

Reclaiming History: The Assassination of President John F. Kennedy

By Vincent Bugliosi

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REVIEWED BY GARY L. AGUILAR

“[A]lthough there have been hundreds of books on the [JFK] assassination,” Vincent Bugliosi writes in the introduction to *Reclaiming History*, “no book has even attempted to be a comprehensive and fair evaluation of the *entire* case, including all of the major conspiracy theories.” (Emphasis in the original.) Indeed, no book has—not even this 1,612-page book, supplemented by a CD-ROM containing 958 pages of endnotes, but not because it is too short.

The gigantic swing that Bugliosi takes is easily the most ambitious one-person undertaking ever published on the Kennedy assassination. Bugliosi, the famous prosecutor in the Charles Manson case, devotes more than 1,400 pages of text and endnotes to “reclaiming” the lost truth as first set forth by the Warren Commission. He then devotes 900 more pages of text and endnotes to pounding myriad “conspiracy theorists” whose efforts over the years, Bugliosi claims, have wrought a grave injustice on the commission and performed a “flagrant disservice to the American public.”

It is not just that critics have convinced 75 percent of Americans (Bugliosi’s figure) to reject the official truth, which he says happens to be the real truth. These critics, Bugliosi contends, are also responsible for a widespread loss of faith in once-respected institutions. Such widespread skepticism, “gestating for decades in the nation’s marrow,” he writes, “obviously has to have had a deleterious effect on the way Americans view those who lead them and determine their destiny. Indeed, Jefferson Morley, former Washington editor of the *Nation*, observes that Kennedy’s assassination has been

‘a kind of national Rorschach test of the American political psyche. What Americans think about the Kennedy assassination reveals what they think about their government.’” To those who might wonder if more than 1,600 pages of text and 900 pages of endnotes were really necessary, Bugliosi says that the problem is so severe that nothing less would have sufficed.

Although Warren Commission skeptics might not welcome this gargantuan new salvo, there is no denying that Bugliosi’s herculean effort is a historic and important contribution. It is valuable not only as a reference for the myriad facts in the case and for the debunking of some of the proconspiracy codswallop that has not already been debunked elsewhere (most of it has been, if one has the time to find it). The book’s use also lies in demonstrating that it may not be possible for one person to fully master, or give a fair accounting of, this impossibly tangled mess of a case. In fact, despite Bugliosi’s pugnacious pummeling, he hasn’t laid a glove on major elements of the case for conspiracy.

And, regrettably, it must be said that the most distinguishing characteristic of this book is its demagogic pugnacity. Bugliosi cleaves the world of opinion holders neatly in two: sensible Warren Commission loyalists and conscious evildoers, the “conspiracy theorists.” He allows, however, for the occasional sincere dupe. Although his prosecutorial, conclusions-driven style is redolent of Gerald Posner’s in *Case Closed*, the last attorney-written book to defend the Warren Commission, Bugliosi’s endless self-congratulation and his arrogant condescension make his book far more insufferable.

These traits may have served Bugliosi well as a Los Angeles County prosecutor where, he boasts, he won felony convictions in 105 of 106 jury trials. These traits may have helped him knock out true-crime books, including his famous book about the Manson murders, *Helter Skelter*. But his arrogance is of little use in untangling the hopelessly conflicted facts in this 44-year-old national tragedy. His

incessant hurling of slurs—such as “de-ranked conspiracy theorist,” “crackpot,” “con man,” “kook,” and “huckster”—at virtually all critics inevitably carries a whiff of buffoonery and anxious self-promotion about it. And that’s particularly the case when he’s flat-out wrong on the facts.

A typical example is Bugliosi’s mocking of skeptics who say that Robert Kennedy was, to borrow from Bugliosi, a “conspiracy theorist.” Bugliosi counters not with an informed discussion but by producing an RFK quotation of support for the Warren Commission. Ironically, the very week that Bugliosi’s book appeared, a new best-selling book by David Talbot, *Brothers*, was published; this book proffers book-length documentation of something skeptics have long known and Bugliosi could have known if he had really looked: Even though RFK toed the official line in public for obvious political reasons, in private and until the day he died, he remained active as, to borrow from Talbot, “America’s first assassination conspiracy theorist.”¹

But if one peers past Bugliosi’s conclusions-driven narrative, past his errors of fact and interpretation, and past his snarky, self-congratulatory tone, there is much to be thankful for in this book. His writing is generally lucid and engaging, and his compilation of facts from disparate sources is a remarkable achievement and an astonishing boon to all students of the case. Whether one agrees with Bugliosi or not, one must admit that he has provided an almost encyclopedic repository of the innumerable facets of the case, particularly those useful to Warren Commission loyalists. But this can be as much a curse as a blessing. The book is so jammed with endless repetitive, and often inessential, details—especially those implicating Lee Harvey Oswald—that the general reader may find it impossible to make out the forest amid Bugliosi’s endless trees.

A few words of advice are in order about who should read the book and how they should read it. First, this is probably not a book for novices, because Bugliosi provides so many pe-

ripheral details that one can easily lose the thread or lose interest in the thread. Second, serious students of the case—and even casual readers—are advised to read the book with the included CD-ROM running on a computer. Not only is some of the most important material available only in the CD-ROM's 958 pages of endnotes, but the endnotes occasionally qualify the text so much that the net effect is to eviscerate the sweeping generalizations on the printed page. But one need not read the entire book to find value.

Bugliosi marvelously chronicles the events surrounding that day in Dallas in a section entitled "Four Days in November," which may be the best hour-by-hour time line in print. The 300-plus pages devoted to the events between 6:30 a.m. on Friday, Nov. 22, the day of the assassination, through Monday, Nov. 25, leave out almost nothing of significance. And his narrative is strengthened by this section's lack of invective and disparagement. He reserves those features for the remainder of *Reclaiming History*, turning it into a distracting and tiresome screed more fit for settling scores than settling history. Few of the remaining 2,000-plus pages are free of his cheap shots, his bitter denunciations, and his often silly remonstrations. That is not to say that his criticisms are entirely invalid.

