

Legal History

Who Killed President Kennedy: *Now We Know?!*

By C. Evan Stewart

In his recently published book, *Reclaiming History* (W.W. Norton 2007), former Los Angeles prosecutor Vincent Bugliosi purports to set the record straight—for the first time—as to the assassination of John F. Kennedy.

Going on for almost as long as the Warren Commission itself (whose legal staff was headed up by J. Lee Rankin, and included such legal talent as Francis W. H. Adams, Melvin A. Eisenberg, Wesley S. Liebeler and Norman Redlich, all of whom were—or would become—prominent New York lawyers), *Reclaiming History* ends up supporting the basic, central conclusions of the Warren Commission.

Many of the evidentiary puzzles unanswered by the Warren Commission (mostly because of technology yet to be discov-

ered) were later filled in by other investigators (the 1978 House Assassination Committee) and other authors (e.g., Dr. John Latimer, Gerald Posner) long prior to Bugliosi.

For some lawyers this historic and tragic event may seem challenging because the “conventional” wisdom (or whatever you want to label that of filmmaker Oliver Stone) is that JFK’s murder has gone unsolved since Nov. 22, 1963. That is not so, however. Lee Harvey Oswald killed the president, and he did it alone. The evidence has always been overwhelming and conclusive.

The Evidence Against Oswald

What is the evidence against Oswald? Not much, only that: (1) the gun that shot JFK was owned by Oswald; (2) both bullets that hit JFK came from Oswald’s gun; (3) Oswald’s fingerprint was on the gun (his finger and palm prints were also on the boxes surrounding the sniper’s nest); (4) fibers from Oswald’s shirt were on the gun; (5) eyewitnesses saw a man fitting Oswald’s description firing from the sixth floor of the Texas School Book Depository; (6) Oswald worked in that building and was indisputably there before, during and just after the assassination; and (7) Oswald, the only worker to leave the depository, indisputably killed police officer J.D. Tippit—a murder that had no motive other than

to escape capture (a police wire had been sent out with a description of someone very similar to Oswald just prior to Tippit stopping him).

Additional Medical and Scientific Evidence

Both bullets that struck the president came from behind (the bullet holes in JFK's back and skull are indisputably entry wounds) and from an angle that computer analysis tracks back to the sixth floor window of the depository. The bullet fragments recovered from both JFK and Gov. John Connally came from the bullets fired from Oswald's gun. The X-rays of JFK's skull, in the words of the doctor who was the chief pathologist at the President's autopsy, "disclosed fine, dust-like metallic fragments from back to front, where the bullet traversed the head before creating an explosive exit wound."

What Happened in Dallas

Oswald, having seen the president's motorcade route depicted in a Dallas newspaper days before, arrived at the depository the morning of Nov. 22 with a large package which he said contained "curtain rods." Ultimately, he secreted himself on the sixth floor behind a wall of boxes so no one could see him. Just as the motorcade turned onto Elm Street just below the depository, Oswald fired

his first shot (it missed—some fragments of the bullet splintered a tree; others hit a sidewalk and were deflected, drawing blood from an onlooker's face).

The second shot—approximately three and a half seconds later—hit JFK in the upper back, exited through his throat, and then hit Connally (this bullet almost fatally wounded the Texas governor).

The third shot came approximately five seconds later, with JFK still propped up because of severe bracing to alleviate his back pain; this bullet hit JFK in the back of his head, causing a massive loss of brain tissue and bone and ending his life (although the doctors at Parkland Hospital did not pronounce him dead until an hour later).

What About All the " - - - " ?

Since 1964, conspiracy theorists have bilked millions of dollars from people with such "theories" as the president's body was somehow altered before the autopsy was performed (and X-rays taken). Well, we also live in a country that supports supermarket tabloids which report aliens amongst us. But as Lincoln observed, you cannot fool *all* the people *all* the time!

The most widely discussed conspiracy shibboleth is the so-called "pristine bullet," "magic bullet" or the single bullet theory. Because Oswald's gun only fired three rounds, and because

his first shot clearly missed, *if* JFK and Connally were not both hit by the second bullet then there had to have been a second gunman in Deally Plaza.

First of all, the "magic" bullet is not "pristine"—it is bent, deformed, and is missing a material amount of lead—some of which was indisputably in Connally's body. As to the often-repeated charge that the bullet had to take an impossible zig-zag-zig path to hit both men, that is simply wrong.

Based upon the most famous home movie of all time by Dallas businessman Abraham Zapruder and subsequent (and indisputable) computer analysis, JFK and Connally were perfectly aligned for Oswald's second bullet. Furthermore, all of Connally's wounds matched that of a bullet tumbling after it exited from JFK's throat (e.g., the entry wound in the Governor's back was 1¼ inches long—the exact length of the bullet). That a high velocity, full-metal jacketed bullet went through one man and slammed into another just two feet in front of him is of no surprise to anyone familiar with weaponry and the experience of soldiers beginning from the middle of America's Civil War.

