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“JFK”

Controversial Movie Resurrects Lawyer's Conspiracy Theories

By LISA BRENNAN

It's hard for a viewer to tell where fact ends and fiction begins in Oliver Stone's three-hour movie “JFK,” but Philadelphia lawyer Vincent J. Salandria says it's a truer account of the Kennedy assassination than what he calls the “fictional” Warren Commission Report.

Salandria never accepted the Warren Commission's theory of a single assassin whose “magic” bullet struck both President Kennedy and Gov. John Connally. He claims to be the “first person in the world” to have published a dissent, which appeared in *The Legal Intelligencer* on Nov. 2, 1964. (The full-text of that piece is printed below.)

Wide-Ranging Conspiracy?

Salandria believes that Lee Harvey Oswald was a patsy put forward to mask a wide-ranging conspiracy in which even Vice President Lyndon B. Johnson had participated. To this day, Salandria calls the

Kennedy assassination the first coup d'etat in America.

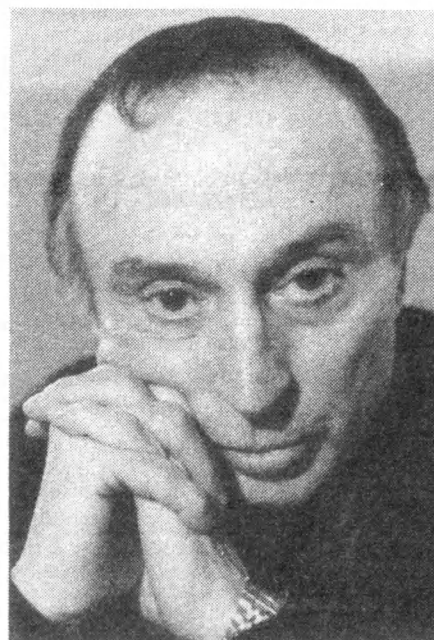
The book on which Stone's movie is based, “On The Trail of the Assassins,” is written by a long-time friend of Salandria's, retired judge and former New Orleans District Attorney Jim Garrison. It hit the bookstore shelves in 1988.

Shaw Trial

Garrison, now suffering serious health problems, plays Chief Justice Earl Warren in Stone's “JFK,” which depicts Garrison's investigation and trial of Clay Shaw, a New Orleans businessman and operative for the Central Intelligence Agency. Shaw was abruptly acquitted.

Craftily, yet defying documentary filmic convention, Stone's movie combines newsreel footage with grainy black-and-white recreations to make his story flow.

In a closing argument in the movie that never took place in real life, a low-affect



Vincent J. Salandria
“First person” to dissent

Garrison, played by Kevin Costner, attempts to link the assassination of Kennedy, the war in Vietnam, the subsequent killing of Robert Kennedy, and the murder of the Rev. Martin Luther King Jr. to the powers behind the cover-up.

Many critics of “JFK” say its version of history does a disservice to the young
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Peruto Defense Focuses On Language In Indictment

By SHANNON P. DUFFY

“The federal government is not in the business of collecting parking tickets,” Assistant U.S. Attorney Kristin R. Hayes said, “but it is in the business of prosecuting fraud.”

So began the mail fraud trial of prominent defense attorney A. Charles Peruto Jr. yesterday, who is charged with fabricating a police report to escape paying \$1,118 in parking tickets. The police report said Peruto's Jeep Cherokee was reported stolen six days before the first of the unpaid tickets was written.

Police Reports Cited

Hayes told the jury of nine men and five women that Peruto “did a really bad job filling out” the police report which he
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1964: Criticism Of The Warren Report Emerges

Editor's note: Because of the great interest and debate surrounding the release of the Oliver Stone film “JFK,” we felt our readers might wish to read the following article which first appeared in *The Legal Intelligencer* on Nov. 2, 1964. This was one of the first articles to challenge the single-assassin theory proposed by the Warren Commission, and much of the author's premise is the same as that in the Stone film.

We are not making any judgment on the author's theories or the movie, but merely offer the article as a vignette of history.

THE WARREN REPORT ANALYSIS OF SHOTS, TRAJECTORIES AND WOUNDS — A LAWYER'S DISSENTING VIEW NOV. 2, 1964

By VINCENT J. SALANDRIA

Arlen Specter, Esq., assistant counsel of the President's Commission on the Assassination of President Kennedy, was quoted

by *The Evening Bulletin* of Oct. 23, 1964, page 4, as follows: “The people are going to have to rely on the conclusions (that have been drawn) and the stature of the men on the Commission.”