As with the sinking of the *Maine*, the attack on Pearl Harbor, the Gulf of Tonkin incident, Sept. 11, and the events at Roswell, N.M., the Kennedy case has attracted its share of the febrile-minded. If such people are looking for a good remedy, then *Reclaiming History* offers it. Do you want to know why Jimmy Files, a 20-year-old Mafia wannabe didn't shoot JFK from the grassy knoll with a Remington Fireball—a .222-caliber, single-shot pistol? Do you want to know why the father of actor Woody Harrelson wasn't one of the notorious "tramp" conspirators who were picked up near Dealey Plaza right after the fact? Do you want to know why Secret Service Agent George Hickey didn't accidentally shoot JFK while riding in the car behind the President's? The answers are in Bugliosi's book.

But Bugliosi makes scant allowance for the fact that not all crackpot theorizing arises ex vacuo from febrile

minds. It wasn't exactly one of Bugliosi's "kooks" who kicked off the Vietnam War by spinning the yarn about an unprovoked attack in the Gulf of Tonkin on Aug. 4, 1964.² Had the government not initially reported finding a UFO at Roswell, N.M., and then changed its story—twice—"con men" would have been deprived of some of the juicy grist they used in their mills.³ And, although there may indeed have been "hucksters" behind the U.S. Environmental Protection Agency's reassurances that the toxic air at Ground Zero was safe, they were the sort of official hucksters Bugliosi laments that the public no longer trusts in the wake of skeptics having scuttled the Warren Commission's ship in the public's mind.⁴

But it is not just crackpots who have given up the faith; so too has the government itself. Two independent teams of seasoned government investigators assembled by the Church Committee and the House Select Committee on Assassinations (HSCA) concluded that, as the HSCA put it, "It is a reality to be regretted that the [Warren] Commission failed to live up to its promise." Bugliosi never mentions this finding, nor does he mention any of the harshest of the official critiques. Instead, he offers only a few of the milder ones, which he then nitpicks and dismisses in order to stand foursquare with the Warren Commission. The commission's key failing was not investigating the murder itself but, instead, handing the job over to the FBI, which, the HSCA determined, had "generally exhausted its resources in confirming its case against Oswald as the lone assassin, a case that Director J. Edgar Hoover, at least, seemed determined to make within 24 hours of the assassination."⁵ The Church Committee also discovered that "derogatory information pertaining to both [Warren] Commission members and staff was brought to Mr. Hoover's attention. ..."⁶ One can only wonder if the notorious Hoover might have sought such information as insurance that the Warren Commission wouldn't deviate from Hoover's "lone nut" theory—one that exculpated the FBI and Hoover for not shielding JFK from a successful plot. Nowhere in Bugliosi's 2,500 pages will the reader find any of

these official conclusions.

Bugliosi also withholds the Church Committee's most scathing assessments of the FBI's efforts and, instead, offers a quotation from the committee's report that seems to praise it: "The FBI investigation of the Assassination was a massive effort." Bugliosi omits a more representative, and telling, assessment that appears on the very same page of the committee's report: "Almost immediately after the assassination, Director Hoover, the Justice Department and the White House 'exerted pressure' on senior Bureau officials to complete their investigation and issue a factual report supporting the conclusion that Oswald was the lone assassin. Thus, it is not surprising that, from its inception, the assassination investigation focused almost exclusively on Lee Harvey Oswald."⁷

Bugliosi does not even once mention what may be the Church Committee's most important, and damning, conclusion about how the FBI, CIA, Secret Service, and other investigative agencies were affected by so powerful a lobby as Hoover, the Justice Department, and the White House—all urging that the focus be kept solely on Oswald. The committee wrote that it had "developed evidence which impeaches the process by which the intelligence agencies arrived at their own conclusions about the assassination, and by which they provided information to the Warren Commission. This evidence indicates that the investigation of the assassination was deficient and that facts which might have substantially affected the course of the investigation were not provided the Warren Commission or those individuals within the FBI and the CIA, as well as other agencies of government, who were charged with investigating the assassination."⁸ That verdict was reaffirmed in a new book about the CIA, *Legacy of Ashes* by *New York Times* journalist, Tim Weiner, who wrote that, in their investigation of the Kennedy assassination, the FBI and CIA's "malfeasance was profound."

In the interests of full disclosure and before addressing specific evidence, I should note that I am one of the many people Bugliosi consulted while writ-

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ing *Reclaiming History*. He wrote to me on numerous occasions and quotes me in his book, treating me much more gently than he treats most nonbelievers. Comparing our pleasant, prepublication exchanges with what ended up on his cutting-room floor was quite an eye-opener. To convey to readers just how selective and conclusions-driven Bugliosi's book is, and because of the impossibility of comprehensively reviewing so massive a book, this review will highlight the bullet evidence—evidence that is so central that two of Bugliosi's most favored sources have called it the "Rosetta Stone" of the Kennedy case—evidence that, by itself alone, proves that Oswald did it. I hope that my discussion of the bullet evidence will make clear why this detail-drenched book ultimately falls, and why the case for conspiracy still stands.

The Bullet Evidence in the JFK Case

Because only three expended shells were found in the "sniper's nest" in the Texas School Book Depository, and because it is accepted that one shot missed its target, it follows that, if Oswald did it, he must have done all of it—inflicted seven wounds on JFK and Governor John Connally—with only two bullets. Bugliosi insists that the evidence shows precisely that—that two bullets, and only two bullets, hit their mark in JFK's limousine, and both were fired from Oswald's Mannlicher-Carcano rifle. Bugliosi's proof is two-part and straightforward.

First, a bullet—the Warren Commission's Exhibit #399, mocked by skeptics as the "magic bullet" because it was virtually undamaged after an amazing odyssey during which it supposedly broke three bones in two men—was supposedly found on a stretcher at Parkland Hospital. The FBI reported that the unique pattern of grooves etched onto the surface of Exhibit #399 had been caused by unique impressions on the inside of the barrel of Oswald's rifle and thus proved that #399 had been fired from Oswald's rifle, to the exclusion of all other rifles in the world. Second, all the fragments recovered from both victims, JFK and Governor

John Connally, were shown by a sophisticated scientific analysis—neutron activation analysis (NAA)—to trace to just two bullets. They came either from #399 or from a second bullet, two large remnants of which were found in the limousine. And FBI tests proved that the second bullet, like #399, had also come from Oswald's rifle.

