

# BEAT THE DEVIL.

## In Defense of the Warren Commission

In mid-February, for the benefit of television viewers in Australia, I found myself squaring off on the subject of *JFK* against Fletcher Prouty and Carl Oglesby. Perched on a stool beside me in a Los Angeles studio was Wesley J. Liebeler, a 60-year-old professor of law at U.C.L.A. Originally from North Dakota and conservative/libertarian in political outlook, Liebeler was one of the staff counsels on the Warren Commission. Later, in a week when *JFK* got eight Academy Award nominations, and when Richard Heffner, a Rutgers professor who is also chairman of the motion picture industry's film rating system, announced in the *Los Angeles Times* that *JFK* marked the end of the Gutenberg era and the dawn of a new way of telling history, I drove up to Zuma Beach and interviewed Liebeler.

**AC:** *What about the speed at which Oswald would have had to fire his Mannlicher-Carcano? Critics of the Warren Commission say Oswald could never have loosed off the shots in so short a time.*

**WJL:** The clock for the whole thing is the Zapruder film, which runs at 18.3 frames a second. The film shows only two shots striking the people in the car. A time fix on the first shot can't be precise, for reasons I'll come back to. But the time of impact of the second shot that struck is precise. That was at frames 312-313 of the Zapruder film. At frame 313 the head just explodes. So either at 312 or 313, which is practically the same instant. And that's the last shot for which there is any evidence of anything in the car being struck.

The first shot hit, in the view of the Warren Commission, between frames 210 and 225. The commission came to that conclusion based on the Zapruder film, which shows that at a certain point Kennedy was reacting to a shot. He raises his hands up. During part of that time the limousine is behind a road sign, so it can't be seen for about .9 of a second. So you can't tell how long before the reaction the shot actually struck.

The House Assassination Committee (1978) said the first shot struck around frame 190, which is a little sooner, about a second. So to establish the time frame the Warren Commission subtracted either 210 or 225 from 312, and divided that by 18.3. Let's say 210. This gives us 5.6 seconds. Take 313 and subtract 225, and divide that by 18.3 and that gives 4.8 seconds. So the commission said that the time lapse between the first shot that hit and the second shot that hit was between 4.8 and 5.6 seconds.

If we assume that three shots were fired, you have the question of which shot missed. The House committee concluded that the first shot missed. The Warren Commission never decided on the matter. The evidence is consistent with the proposition that the first shot missed. If so, all Oswald had to do was fire one more shot. So in fact he would have had from 4.8 to 5.6 seconds to fire one shot, not three shots.

**AC:** *So, on that explication, he's waiting with his gun aimed. The car comes along, he shoots and misses. But there's no time fix as to when he might have fired that shot. It wasn't*

*in the famous 4.8 to 5.6 second interval. He reloads and then fires the shot that hits the President in the neck between frames 210 or 225 according to the Warren Commission, or 190 according to the House committee.*

**WJL:** Right. Now he has to reload (which takes a minimum of 2.3 seconds), work the bolt once and fire the third shot that's fired (the second shot that strikes). And he has, according to the Warren Commission, 4.8 to 5.6 seconds. That is even time enough to fire twice, which he would have had to do if the second shot missed. If, as the House committee said, the first shot that hit was fired at frame 190, then Oswald had 6.72 seconds to fire either one or two shots. That is 313 minus 190, divided by 18.3. There was enough time.

You know, people harp on about the Warren Commission, which is fine. But the House Assassination Committee confirmed every single finding that the Warren Commission made—every one, except on the conspiracy question.

**AC:** *Well, what about that?*

**WJL:** The only evidence for conspiracy that the House committee had was a Dictabelt tape that recorded police radio transmissions. That was discovered long after the event in a file cabinet in the Dallas Police Department. There were two different radio frequencies that the Dallas Police Department used to transmit messages back and forth among the police. Both those frequencies were separately recorded. The Warren Commission didn't know anything about this evidence. When you listen to the Dictabelt there's no sound of shots at all. But the House committee took this Dictabelt and gave it to an audio consulting firm in Boston that did an analysis and found some pulses. The Dictabelt had been recording from a motorcycle somewhere that had its microphone stuck open. The consultants claimed they could distinguish four different pulse phenomena, three of which could be made to correspond to the shots we've just talked about, if you pushed the first shot back to frame 190. And there was a fourth pulse. So the consultants went down to Dealey Plaza, set up microphones, fired off rifles and established what they called an audio footprint, and said initially that there was a 50-50 probability of a shot fired from the grassy knoll. This was in September of 1978. Then in December, right before the House committee closed up shop on the hearings, the audio consulting firm came up with a 95 percent probability on this same shot. So on the basis of that evidence the 1978 House committee concluded there was probably a conspiracy, that there was a guy on the grassy knoll shooting, though he didn't hit anybody. Robert Blakey, the committee's chief counsel, then gave the Dictabelt to the Justice Department to be analyzed further. Later he wrote a letter to *National Review* saying that if the Justice Department's investigation of the tape didn't bear out the 95 percent probability of another shot, he'd retract the whole conspiracy theory.