We know that Mr. Specter did not mean by the above statement that the Warren Commission was ever meant to be construed as a “ministry of truth.” Nor would the members of the Commission, as public servants in a democracy, ever consider that their “stature” insulated their interpretations and findings from public criticism. Since we are all agreed on this score, we can now proceed to disagree.

Let us then, as lawyers, address ourselves to the evidence and findings of the Commission, limiting ourselves for the present to Mr. Specter's area of particular interest relating to the shots, their number, source or sources and trajectories. We will also look briefly into the subject of the wounds inflicted. Then we will scrutinize the Commission's conclusions that their evidence supports the propositions that three shots were fired by Lee Harvey Oswald alone from a bolt-action 6.5m. Car-

cano rifle while he was stationed at a window on the sixth floor of the Texas School Book Depository Building. The Commission further concluded that the three shots caused all the damage at the assassination site and that the time span between the first and last shot which struck President Kennedy and Governor Connally was 4.8 to 5.6 seconds. These conclusions I commend to your scrutiny and urge that you relate them to the evidence of the Commission.

First, with reference to the source of the shots, it is not central to my thesis that the Warren Commission erred in determining that three shots came from the Book Depository Building. On the contrary, I am willing to concede for the purposes of this presentation that three shots did come from the Book Depository Building. But I will endeavor to prove that all the evidence of the Commission's report points up that another shot or shots came from a source other than the Depository Building.

The following witnesses reported evi-
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TODAY'S NEWS

THE SUPREME COURT issues a victory for “jailhouse lawyers” and other poor litigants. **Page 5**

HUNDREDS OF INMATES serving time in crowded Philadelphia jails may soon be transferred. **Page 7**

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dence indicating a source other than the Book Depository Building: Austin L. Miller on the railroad bridge thought the shots came from the Presidential limousine itself.¹ Frank E. Reilly, an electrician on the same bridge, heard three shots that seemed to come from the trees "on the north side of Elm Street at the corner up there."² S.M. Holland heard "four shots which sounded as though they came from the trees on the north side of Elm Street where he saw a puff of smoke."³ Thomas J. Murphy said the two shots he heard "came from a spot just west of the Depository."⁴ L.E. Bowers Jr. said they came "either from the Depository Building or near the mouth of the Triple Underpass."⁵

Arlen Specter, Esq., stated that Sen. Ralph W. Yarborough said he smelled gun powder at the assassination site. Mr. Specter dismissed this as the function of "an overly active olfactory sense."⁶ He admitted that a Dallas police officer was reported to have smelled gunpowder 350 to 400 feet from the Depository Building, immediately following the assassination shots. Mr. Specter did not comment on this.⁶ If the smell of gun-powder was detectable at street level immediately after the assassination then this would indicate a source of shots other than the sixth floor of the Book Depository Building.

So, the Commission ignored all of the above in so far as the evidence reveals auditory, visual and olfactory stimuli reception incompatible with the source of shots exclusively from the Book Depository Building. Needless to say, this aforementioned evidence does not rule out additional shots having been fired from the building in question. But it certainly supports the conclusion that one or more shots originated from the tree and fence area north of Elm Street.

Further support for the inference that at least one shot emanated from a source other than the Book Depository Building is the fact that James T. Tague was hit in the cheek by a bullet, or part of a bullet, which impact evidently was the result of a ricochet from the "south curb of Main Street." Tague "got out of his car to watch the motorcade from a position between Commerce and Main streets."⁷ Please take careful note that Tague was not on Elm Street, not on Main Street, but between Main and Commerce streets "near the Triple Underpass."⁸ From my view of the pictures, maps and exhibits of the Commission report (let us except only my personal inspection of the sites in Dallas) I conclude that the south curb of Main Street near the Triple Underpass was not in the line of fire with the Presidential limousine traveling on Elm Street. Tague was about one-and-one-half blocks from the building in question. But he was directly across from the tree and fence area on the north side of Elm Street from which so many witnesses reported the shots came. The Commission finds "The mark on the curb could have originated from the lead core of a bullet but the absence of copper precluded the possibility that the mark on the curbing section was made by an unmutated military full metal-jacketed bullet such as the bullet from Governor