Reflecting its importance to the anti-conspiracy community and to himself, Bugliosi devotes great attention to NAA, stating that it confirms that all the smaller recovered fragments came from one or the other of these two bullets alone. The small fragments recovered from Governor Connally, for example, were shown by NAA to have been dislodged from #399, the stretcher bullet. And fragments removed from JFK's brain at autopsy matched the bullet fragments found in the limousine. Thus, Bugliosi argues, with only two bullets from Oswald's rifle in play, not only is there is no need for a third bullet, or a second assassin, but there is also no possibility of either. Although Bugliosi does a masterful job of persuasively laying out the NAA case, what he omits cuts the heart out of his thesis.

Neutron Activation Analysis of Bullet Evidence

First elaborated before the House Select Committee on Assassination's reanalysis of Kennedy's murder in 1977, NAA is a sophisticated scientific technique. Although it has since been abandoned because the results of the technique have been wrongly interpreted in legal cases and have led to wrongful convictions, NAA had previously been used by the FBI and police to identify bullets from a crime scene and to match recovered fragments to specific bullets. It turns out that the Kennedy case was the first instance in which NAA was used to make such matches. The technique involves measuring minuscule levels of "impurities" that are commonly found in bullet lead; typically, the levels of antimony (Sb), silver (Ag), and copper (Cu) are measured. Vincent Guinn, an authority on NAA, put JFK's bullet evidence to the test for the HSCA and, against all expectations at the time, testified that NAA seemed

to tie Oswald inextricably to the crime. In recent years, NAA has been championed by only two individuals—whose work Bugliosi endorses—a retired atmospheric chemist, Ken Rahn, Ph.D, and Larry Sturdivan, the co-authors of two papers on the topic in 2004.⁹

Drawing on the work of Guinn, Rahn, and Sturdivan, Bugliosi explains that NAA proved useful in the Kennedy case only because of an unusual feature of the bullets that Oswald had used. "When subjected to NAA by Dr. Guinn," Bugliosi writes, "all five of the specimens produced a profile highly characteristic of the Western Cartridge Company's Mannlicher-Carcano ammunition." That profile, Guinn had testified, was that with Mannlicher-Carcano (MC) bullets the amounts of trace components varied between bullets but didn't vary within a single bullet. To understand what he meant, think of MC bullets as one might think of crayons. Within a box of crayons, although each individual crayon is only one distinct color, all the individual crayons are distinctly different colors. If one took slivers from different crayons and mixed them up, they would still be traceable to the crayon of origin, because each sliver would retain the color of the crayon it came from.

Based on Guinn's work, Bugliosi argues that NAA showed that the lead from MC bullets and fragments could be traced the same way one might trace crayons and their fragments. Just as within a given crayon the color is uniform throughout, so, Guinn said, NAA showed that the level of antimony is uniform throughout the lead in each MC bullet. Put another way, NAA can prove whether bullet fragments came from one or more bullets, because all the fragments from a single bullet have the same trace amount of antimony—whether they came from the bullet's head, midsection, or tail—just as slivers from a single crayon have only one color. But if they came from two MC bullets, the NAA would show two groupings of antimony, just as slivers from two crayons would show two groupings of color. If they came from three MC bullets, the NAA would show the fragments falling into three groups,

and so on. By contrast, in most other types of bullets, the quantity of antimony does not vary from bullet to bullet. If they were crayons, they would all be of the same color.

But “[e]ven more interesting,” Bugliosi elaborates, “the [NAA] results fell into two distinct groups ... all five specimens had come from just two bullets. ... [T]he large fragment found in the limousine, the smaller fragments found on the rug of the limousine, and the fragments recovered from Kennedy’s brain were all from one bullet.” The fragments found in the limousine, in other words, came from the shot that hit Kennedy in the head. But, Bugliosi continues, Guinn’s “most important conclusion by far, however, scientifically defeating the notion that the bullet found on Connally’s stretcher had been planted, was that the elemental composition and concentration of trace elements of the three bullet fragments removed from Governor Connally’s wrist matched those of a second bullet, the stretcher bullet [#399]. The stretcher bullet, then, had to be the one that struck Connally. ...”

Thus, according to Bugliosi, the NAA “Rosetta Stone” of the JFK case had established three central facts: (1) The varying levels of trace components detected by NAA proved that all the fragments came from the type of ammunition used in Oswald’s rifle; (2) The fragments recovered from JFK’s brain and from the limousine all came from a single bullet; and (3) Only one other bullet, #399, could have played a role, and it could not have been planted because NAA showed that all the remaining fragments—those extracted from the governor—had come from #399. Thus, Bugliosi tells us, with NAA’s confirmation that only two bullets from Oswald’s rifle were involved, the possibility of a third bullet and a second gunman had been excluded scientifically. But, not only can none of these claims withstand scrutiny, Bugliosi certainly knew of their serious weaknesses but withheld them from his readers.

Neutron Activation Analysis: Critique

Regarding the first supposed *central fact*—that varying trace components prove that the fragments came from

Mannlicher-Carcano lead—one obvious problem with this claim is that it fails simple logic: it begs the question. In arguing that the varying levels of antimony in the recovered bullets and fragments proves that the ammunition came solely from Oswald’s ammunition, Bugliosi has assumed as true that which is in dispute. The fact that there were varying levels of trace components scarcely eliminates the possibility of different types of bullets. Rather, varying levels is precisely what one *would* expect if different assassins had fired different types of bullets.¹⁰ In other words, despite NAA’s amazing accuracy in measuring trace components, the analysis did not prove that only one type of bullet had been fired.

Bugliosi’s science isn’t much better than his logic. In a long endnote, Bugliosi acknowledges several recent studies that have cast such doubt on the value of NAA in matching bullets that crime investigators have all but abandoned the technique. Yet he writes that “no one has successfully challenged the findings of Dr. Guinn in the Kennedy assassination,” as if the very studies he cited had not already eviscerated Guinn’s finding, which, in fact, they had. As is now well known from the very research that Bugliosi cites, the lead found in MC bullets is not at all unique or even unusual. In fact, it’s rather common.