Other "Theories" Raised (and Disposed of)

Conspiracy theorists say Oswald was not a good enough shot to do it. In fact, his Marine Corps rifle scores show he was

perfectly competent to hit his target that day in Dallas. The distance, moreover, was only approximately 200 feet away—with Oswald's 4X telescope, JFK appeared only 25 yards away at the time of the third shot. And from a timing standpoint, Oswald had ample time to work his rifle and do what he did.

That Oswald was not part of a larger conspiracy is demonstrated by his attempt (in early 1963) to kill Gen. Edwin Walker, a local anticommunist figure. Before he left on his mission to assassinate Walker, Oswald left a note for his wife, telling her what to do with his body and possessions if he was caught or killed.

What sort of conspirators (according to filmmaker Stone, the group included the CIA, the Pentagon, the Mafia, LBJ, etc.) would have permitted Oswald to free-lance, endanger the more important plan and subject them all to disclosure under questioning?

Moreover, what high-powered conspirators would have sent Oswald off with a \$12 rifle that could be traced to Oswald within hours (by the purchase order, pictures, etc.)? Oswald fits the historical profile of political assassins: ideological, malcontented misfits with violent streaks, who yearn for historical greatness (Oswald, who had failed at everything in his young life—even in his defecting to the U.S.S.R., kept

what he called a "historic diary").

Then there is the "Grassy Knoll." No evidence of any kind links that piece of Deally Plaza real estate to the Kennedy assassination—there are no bullet paths from that location shown in the X-rays; there is no evidence whatever of a fourth, fifth or _____ bullet; and it would have been a crazy spot from which to try to shoot at the motorcade (as opposed to the perfect sniper's nest Oswald chose).

Even more telling, Zapruder was standing right in front of the Grassy Knoll. Had someone fired a high-powered rifle directly behind him, Zapruder would have jumped and lost control of his camera. The "definitive" acoustical evidence of a fourth shot, which was debated by the 1978 House Assassination Committee, was shortly thereafter indisputably demonstrated to show nothing of the kind.

But what about the movement of JFK's head after the impact of the third bullet—it went backward and to the left (and as Mrs. Kennedy jumped up, the president slumped down to the car seat)—does that not prove that the fatal bullet came from the front and left?

No. In fact, as Dr. Lattimer has demonstrated, over and over, based upon the work of Nobel Prize physicist Dr. Luis Alvarez regarding the "jet effect" of a rear-impacting bullet, "that is exactly what happens when you

reproduce the head shot, knowing the true point of impact of the bullet."

The "ultimate" proof of conspiracy is said (by some) to be the killing of Oswald by Jack Ruby on Nov. 24, 1963. Not so. Oswald was supposed to have been moved from the Dallas police station at approximately 10:30 a.m. that morning, and Ruby did not leave his apartment until 11:00 a.m.; but because of some unexpected, additional questioning of Oswald, the transfer was delayed.

By sheer happenstance, Ruby went to the Western Union across the street and was wiring money to one of his employees at 11:17 a.m. when he saw the police activity; the "hit man" then wandered down the rear ramp of the building and shot Oswald at 11:21 a.m. Obviously, if the conspirators had ordered Ruby to kill Oswald, he would have been down in the basement well before 10:30 a.m.

Indeed, if this was a premeditated act, why did Ruby, who had been in the police station over the weekend within feet of Oswald on a number of occasions, not shoot him at any of those more opportune times? Ruby was an emotionally volatile and violent man.

At the time Oswald was supposed to have been transferred, Ruby was reading newspaper articles about the Kennedy children and the likelihood of Mrs. Kennedy having to return to Dallas to testify at

Oswald's trial and became extremely upset.

Postscript

Oliver Stone's movie (*JFK*) suffers from the same problems that Mary McCarthy identified in the works of Lillian Hellman ("every word, including 'and' and 'the,' is a lie"). For anyone wanting to know what did *not* happen that day in Dallas, please feel free to rent the movie.

For those who want to see an intentionally fictional take on the assassination, I would highly recommend the wonderful 1979 movie made by William Rickert (*Winter Kills*), which is based upon the equally wonderful book of the same name by Richard Condon, who also wrote *Prizzi's Honor* and *The Manchurian Candidate*, and which has an all-star cast, including Jeff Bridges, John Huston, Anthony Perkins, Elizabeth Taylor, Toshio Mufune, Eli Wallach, Ralph Meeker, etc. The person behind the *Winter Kills* conspiracy is revealed at the end of the movie, but will not be revealed here.

Bugliosi did make an important contribution to the provenance of the single-bullet theory. Heretofore, based mainly on the public efforts of the senior senator from Pennsylvania, Arlen Specter, the authorship of that theory has been tagged to a young Warren Commission staff lawyer from the Third Circuit (Philadelphia)—Arlen Specter. Through some dogged investiga-

tion, Bugliosi has shown that Rankin and other Commission lawyers from the Second Circuit led that effort with Specter's participation. ♦