Connally's stretcher."⁹ The obvious deduction that this was a bullet fired from the north side of Elm Street, and that it came from a rifle which was different from the Carcano that the Commission described as the assassination weapon, is scrupulously avoided. The bullet smear on the curbing did not reveal a trace of the metal jacket which coated the bullets allegedly fired from the Carcano. This fact cries for the inference that the bullet which hit Tague was of a different type, made of lead and antimony, sans copper. If such was the case, then more than one man was firing. My law school professors described such activity as pointing in the direction of a conspiracy. Such a conclusion is in accordance with the basic scientific law of parsimony which requires us to select as between two equally good explanations for the occurrence of a phenomenon, the simplest thereof.

Next, let us consider the number of shots. The Commission states "It is possible that the assassin carried an empty shell in the rifle and fired only two shots with the witnesses hearing multiple noises made by same shot. Soon after the three empty cartridges were found, officials at the scene decided that three shots were fired . . ."¹⁰ So, therefore the Commission concedes that since only three shells were found, no more than three shots could have been fired from the vantage point of the sixth floor of the Depository Building. It suggests that maybe less than three were fired if the assassin brought in a discharged shell. In that event he would have fired only two shots on that day from that point. The Commission speaks as if their problem is perhaps one of superfluous shots which are not required to explain the carnage of that dreadful sight. Examination of the Commission's evidence, however, indicates the opposite to be true. This reader is not satisfied that only three shots could have possibly have raked that lead-spewn site on Nov. 22, 1963.

Let us presently read G.A. Bennett's testimony with reference to the number of shots fired. "Secret Service Agent Glen A. Bennett, stationed in the right rear seat of the President's follow-up car, who heard a sound like a firecracker as the motorcade proceeded down Elm Street. At that moment, Agent Bennett stated:

"I looked at the back of the President. I heard another firecracker noise and saw that shot hit the President about four-inches down from the right shoulder. A second shot followed immediately and hit the right rear of the President's head."¹¹

The Report goes on to explain "Substantial weight may be given Bennett's observations" because "he recorded what he saw and heard at 5:30 p.m., Nov. 22, 1963, on the airplane in route back to Washington."¹² According to Bennett, then, the first shot missed.

The Commission discussed other evidence to indicate the first shot did not miss. Then the report goes completely awry. "If the first shot did not miss, there must be an explanation for Governor Connally's recollection that he was not hit by it. There was conceivably a delayed reaction between the time the bullet struck him and the time he realized that he was hit . . ."¹³ Conceivably Governor Connally had a delayed reaction to realizing he was hit, but

Abraham Zapruder's motion-picture frames taken at the assassination scene did not register subjective findings. These frames recorded what actually happened and not what was subjectively felt. These films show, according to Governor Connally's own viewing, that the Governor's body reacted some six-to-nine frames later than that of the President at frames 231-to-234.¹⁴ The President's body showed reaction at frame 225.¹⁵ According to photographer, Phillip L. Willis, he snapped a picture at a time which he also asserts was simultaneous with the first shot. Analysis of his photograph revealed that it was taken at approximately frame 210 of the Zapruder film which was the approximate time of the shot that probably hit the President . . ."¹⁶ Therefore according to Willis' photograph, the President was hit at frame 210 of the Zapruder film, or some 21 to 24 frames before Governor Connally's body seems to react. Some 1.04 to 1.31 seconds after the President's body reacted, Governor Connally indicates that he was hit.

If we are to assume that the Commission is correct in stating that the President's body was seen to react at Zapruder frame 225, and that he was hit at this point, then the Governor's body reacted from 6-9 frames later than when the President was hit. At 18.3 frames per second, this would be translated into the time period of 0.34-0.49 seconds. These films record that the Governor's body reacted 0.34-0.49 seconds after the President's body reacted. This interval is, as is the interval recorded by photographer Willis of 1.04 to 1.31, **below the minimum firing time of 2.3 seconds** necessary to operate the rifle. This 2.3 seconds was the top accomplishment of the Commission's marksmen, at stationary and not moving targets, which feat was only accomplished once and then never again approached by the Commission experts.¹⁷ Lt. Col. A.G. Folsom Jr., head, Records Branch, Personnel Department, Headquarters U.S. Marine Corps, evaluated Oswald's marine shooting ratings as indicating a "fairly good shot" (sharpshooter qualification) and as a "rather poor shot" (low marksman rating).¹⁸ Naturally, both 0.34-0.49 and 1.04-1.31 second intervals represent time periods far above the maximum time of the bullet in transit from the President to the Governor.