As two scientists from Lawrence Livermore Laboratories—Erik Randich, Ph.D., a metallurgist, and Pat Grant, Ph.D., a chemist—reported in an article in the *Journal of Forensic Science* in 2006 (which Bugliosi cites), “The lead cores of the bullets [Guinn] sampled from [Western Cartridge Company’s] lots 6000–6003 contained approximately 600–900 ppm antimony and approximately 17–4516 ppm copper (with most of the copper concentrations in the 20–400 ppm range). In both of these aspects, the ... MC bullets are quite similar to other commercial FMJ [full metal jacketed] rifle ammunition.” Thus, the scientists conclude, the JFK bullet fragments “need not necessarily have originated from MC ammunition. Indeed, the antimony compositions of the evidentiary specimens are consistent with *any number* of jacketed ammunitions containing unhardened

lead.” (Emphasis added.)¹¹

Using exquisite photomicrographs (photographs of enlarged microscopic images) of MC bullets cut in cross-section as proof, Randich and Grant also demolished the second and third pillars of Guinn’s case for NAA—that individual MC bullets have uniform levels of antimony. In fact, like most jacketed ammunition, the antimony in MC bullet microsegregates, that is, it clumps around microcrystals of lead during cooling, and so variations in antimony from one part of the bullet to another are to be expected. In other words, the bullets are not like single-colored crayons, they said, in effect. Instead, MC bullets are more like a marbled cut of beef. Just as the amount of fat in a sliver taken from a single piece of marbled beef can vary depending on where it is snipped, so too can the amount of antimony vary in fragments snipped from different parts of a single bullet. Thus, Randich and Grant not only rebutted the claims that Bugliosi made regarding Guinn’s original NAA work, they also upended the published claims made by anticonspiracists Rahn and Sturdivan. However, unlike Rahn and Sturdivan, Randich and Grant have (they have told me) no opinion on the conspiracy question—both remain entirely agnostic on the issue.

Bugliosi doesn’t ignore Randich and Grant. He dismisses their paper on the sole basis of a personal letter (which he reprints in a long endnote) from the longtime anticonspiracist, Larry Sturdivan, the very man who came up with the idea that NAA was the “Rosetta Stone” of the JFK case in the first place! Unfortunately, like Guinn and Rahn before him, Sturdivan had no metallurgical expertise. So it was no surprise when, in his “refutation,” Sturdivan repeated Guinn’s apparent error, saying, without offering proof, that JFK’s bullet fragments were identifiable as MC shells because they had the near-unique NAA profile typical of those bullets—a profile that the scientists from Lawrence Livermore Labs say does not exist. “Any number of jacketed” rounds, they said, would have produced the same NAA profile as JFK’s fragments.

But perhaps the most telling as-

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pect of this story is how Bugliosi, who endlessly touts his high standards of scholarship, dealt with these flatly contradictory analyses. He had to choose between the personal remarks of a long-standing anticonspiracy NAA proponent with unremarkable credentials and those of two conspiracy-agnostic Lawrence Livermore scientists with superb credentials writing in the peer-reviewed scientific literature, and he chose the former.

Given the importance that Warren Commission loyalists have attached to this evidence, a scholar of any merit would have checked the claims in Sturdivan's personal letter with someone in a position to know—if not Randich or Grant, then some other authority on bullet metallurgy. Bugliosi apparently didn't do that, which I discovered only when I contacted Randich and Grant myself. Both told me that Bugliosi had never once contacted them—not about their paper, or about Sturdivan's "refutation," or about anything else. And, in rejecting Randich and Grant to embrace Sturdivan's conclusions, Bugliosi cites no one but Sturdivan, who is as demonstrably inexpert as he is interested in perpetuating NAA as the "Rosetta Stone" of the Kennedy case.

Ironically, it might have saved Bugliosi considerable embarrassment if he *had* gotten a second opinion. In the very week that *Reclaiming History* was released, a second scientific report was published—this one by a team led by Texas A&M statistician Clifford Spiegelman, Ph.D., and a 24-year veteran of the FBI Lab, William Tobin, Ph.D.—that added additional doubts to those voiced by Randich and Grant about the statistical model that Guinn, Rahn, and Sturdivan had used in making their NAA case. Calling Guinn, Rahn, and Sturdivan's statistical analyses "fundamentally flawed," Spiegelman and Tobin demonstrated that, properly used, statistical models show that Kennedy's bullet fragments could have come from more than two bullets—even as many as five. Thus, all the pillars undergirding the NAA "Rosetta Stone" have collapsed. Not only does the historic NAA data not exclude the possibility of a second assassin, it

can't even prove that all the fragments came from the MC rounds that Oswald supposedly used.¹²

In a recent interview, Bugliosi was asked about the new NAA developments. "Can you talk about the new findings on bullet fragments from the scene?" Bugliosi answered, "These former FBI agents [sic] came up with a statement, and people are asking around the country about this new story. Here's how new it is—it's in my book. They're talking about neutron activation analysis. It was simply corroborative."¹³ Indeed, Spiegelman and Tobin's study was corroborative—but of Randich and Grant, in refuting Bugliosi. And Spiegelman and Tobin's new study, of course, is *not* in Bugliosi's book.

Warren Commission Exhibit #399 and the Kennedy Case

Bugliosi loses another big round in a second important controversy regarding the bullet evidence—this time involving the bona fides of Warren Commission Exhibit #399. Doubts about the magic bullet have persisted because the official version had it that, despite breaking three bones in two men, #399 nevertheless emerged with no damage whatsoever to the business end of the bullet—the tip—and suffered only a minor flattening of the base of the slug. Bugliosi tackles the subject by focusing on knocking down skeptics "who cling to the belief that the stretcher bullet (#399) was planted" in order to frame Oswald.

Although there is no denying that #399's near-pristine appearance had, at one time, sparked speculation that it had been planted on the stretcher at Parkland, virtually no one argues that anymore. Instead, what critics argue today represents an altogether more menacing opponent that, despite much flailing, Bugliosi never manages to land a blow against. New evidence suggests that the problem with Exhibit #399 is not that it was planted on the hospital stretcher, but that it may not be the same bullet that was found on the stretcher. In our correspondence, Bugliosi and I explored this issue in some detail, as we will see.

The story begins when the Warren Commission asked the FBI to chase down #399's chain of possession. Records show that the bureau sent the bullet back and forth to Dallas in June 1964, filing a report with the Warren Commission on July 7, 1964, which the Warren Commission published as Exhibit #2011. The report said that Dallas FBI Agent Bardwell Odum had shown #399 to the two Parkland witnesses who had first seen a bullet on the stretcher: Darrell Tomlinson, who discovered it on the stretcher, and O.P. Wright, the hospital personnel director and former police officer whom Tomlinson called over to look at it.¹⁴ The report also said that both had told Odum that, although #399 "appears to be the same one" that had been on the stretcher, neither could "positively identify" it, meaning that they had not carved their initials on the bullet found on the stretcher as positive proof.

