullet where bystander Jim Tague was standing. The Commission's response to this problem was to invent what in time came to be designated as the "single-bullet" theory, in which it postulated that JFK and Connally were hit by the same nonfatal missile. The Warren Commission Report allowed, with studied vagueness, that "one shot probably missed the car and its occupants."<sup>7</sup> The only common ground the two

official reports shared was the assertion that only three shots were fired. Neither the Commission nor the FBI could allow for a fourth shot because their own imposed time restraints and the mechanical features of the alleged murder weapon permitted only three shots. A fourth shot meant that there was at least a second gunman and that Kennedy had been the victim of a conspiracy.

The Commission and the FBI disagreed radically on the shooting, basic evidence in any homicide. There is no way to refine this disconnect or explain it away as some inconsequential, idiosyncratic glitch. The Warren report's accounting of the shooting is crucial to its findings that a single gunman killed President Kennedy. There is nothing in the released official record or any subsequent public disclosure of admission by the FBI to show that the bureau altered its conclusions to bring them into alignment with the Warren report. Both could not have been right. (In fact, neither was.)

In 1966, when the media drew attention to the irreconcilable discrepancy in the two reports, Hoover insisted that the FBI's construction of the shooting—three shots, three hits—was the correct one. Since the FBI's file on the Kennedy case was marked “closed,” despite the FBI's continued public pledge that it “would remain open for all time,” the director's was the last word.<sup>8</sup> According to the official record, the FBI, the Commission's investigative arm in the Kennedy case, made no bones about the fact that it believed the Commission's explanation of the shooting was impossible. In the final accounting, Hoover's bureau and the Warren Commission arrived at conclusions that could only have made sense if they were reporting on two separate and unrelated homicides.

Another example, one directly related to the conflicting shooting scenarios, involved the suppression of evidence that refuted the Commission's no-conspiracy assertion. It was essential to the Commission's no-conspiracy case that there was only one shooter in Dealey Plaza. In carefully brokered language and misstated facts, the report asserted that while it was not necessary to determine which shot hit Connally, “there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds.” The problem was that none of the Bethesda Naval Hospital doctors who performed JFK's autopsy believed that Kennedy and Connally had been hit by the same bullet. Even more dismaying was the fact that the two most experienced ballistics and wounds experts whose advice and special expertise the Commission solicited agreed with the Bethesda prosecutors.<sup>9</sup>

The problem was the alleged history of the single bullet that the Commission insisted had struck both Kennedy and Connally. The path assigned to Commission Exhibit 399 (CE 399) defied the science of forensic medicine. The report contended that CE 399 was the bullet that came from Governor

Connally's stretcher at Parkland Memorial Hospital. According to the report, CE 399 produced all seven of the nonfatal wounds on both shooting victims. It passed through JFK's neck, without striking bone, and entered Connally's back, demolishing four inches of his fifth rib, before exiting his chest. It then, the report asserted, smashed the radius bone (one of the densest bones in the body) in Connally's right wrist before burying itself in his left thigh just above the knee. Despite the trauma it left in its wake, the report described the condition of CE 399 as "only slightly flattened but otherwise un mutilated."<sup>10</sup>

The near-pristine condition of CE 399 convinced the trio of Bethesda doctors that CE 399 could not have produced all of Kennedy's and the governor's seven nonfatal wounds. The two Parkland Memorial doctors who were most responsible for treating Connally's wounds agreed that CE 399 could not have produced this kind of havoc in the human body and remained virtually unscathed. The most qualified ballistics expert the Commission consulted was Dr. Joseph Dolci. At the time Dolci was the chairman of the U.S. Army's Wound Ballistic Board. He had years of experience with wounds inflicted by missiles, beginning as a battlefield surgeon in the Pacific Theater during World War II. Dolci did not mince his words. He told the Commission that the case it was making for this bullet was forensically impossible. But since the politics of the assassination and not medicolegal expertise topped the Commission's scale of priorities, it ignored all of the doctors.