Well, the Justice Department turned all this over to a panel of acoustic experts set up by the National Research Council. They figured out that sounds on both Dictabelts could be matched, and since the one had a time reference, they could

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fix the time frame on the other Dictabelt as well. The N.R.C. acoustic committee then concluded that the sounds on the second Dictabelt were recorded more than a minute after the assassination occurred. So they didn't have anything to do with the shots in Dealey Plaza.

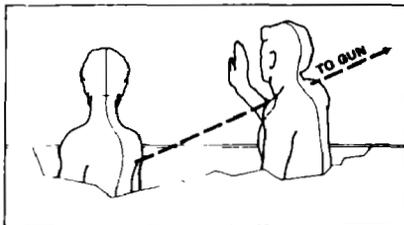
**AC:** *The other thing that seems to cause people a lot of problems is the "single-bullet theory"—the first shot that hit Kennedy and also John Connally.*

**WJL:** The first shot that hit went through the top of Kennedy's back, came through the throat to the right of his trachea, didn't hit any bones. Governor Connally was struck right below the right armpit in the back. The bullet went down through his chest cavity, came out just below his right nipple, struck him on the back side of his right wrist at the joint, broke the wrist and came out the front of his wrist and entered his thigh, making a very shallow hole.

The pathology panel of the House committee and also the Warren Commission concluded that the damage to Connally was done by one bullet. Work it backwards. If his hand was on his thigh, which is consistent with the Zapruder film, you know that the bullet wasn't going very fast when it came out the underside of the wrist, which has implications about how fast it was going when it entered the wrist. If it had already gone through Connally's chest cavity and the President's neck it had been slowed down. A wounds ballistic expert testifying to the House committee established that there's a range of velocity within which a bullet will break a bone without hurting the bullet, provided it's not going too fast.

Warren Commission Exhibit 399 is the so-called "magic" or "pristine" bullet. It is neither one. It is in good shape, but eight of the nine forensic pathologists on the House committee medical panel agreed that it had gone through the President's neck or upper back and then inflicted all of Connally's wounds. Ask yourself where the bullet went after it came out of the President's neck if it didn't hit Connally. After coursing downward through the President's body, where it hit no bone to deflect it, either it's got to hit Connally, who is sitting right in front of him, or it's got to hit the car. It didn't hit the car.

The Warren Commission did a re-enactment of the assassination which showed that the President and Governor were located in a way that the bullet would have gone directly from the exit wound in the President's neck into Connally's back. The House committee used a different method of calculating the trajectory and unequivocally confirmed the Warren Commission findings that one bullet—CE 399—did go through the President and inflict the Governor's wounds. The House committee said flatly that the trajectory it established supported the single-bullet theory.



Oliver Stone's treatment of this question is simply a lie, and he knows it. The House committee confirmed the Warren Commission's findings on this point without qualification. But with the conspiracy Stone has fabricated, the addition of the House of Representatives won't cause any further problems. He's got half the country in on it now.

I have challenged him to debate the validity of the Warren Report. Naturally he issued a press release saying he'd be happy to do it, but he never responded to me. He's engaged in scholarship by press release. I repeat my challenge.

**AC:** *In the Zapruder film, at frame 313, when the second bullet strikes, Kennedy's head jerks back convulsively, and people have reckoned this implies a shot from the front.*

**WJL:** If you look at Kennedy's head, right at frame 313, just as the bullet strikes it, it doesn't move backward. It moves slightly to the left and downward, just for two or three frames, which is consistent with a bullet striking it from behind and nowhere else, because the momentum of the bullet is imparted instantly.

Then shortly after frames 312-313 the President's body goes backward. The House committee said there are two explanations. One is the jet effect, caused by the skull and brain exiting and forcing the head back and to the left. Combined with that effect, the committee said, was a neuromuscular reaction. The medical evidence is the best way to determine the direction of the shots that hit the President. Take the skull. The entry wound in the back of his head is "coned" on the inside of the skull. What can be constructed of the exit wound from the skull is coned on the outside. The House medical panel all agreed to these conclusions, and also that the wound on the President's upper right back could only be an entrance wound. Eight of the nine pathologists on that panel concluded that the President was struck by two *and only two* shots. The medical evidence excludes the possibility that the President was struck by a shot fired from any direction other than behind him.

**AC:** *Why didn't the Warren Commission have access to the autopsy photographs and X-rays?*

**WJL:** Warren didn't want to press Bobby Kennedy, who controlled them, for their release. The worst consequence was the idea that someone was trying to hide something. Without these materials the autopsy surgeons described to the commission their recollection of the wounds, and their medical artist drew the diagrams showing the entrance wounds in the wrong place.

**AC:** *What happened to Kennedy's brain?*

**WJL:** The brain was under Robert Kennedy's control when it disappeared. It is widely believed that he destroyed it. He was afraid that these materials might end up on public display.