But Exhibit #2011 told an oddly different story about the next two men in the bullet's chain of possession. Secret Service Agent Richard Johnsen, who collected the bullet from Wright at Parkland, and James Rowley, the chief of the Secret Service, told the FBI that they "could not identify this bullet (#399) as the one"—the bullet found on the stretcher at Parkland. Intriguingly, a declassified FBI memo dated June 24, 1964, from the special agent in charge of the bureau's Washington office to J. Edgar Hoover, told the same story as #2011: Johnsen and Rowley "were unable to identify" #399.¹⁵ Neither the June 24 memo nor the bureau's July 7 report to the Warren Commission explained what the agents meant by "unable to identify." Did the Secret Service agents mean that they were merely unable to "positively identify" #399? Or was it that they were unable identify it at all? There are no extant records, old or new, showing that either the Warren Commission or the FBI investigated this further.

The mystery deepened two years later, when a one-time Yale and Harvard philosophy professor, Josiah Thompson (then working for Time/Life Books), interviewed O.P. Wright. As Thompson described it in his clas-

sic book, *Six Seconds in Dallas*, “I then showed him photographs of CE 399 ... and he rejected all of these as resembling the bullet Tomlinson found on the stretcher. Half an hour later in the presence of two witnesses, he once again rejected the picture of #399 as resembling the bullet found on the stretcher. ... As a professional law enforcement officer, Wright has an educated eye for bullet shapes.”

And there the conflict lay, undisturbed, until after the passage of the JFK Records Act, when I requested the complete file of FBI reports on Exhibit #399. If the FBI’s report of July 7, 1964, (#2011) to the Warren Commission was accurate, I was certain that there would be an “FD-302” written by Dallas Agent Bardwell Odum recounting that the Parkland witnesses, Tomlinson and Wright, had told him that #399 looked like the stretcher bullet. This is because 302s are the reports that agents submit after doing field investigations, and Odum would certainly have sent one in after tracking down the witnesses who found one of the most important pieces of physical evidence in the case.

But after petitioning both the FBI and the National Archives, and after the National Archives conducted a special search on my behalf, I was informed that there was no such report in the files. Nor were there 302s of any kind from Dallas concerning the magic bullet. Worse, in what the National Archives told me was the complete file, there was only a single report from the FBI’s Dallas office about #399. It was written on June 20th—*before* the FBI’s July 7 report (#2011) that said that Tomlinson and Wright thought that #399 “appears to be the same one” found on the stretcher. But the June 20 report said nothing of either Tomlinson or Wright’s having said that #399 resembled the stretcher bullet. In fact, it suggested precisely the opposite.

The June 20 report was a formerly suppressed FBI “Airtel” from the head of the FBI office in Dallas (“SAC, Dallas”—i.e., Special Agent in Charge, Gordon Shanklin) to the head of the FBI, J. Edgar Hoover. The report reads, “For information WFO [Washington Field Office of the FBI], neither DARRELL C. TOMLINSON, who found bullet at Parkland Hospital, Dallas, nor

O. P. WRIGHT, Personnel Officer, Parkland Hospital, who obtained bullet from TOMLINSON and gave [it] to Special Agent RICHARD E. JOHNSON, Secret Service, at Dallas 11/22/63, can identify bullet.”¹⁶ Because this was the only Dallas record on #399, one can only wonder where the Washington office got the information that it reported to the Warren Commission on July 7, 1964—that Tomlinson and Wright had said that there was a resemblance between #399 and the stretcher bullet. So what about the field agent, Bardwell Odum, who is named in #2011 as having heard the Parkland witnesses say that there was a resemblance?

With Josiah Thompson’s help, I tracked Odum down in 2002 and sent him the original July 7 FBI report and the June 20, 1964, FBI Airtel from Dallas. In a recorded call we had the following exchange:

GA: [F]rom what I could gather from the records after the assassination, you went into Parkland and showed (#399 to) a couple of employees there.

BO: Oh, I never went into Parkland Hospital at all. I don’t know where you got that. ... I didn’t show it to anybody at Parkland. I didn’t have any bullet. I don’t know where you got that but it is wrong.

GA: Oh, so you never took a bullet. You were never given a bullet. ...

BO: You are talking about the bullet they found at Parkland?

GA: Right.

BO: I don’t think I ever saw it even.

My first inclination was to wonder if Odum might have forgotten his trip to the hospital. But if so, that meant that Odum’s memory was good enough to recall that a bullet had been found at Parkland but not good enough to remember that he had carried it around Parkland himself. I re-reviewed the entire file on #399 and confirmed that Odum’s name was nowhere in it. Unwilling to leave it at that, on Nov. 21, 2002, Josiah Thompson and I both vis-

ited Bardwell Odum in his home in a suburb of Dallas. Concerned as to what his age and the passage of 38 years might have done to the 78-year-old’s recall, we were both struck by how bright and alert Odum was. To ensure that there was no misunderstanding, we laid out on a coffee table before Odum copies of all the relevant documents. We then read aloud from them.

Again, Odum said that he had never taken a bullet—any bullet—to Parkland to show to witnesses. Nor had he ever had any bullet related to the Kennedy assassination in his possession during the FBI’s investigation in 1964, or at any other time. Because a record from the Washington FBI office seems to prove that #399 had indeed been sent back and forth to Dallas in the appropriate time frame,¹⁷ we gently asked Odum whether he might have forgotten the episode. Answering somewhat stiffly, he said that he doubted that he would have ever forgotten investigating so important a piece of evidence in the Kennedy case. But even if he had forgotten, he said he would certainly have turned in the customary 302 field report covering something that important and he dared us to find it. The files support Odum; as noted above, there are no 302s in what the National Archives states is the complete file on #399.

To recap, the FBI’s Washington office advised the Warren Commission on July 7, 1964, that two Parkland Hospital eyewitnesses, Darrell Tomlinson and O.P. Wright, had told Agent Bardwell Odum that #399 looked like the bullet that they had found on a hospital stretcher. No internal FBI records corroborate that statement, including the two documents (the June 20 Airtel and the June 24 memo) that touch on #399 and that predate the July 7 report. To the contrary: the two June documents contradict the July 7 report in that they say, simply, that neither witness could identify #399.