The "experts" referred to in the report were Dr. Alfred G. Olivier, a veterinarian, and Dr. Arthur J. Dziemian, a physiologist. Dr. Olivier was chief of the Wounds Ballistics Branch at the Edgewood Arsenal in Maryland, a branch of the Department of Defense (DOD). The Commission authorized Olivier and Dziemian to run some experimental tests using Oswald's rifle and one hundred rounds of the 6.5-mm ammunition alleged to have been used in the assassination. Olivier and Dziemian set up an experiment that involved firing rounds into horsemeat, gelatin blocks, goat carcasses, and wrists of human cadavers. They reported back that their tests had proved that CE 399 could have inflicted all of the seven nonfatal wounds without exhibiting any marked deformation.<sup>11</sup>

The Olivier-Dziemian report (filed as CRDLR 3264) does not appear in any of the Commission's twenty-six volumes of exhibits. The Commission dared not publish it because page 35 of the fifty-seven-page report contained pictures of 6.5-mm bullets after they had been fired through the radii of cadaver wrists. All of the samples showed the classic mushrooming of bullet metal after striking hard wrist bone. By no stretch of the imagination could any of the bullets be described as near pristine.<sup>12</sup> The Commission had to make certain that the results of the Edgewood Arsenal tests were suppressed. In 1965 the DOD's director of classification management permitted

all but one of the twenty DOD documents used by the Warren Commission to be made available to the public upon the approval of the National Archives. The “exception,” according to the director’s letter, “is the Edgewood Arsenal Technical Report CRDLR 3264, March 1965, which must remain Confidential.” The Olivier-Dziemian report was not declassified until March 1973, eight years later.<sup>13</sup>

Over the weekend of the assassination, the government had on hand credible evidence that ruled out the lone-assassin, no-conspiracy explanation that the White House and FBI Director Hoover were settling upon as the solution to the crime. Several days after the assassination the CIA received from the Secret Service a copy of the Abraham Zapruder film. Zapruder’s name will be remembered in history as that of the producer of the greatest amateur movie ever made: He captured the shooting death of President Kennedy on film. The CIA had an interest in the film because it was conducting its own investigation of the assassination. In return for a copy of the film, the Secret Service received an analysis of the film from the agency’s National Photographic Intelligence Center (NPIC) in Washington, D.C. NPIC enjoyed the well-deserved reputation within the government as the finest photo-interpretation center in the world. The center’s interpretation of the film of those terrible six seconds in Dallas came to two conclusions: First, the first shot at the motorcade had not come from the sixth-floor “sniper’s nest” where Oswald had allegedly secreted himself. Second, there had been at least two gunmen in Dealey Plaza shooting at the motorcade. The results of NPIC’s analysis of the Zapruder film were suppressed. Both agencies engaged in a conspiracy of silence because it was already clearly apparent during the weekend of the assassination that the “official truth” would be that Kennedy had been murdered by a lone sociopath with Marxist sympathies.<sup>14</sup>

The most striking example of the suppression of facts—what defense lawyers colloquially refer to as “bad facts,” that is, evidence or witness testimony likely to result in the conviction of their client—was the witting omission of the official JFK death certificate from the Commission’s report and the twenty-six volumes of testimony and exhibits.

President Kennedy’s personal White House physician was Admiral George G. Burkley, who was with the presidential party in Dallas on November 22, 1963. Dr. Burkley was with the moribund Kennedy in Trauma Room 1 at Parkland Memorial Hospital, and it fell to him to pronounce the president dead. Burkley signed the death certificate before the “official facts” of the assassination had been settled upon. Kennedy’s death certificate places the nonfatal rear wound at the third thoracic vertebra. The official death certificate destroyed the Commission’s essential assertion that JFK and Connally had been struck by the same bullet. A missile entering

Kennedy's back at a downward angle of 45 degrees and not striking bone could not have altered its trajectory to exit from his throat and then enter Connally's back. This single-bullet construction was the sine qua non of the Commission's single-assassin explanation of the Kennedy assassination. The official death certificate was a "bad fact" and had to be suppressed. Burkley himself was a "bad fact" and was never called as a Commission witness or deposed by a staff lawyer. In effect, Kennedy's personal physician, who should have been one of the Commission's first witnesses, was dropped down the "memory hole."<sup>15</sup>

We are well past the time when all critics of the Warren Commission Report can be responsibly and fairly lumped together as "assassination buffs" and casually dismissed as that element found in any population who indulge in weird hobbies. The reality is that the burden of proof regarding credibility and sound reasoning rests squarely on the shoulders of those defenders of the report, the official mythology of the Kennedy assassination. Relying largely on the government's own documents, *A Breach of Trust* contends that the Warren Commission Report was a shoddily improvised political exercise in public relations and not a good-faith investigation into the Kennedy assassination. Now, after forty years, it is time that we pulled the plug on the Warren report's life-support system. The intolerable alternative is to remain imprisoned by the report, an interim fabrication that was intended only to satisfy immediate political needs and not to answer the questions of the "who" and "why" of Dallas.