**AC:** *Do you think the Warren Report was flawed?*

**WJL:** It was too oracular, overwritten. Also I think it relied  
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challenged by "She could lose the baby and die, right?" There would be a miniseries romance between the shy, handsome construction worker and the beautiful, abandoned housewife. (Don't ask me. It never fails.) "He can build them a house after." "But what if, ya know, one of them can't make babies." "He'll do it with the doctor but he'll always love her the best." The priest and the farmer would be last pick, the odds favoring the farmer. The artist, the historian and the schoolboy would be left to the bombs. They always were.

The discussion was engrossing. The meaning of survival was everyday reality to these young people. They knew more than necessary about life and death, violent death, random death, unfair death, youthful death. Even Heriberto's sauntering late entrance didn't interrupt the flow of passionate opinion and advocacy. I called time for the first vote. Ten votes each for the doctor and the general; odds and ends for the construction worker, the housewife, the pregnant woman, the farmer and the priest. One vote for the historian.

Heriberto! Some in the group laughed. Others, including me, were annoyed. Come on, Heriberto. It's been a long day. Grow up. But Heriberto wasn't playing. He seemed genuinely astonished that his was the only vote for the historian. His reasons? "Because." Nidia, a formidable young woman, took the floor to tell him that she had no time for nonsense (she didn't use the word "nonsense"), that the vote had to be unanimous, that the next vote would be the last vote and that he'd better vote the right way. Another poll and again, one vote for the historian.

We could hear other groups breaking up and going toward the lunchroom for the last meeting of the day. One of the girls—I don't remember her name—was tearful. She had to be at her supermarket job by 5, and she wanted her fair chance at this summer job. She looked my way for backup but, fortunately, I kept my mouth shut as Heriberto began to explain his choice. The historian has to survive, he said. Someone must keep a record of what happens in the world. Someone has to write it all down so that people will know what happened before them. If it isn't written down, it will be forgotten and that would be terrible and wrong. People's lives must never be forgotten.

That isn't exactly what he said, but it's close. He had no golden tongue; he stumbled, mumbled, cleared his throat and repeated himself. It took a while to disconnect Heriberto of the potato chips from this earnest young man trying to persuade us that remembrance is an obligation and slowly, slowly, we understood. At a quarter to 4, just a little behind schedule, the historian got into the shelter.

This is a true story, so it doesn't end with Heriberto's triumphant address to the final assembly and greater glory to come. It was Nidia who represented the group and she was terrific, relishing the moment and gracefully crediting Heriberto with the substance of the case for the historian. Sometime during the crush of goodbyes, Heriberto told Sheila, the principal, that he hadn't come for the job, only to hang out with his friends, and that he wouldn't be around that summer. He drifted away and I don't know what happened to him. I do, however, remember him clearly and so, following his instruction, I wrote it all down so that you can remember him too. □

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too heavily on eyewitness testimony. The problem is that people will testify to damn near anything. So the commission had one eyewitness testifying that he saw Oswald sticking a rifle through the sixth-floor window—

**AC:** *But there was another witness next to him who saw Oswald and another man beside him.*

**WJL:** Right. That's the problem. The only way you can avoid that is to look at evidence that can be replicated. Evidence that is here today, will be here tomorrow and 100 years from now: the autopsy photographs; the autopsy X-rays; the ballistics tests. The bullet that was found on the stretcher was fired from Oswald's rifle to the exclusion of all other rifles; the two big fragments in the car were fired from that rifle to the exclusion of all other rifles; that rifle was on the sixth floor of the School Book Depository; it had Oswald's print on it; there was a brown paper bag there that had Oswald's palm print on it; it was a long bag that would have held a rifle. At this point it would be nice to have an eyewitness who said that when he gave Oswald a ride to work that morning he had the bag with him, and there was one. But fine, never mind how the bag got there. We know it was Oswald's rifle because he rented a post office box and his handwriting is on the application; he ordered the rifle and his handwriting is on the paper he ordered the rifle with; he wrote out a money order and his handwriting is on that; and the rifle was sent to his post office box. There are a number of pictures of Oswald with a rifle. The House Assassination Committee, with improved enhancement techniques that the Warren Commission didn't have, was able to prove it was the same rifle. The negative was found and it had been taken from Oswald's camera to the exclusion of all other cameras. George de Mohrenschildt had a copy of that picture with Oswald's handwriting on the back. There's no evidence of tampering on the negative; the scratch marks are the same. The picture was taken six months before the assassination. We have photographic evidence, like the Zapruder film. On the Tippit shooting, we've got forensic evidence that shows clearly Tippit was killed by bullets from the gun Oswald was carrying when he was arrested. So you can make out a pretty good case just on the basis of the physical evidence.

Why did Oswald kill the President? The man was a malcontent, not happy, not stupid by any stretch of the imagination, but unhappy and discontented. I guess your typical liberal [laughs]. Not that. I guess he would have as much contempt for liberals as you or I. He was a revolutionary of one form or another. I drafted a psychological profile of Oswald for chapter seven of the report. It was reviewed by a panel including the chief of psychiatry at the Mayo Clinic, who threw my draft down and said, "This is very interesting stuff, but it tells me a lot more about you, Liebler, than it does about Oswald." So how the hell do I know why Oswald killed the President?



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