Then, in 1966, Wright, who was experienced in firearms, flatly denied that there was a resemblance, and, in 2002, a suppressed FBI file from the Dallas office turned up—the only Dallas file that mentioned Wright—saying only

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that Wright could not identify #399. Also in 2002, Odum, the FBI agent who was supposed to have originally heard Wright say that there was a resemblance, insisted that Wright had never told him that, that he had never interviewed Wright, and that he had never even seen #399.

Given that this new evidence suggests that #399 may never have been properly identified and authenticated, it certainly merits the thousand words that Bugliosi devotes to it. But, as with NAA, he dodges the core evidence and, instead, delivers a blizzard of facts and sarcastic comments that serve more to fog the issue than to clarify it.

With his trademark tone of derision and contempt, Bugliosi challenges what he claims is “an article of faith among conspiracy theorists”—the idea that #399 “was ‘planted’ by the conspirators to frame Oswald.” Although a bullet planted at Parkland Hospital is hardly an article of faith among most skeptics, particularly in recent decades, it would not have been unreasonable if Bugliosi had presented his counter to that (outdated) argument, if only for the sake of completeness.

Bugliosi instead sneers, “[If] Commission Exhibit No. 399 was never identified and authenticated as the magic bullet that connected Oswald to the assassination, doesn’t that necessarily knock out the hallowed belief of most of his fellow conspiracy theorists that Exhibit No. 399 was ... *planted* to frame Oswald?” By offering a faux, sarcastic “endorsement” of the new evidence, Bugliosi is up to his old tricks, begging the question: He has assumed #399’s authenticity, which is the very thing the new FBI evidence raises doubts about. Never once does he even allow for the possibility that the bureau might have switched a bullet fired through Oswald’s rifle for the one that turned up on the stretcher. That places Bugliosi in the position of having faith in the FBI, whose failings in the Kennedy case were confirmed by the Church Committee, the House Select Committee on Assassinations, and many responsible historians and skeptics, but having no faith in an individual FBI agent whose reputation is unblem-

ished and whose account is independently corroborated both by a credible witness on the scene, O.P. Wright, and by the FBI’s own internal records.

Bugliosi regards Odum’s repeated assertion that he had never even seen #399 with skepticism, arguing that, “Unless the July [7, 1964] report is in error as to the name of the agent who showed Tomlinson the bullet, Odum, almost forty years after the fact, has simply forgotten.” Bugliosi then acknowledges that Odum claimed that “if he had shown anyone the bullet [at Parkland], he would have prepared an FBI report (called a ‘302’),” and in this connection Bugliosi cites a letter that I wrote to him on Oct. 13, 2004.

Indeed, as I recounted to Bugliosi in that letter, that is exactly what Odum *did* tell me. And so where is Odum’s 302 concerning Tomlinson and Wright? Or, if it was a different agent than Odum, where is *that* agent’s 302? Bugliosi doesn’t ask, doesn’t tell. He simply drops the whole subject of 302s, he ignores that Odum’s name is absent from the FBI’s internal files, and he never acknowledges the likelihood that either a 302 covering the Parkland witnesses and #399 is missing from the files—whether written by Odum or someone else—or that the FBI never interviewed the Parkland witnesses.

And so, Bugliosi keeps his gaze willfully averted from obvious questions about #399, such as—

- As Odum was able to remember without my prompting that a bullet was found at Parkland, how was it that, as Bugliosi proposes, it had not only slipped Odum’s mind that he had held that very slug himself, but also that it was he who had lugged it around to witnesses at Parkland?
- If Bugliosi’s alternative explanation for Odum’s name showing up in the FBI’s July 1964 letter is right—that the bureau wrote down the wrong name by mistake—then where are the 302s from the agent who actually did do the Parkland interviews?
- Why *didn’t* the SAC’s June 20, 1964, Airtel to the Washington office convey the important fact that Tomlinson and Wright had told Odum (or

another agent) that #399 looked like the stretcher bullet if, indeed, they had originally told the FBI that?

These are just the obvious questions, yet Bugliosi ignores all of them. And he ignores other inconvenient evidence as well.

How, for example, does Bugliosi deal with the fact that Wright, as a former deputy chief of police in Dallas, with considerable experience with firearms, insisted in 1966 that #399 was not the bullet he held on Nov. 22? Bugliosi doesn’t tell his readers anything at all about it. Even when he mentions my essay that outlines the visit that Thompson and I paid to Odum in his home, Bugliosi withholds from his readers a key point of that essay, namely that Wright’s denial in 1966 is bolstered considerably by the head of the Dallas FBI office telling Washington in June 1964 what certainly sounds like the same thing: that neither Parkland witness could identify #399. Moreover, Wright’s disavowal of #399 got another boost in 2002, when Odum told us that Wright had never told him that there was a resemblance.

There is a particular irony in this last oversight, quite apart from Bugliosi’s vowing that he “will not *knowingly* omit or distort anything” (emphasis in the original), and his condemning “the practice of conspiracy theorists knowingly omitting and citing material out of context.” It is not as if, apart from my essay, Bugliosi would have been unfamiliar with Wright’s having disowned #399 to Thompson in 1966, because, in *Reclaiming History*, Bugliosi mentions Thompson’s book, *Six Seconds in Dallas*, at least 50 times, and he even cites the very page in the book (p. 156) where Thompson points out that Tomlinson and Wright had “declined to identify” #399.

The above examples offer just the merest glimpse of the central problem with *Reclaiming History*: history is not being reclaimed, it is being reframed along anticonspiracy lines by Bugliosi’s *knowingly omitting and citing material out of context*. Examples similar to Bugliosi’s selective presentation of the bullet evidence abound.

One such example occurs when Bugliosi attempts to rebut skeptics who claim that Parkland doctors said that JFK had a rearward skull defect that suggested a rearward bullet exit (whereas any bullets that Oswald fired would have exited the front). Bugliosi counters with a quote from one of the Parkland doctors: "Dr. Charles Baxter testified that the head exit wound was in the 'temporal and parietal' area." The important word here is "parietal," which is a skull bone that extends from the crown of the head, well behind the hairline, toward the very rear of the skull. When Baxter specified "temporal and parietal," he was then reading his own handwritten notes into the record before the Warren Commission. But nowhere did Baxter say anything about that being the location of the exit wound. Moreover, as David Lifton first pointed out in his 1980 book, *Best Evidence*, although Baxter did indeed say "parietal and temporal" when he read the notes he'd written on the day of the murder, that is not what Baxter actually wrote. Anyone with a copy of page 523 of the Warren Commission Report, or access to a computer, can see that on the day of the assassination Baxter had quite legibly written that JFK's "right temporal and *occipital* bones were missing."¹⁸ A missing occipital bone, or a gaping wound in occipital bone, would offer evidence that a bullet had entered from the front and exited through the rearmost occipital bone.

Similarly, Bugliosi cites the testimony that autopsy witness and medical technologist, Paul O'Connor, gave at a mock trial of Lee Harvey Oswald in London as evidence that a bullet hit JFK in the rear of the skull and exploded out the front. He writes, "I said to O'Connor, 'You told me over the phone that this large massive defect to the right frontal area of the president's head gave all appearances of being an exit wound, is that correct?' O'Connor [replied,] 'Yes, on the front.'" Despite indicating that he was familiar with what O'Connor had told the HSCA in 1977, Bugliosi withholds the information from his readers. The HSCA reported that O'Connor "believes that the bullet came in from the front and blew out the top." O'Connor also told

the HSCA that JFK's skull defect was in the region from the "occipital around the temporal and parietal regions."¹⁹ Furthermore, for Sylvia Chase's KRON television special on JFK, O'Connor described the wound as an "open area all the way across to the rear of the brain just like that," and with his hands he demonstrated the rearward location of the defect. In his 1993 book, *The Killing of a President*, Robert Groden reproduced a photograph of O'Connor with his hand over the backside of his head, demonstrating the location of JFK's skull injury. Bugliosi discloses none of this to his readers.

But perhaps Bugliosi's most flagrantly selective and misleading citation of morgue witnesses is a statement made by John Stringer, the Navy photographer who took JFK's autopsy photographs. Although Bugliosi admits that there have been problems with Stringer's claims over the years, he expresses full confidence in what the photographer has to say about JFK's skull injuries. "When I spoke to Stringer," Bugliosi writes, "he said there was 'no question' in his mind that the 'large exit wound in the president's head was to the right side of his head, above the right ear.' ... When I asked him if there was any large defect to the rear of the president's head, he said, 'No. All there was was a small entrance wound to the back of the president's head.'"

Bugliosi surely knows, but withholds from his readers, that Stringer was just as insistent to author David Lifton in 1972 that the major defect in JFK's skull was rearward. The JFK Review Board published as a major medical exhibit a Nov. 14, 1993, news article by journalist Craig Colgan dealing with Stringer's flip-flopping on JFK's skull wound—an article that Bugliosi would certainly have seen.²⁰ Colgan reveals in the article that, in 1993, Stringer identified his own voice in Lifton's 1972 recording. Here is the relevant part of Lifton's interview with Stringer, as it appears on page 516 of Lifton's book, *Best Evidence*:

Lifton: "When you lifted him out, was the main damage to the skull on the top or in the back?"

Stringer: "In the back."

Lifton: "In the back? ... High in

the back or lower in the back?"

Stringer: "In the occipital part, in the back there, up above the neck."

Lifton: "In other words, the main part of his head that was blasted away was in the occipital part of the skull?"

Stringer: "Yes, in the back part."

Lifton: "The back portion. Okay. In other words, there was no five-inch hole in the top of the skull?"

Stringer: "Oh, some of it was blown off—yes, I mean, toward, out of the top in the back, yes."

Lifton: "Top in the back. But the top in the front was pretty intact?"

Stringer: "Yes, sure."

Lifton: "The top front was intact?"

Stringer: "Right."

To eliminate any question about what Stringer meant, Lifton then asked him if the part of Kennedy's head that was damaged was the part that rests against the bathtub when one is lying back in the bathtub. "Yes," Stringer answered.

Worse, Colgan disclosed that Jacqueline Hall-Kallas, the associate producer of ABC's "Prime Time Live," had sent a film crew to interview Stringer for a 1988 San Francisco KRON-TV interview after Stringer, in a prefilming interview, told Hall-Kallas that Kennedy's skull wound was rearward. Colgan reported, "When the camera crew arrived, Stringer's story had changed, said Stanhope Gould, a producer who also is currently at ABC and who conducted the 1988 on-camera interview with Stringer. ... 'We wouldn't have sent a camera crew all the way across the country on our budget if we thought he would reverse himself,' Gould said. ... 'In the telephone preinterview he corroborated what he told David Lifton, that the wounds were not as the official version said they were,' Hall-Kallas said."²¹ It is not surprising that Bugliosi says nothing about any of this.

Hundreds of pages could be written detailing similar examples of Bugliosi's omitting or distorting the evidence.

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And yet the reviews published in major news outlets have been favorable. The *Los Angeles Times*' reviewer, Jim Newton, even hailed *Reclaiming History* as "a book for the ages."²² The mainstream media, relying upon reviewers who have no particular knowledge of the assassination, dependably bow to the official version. Thus, the national press also gushed over Gerald Posner's anti-conspiracy book, *Case Closed*, a book that was savaged in a prescient review by George Costello in the March/April 1994 issue of the *Federal Bar News & Journal* (the predecessor of *The Federal Lawyer*). I say "prescient" because it is no small irony that Costello has found stout vindication for his criticism of *Case Closed* from an unexpected highly acclaimed expert—Vincent Bugliosi.

In *Reclaiming History*, Bugliosi lands a well-deserved barrage of punches on Posner for distortion and misrepresentation, quoting, among other things, a review by Jonathan Kwitney in the *Los Angeles Times*—one of the few negative reviews besides Costello's that Posner's book received. Bugliosi quotes Kwitney's astute observation that Posner "presents only the evidence that supports the case he's trying to build, framing this evidence in a way that misleads readers who aren't aware that there's more to the story." Bugliosi then hastens to assure readers that he is no Posner:

I can assure the conspiracy theorists who have very effectively savaged Posner in their books that they're going to have a much, much more difficult time with me. As a trial lawyer in front of a jury and an author of true-crime books, credibility has always meant everything to me. My only master and my only mistress are the facts and objectivity. I have no others. The theorists may not agree with my conclusions, but in this work on the assassination I intend to set forth all of their main arguments, and the way they, not I, want them to be set forth, before I seek to demonstrate their invalidity. I will not *knowingly* omit or distort

anything. However, with literally millions of pages of documents on this case, there are undoubtedly references in some of them that conspiracy theorists feel are supportive of a particular point of theirs, but that I simply never came across.

Bugliosi's attempt to cover himself in that final sentence is obviously inadequate, as this review has shown that he has omitted numerous significant but inconvenient points that he had to have come across. Bugliosi, it seems, will always be a prosecutor.

But Bugliosi's prosecutorial habits were invisible to the *New York Times*' reviewer, Bryan Burrough, who was so smitten with *Reclaiming History* that he wrote on May 20, 2007, that conspiracy believers should henceforth "be ridiculed, even shunned ... marginalized ... the way we've marginalized smokers ... [made to] stand in the rain with the other outcasts." His slur elicited a remarkable reaction in the form of a letter to the editor published on June 17, 2007. It was remarkable not so much for the facts it laid out, but because the "Grey Lady," which has consistently backed the Warren Commission report, for once permitted her readers to see them.

Washington Post journalist Jefferson Morley, one-time BBC correspondent Anthony Summers, Norman Mailer, and the aforementioned David Talbot wrote:

The following people to one degree or another suspected that President Kennedy was killed as a result of a conspiracy, and said so either publicly or privately: Presidents Lyndon Johnson and Richard Nixon; Attorney General Robert Kennedy; John Kennedy's widow, Jackie; his special advisor dealing with Cuba at the United Nations, William Attwood; FBI director J. Edgar Hoover[!]; Senators Richard Russell (a Warren Commission member), and Richard Schweiker and Gary Hart (both of the Senate Intelligence Committee), seven of the eight congress-

men on the House Assassinations Committee and its chief counsel, G. Robert Blakey; the Kennedy associates Joe Dolan, Fred Dutton, Richard Goodwin, Pete Hamill, Frank Mankiewicz, Larry O'Brien, Kenneth O'Donnell and Walter Sheridan; the Secret Service agent Roy Kellerman, who rode with the president in the limousine; the presidential physician, Dr. George Burkley; Mayor Richard Daley of Chicago; Frank Sinatra; and '60 Minutes' producer Don Hewitt.

One could assemble a list of thoughtful and well-known skeptics that is several times as long as this one.

With the death of JFK fading further and further into history, chances are small that yet another attorney, either pro- or anti-Warren Commission, will step into the ring and knock down Bugliosi the way Bugliosi did Posner. But one certainly could: Bugliosi's ferocious jaw, it turns out, is made of glass. For, despite the fact he has put out 2,500 pages, there aren't many that a half-decent boxer couldn't take a good swing at.²³ **TFL**

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Endnotes

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⁴Jane Kay, *Ground Zero Air Quality Was “Brutal” for Months: UC Davis Scientist Concurs that EPA Reports Misled the Public*, SAN FRANCISCO CHRONICLE, Sept. 10, 2003, www.commondreams.org/headlines03/0910-07.htm. (“A UC Davis scientist who led the air monitoring of the smoldering ruins of the World Trade Center said dangerous levels of pollutants were swirling about the site at the same time the U.S. Environmental Protection Agency assured the public that the air was safe to breathe.”)

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⁶U.S. Senate, Select Committee to Study Governmental Operations with Respect To Intelligence Activities, *The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies*, Book V, S. Rep. No. 94-755, at 47 (2d Sess. 1976), www.history-matters.com/archive/church/reports/book5/html/ChurchVol5_0027a.htm.

⁷*Id.* at 32.

⁸*Id.* at 6.

⁹K.A. Rahn and L.M. Sturdivan, *Neutron Activation and the JFK Assassination: Part I. Data and Interpretation*, 262 J. RADIOANALYTICAL & NUCLEAR CHEMISTRY 205–213 (2004); L.M. Sturdivan and K.A. Rahn, *Neutron Activation and the JFK Assassination: Part II. Extended Benefits*, 262 J. RADIOANALYTICAL & NUCLEAR CHEMISTRY 215–222 (2004).

¹⁰Clifford Spiegelman et al., *Chemical and Forensic Analysis of JFK Assassination Bullet Lots: Is a Second Shooter Possible?* ANNALS APPLIED STATISTICS (May 2007), www.imstat.org/aoas/

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¹¹Erik Randich, Ph.D., and Patrick M. Grant, Ph.D., *Proper Assessment of the JFK Assassination Bullet Lead Evidence from Metallurgical and Statistical Perspectives*, 51 J. FORENSIC SCIENCE 723, 728 (2006).

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¹³Robin Lindley, *Why Vincent Bugliosi Is So Sure Oswald Alone Killed JFK (Interview)* HISTORY NEWS NETWORK (Aug. 20, 2007), hnn.us/articles/41490.html.

¹⁴*Hearings Before the President's Commission on the Assassination of President Kennedy (Warren Commission)*, 88th Cong. 411–412 (1964), www.history-matters.com/archive/jfk/wc/wcvol5/wh24/html/WHVol24_0215a.htm.

¹⁵A copy of this memo appears as figure 6 in Gary Aguilar and Joshua Thompson, *The Magic Bullet: Even More Magical Than We Knew?*, www.history-matters.com/essays/frameup/EvenMoreMagical/EvenMoreMagical.htm.

¹⁶A copy of this memo appears as figure 5 in Aguilar and Thompson, *supra* note 15. Johnson is the same person as “Johnsen” mentioned four paragraphs above.

¹⁷A copy of this memo appears as figure 12 in Aguilar and Thompson, *supra* note 15.

¹⁸*Report of the President's Commission on the Assassination of President Kennedy*, Sept. 24, 1964, www.history-matters.com/archive/jfk/wc/wr/html/WCReport_0274a.htm (emphasis added).

¹⁹ARRB Master Set of Medical Exhibits, MD 64, *O'Connor-Purdy HCSA Interview (8/29/77)* at 5–6, www.history-matters.com/archive/jfk/arrb/master_med_set/md64/html/Image5.htm.

²⁰ARRB Master Set of Medical Exhibits, MD 143, Craig Colgan, *Body of Evidence: Local Photographer Recalls JFK Autopsy*, VERO BEACH, FLORIDA PRESS J, www.history-matters.com/

archive/jfk/arrb/master_med_set/md143/html/md143_0001a.htm. This article quotes a portion of the interview that follows in the text.

²¹*Id.*

²²www.reclaiminghistory.com.

²³A collection of informative essays written by skeptics analyzing aspects of RECLAIMING HISTORY is available at www.reclaiminghistory.org.