Irrespective of Governor Connally's reaction time, the Zapruder films should show the Governor's body conforming to the simple law of physics which requires that every action have an equal reaction. If Governor Connally did not have any nervous system at all, his body would have had to react immediately when pierced with a rifle bullet from back to chest which, projectile exited at the speed of 1500 feet per second.¹⁹ The Governor's body did not register any lurch when the first bullet struck the President. As a matter of fact, the Commission asks us to believe that the Governor executed a turn completely around to the right, and then partially to the left, after he had been struck with at least one bullet in the back, through the right nipple, right wrist and left thigh.

The Governor's body did not react immediately after the President's body reacted. Therefore, he was not hit by the same bullet that hit the President. The

Commission would have us believe that Governor Connally was wrong,²⁰ his wife was wrong,²¹ the F.B.I.'s initial findings were wrong; all the eyewitnesses were wrong (none contradicted the Governor's recollection); the Zapruder films were wrong, and that there is no law of physics called action and reaction.²² Governor Connally was not hit by the first bullet to hit President Kennedy. All of the above-mentioned evidence is against it.

See how weak the following testimony is in support of the Commission's proposition that the first bullet to hit the President also hit the Governor: "Dr. Frederick W. Light Jr., the third of the wound ballistics experts . . . testified that the anatomical findings were insufficient for him to formulate a firm opinion as to whether the same bullet did or did not pass through the President's neck first before inflicting all the wounds on Governor Connally."²³ The Commission further states, "The alignment of the points of entry was only indicative and not conclusive that one bullet hit both men."²⁴

If Governor Connally was not hit by the same first bullet to hit the President, then the government's case is destroyed. The government admits one shot missed.²⁵ A separate shot removed the back of the President's head.²⁶ This would constitute a minimum of four shots and would put the government's theory that only three bullets were fired out of business. The explanation that the President and the Governor were first hit by different shots conforms to the "substantial majority of the witnesses (who) stated that the shots were not evenly spaced. Most witnesses recalled that the second and third shots were bunched together . . ."²⁷ Governor Connally said he was hit at a point corresponding to frames 231 to 234 of the Abraham Zapruder films.²⁸ If, as the Commission states, the President was hit no later than at frame 225, then this would indicate two separate shots hitting close upon one another. Since they were fired within 6 to 9 frames of one another, or according to photographer Willis 21 to 24 frames of one another, this represents a time interval of from 0.34 to 1.31 seconds. This time gap is insufficient to allow firing from the bolt-action rifle and therefore points to the existence of another marksman. Needless to say, the majority view of the spectators that the last two shots were bunched, militates against a single carbine, bolt-action weapon doing all the firing. The time period between the first hit on the President and the final hit on him is not greater than 5.6 seconds according to the Commission's own findings. "As previously indicated, the time span between the shot entering the back of the President's neck and the bullet which shattered his skull was 4.8 to 5.6 seconds."²⁹ Therefore, 5.6 seconds being the longest time span, if there were two hits on the President and one separate hit on Connally, there could not have been any bunching of two shots since the once-accomplished 2.3 seconds minimum firing time could not permit bunching.

The Commission tries to have Connally nailed with the same bullet that struck the President. If logical fallacies were bullets,

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the job would have been done cleanly. Here is the reasoning, "The bullet that hit President Kennedy in the back and exited through his throat most likely could not have missed both the automobile and its occupants. Since it did not hit the automobile, Frazier testified that it probably struck Governor Connally."³⁰ But that argument assumes as proven, to wit, that no other marksmen was firing from any vantage point other than the Book Depository Building. A shot from the tree and fence area above the grassy knoll on the north side of Elm Street would account for a shot passing through the President and not striking the car in a flatter trajectory. This simple explanation which conforms to logic, geographical facts and trajectory is never considered by the Commission.

Additional evidence to the effect that there were more than three shots fired can be deduced from the testimony of the following: Royce G. Skelton who was on the railroad bridge, "thought that there had been a total of four shots, either the third or fourth of which hit in the vicinity of the underpass."³¹ Dallas Patrolman J.W. Foster, who was also on the Triple Underpass, testified that shot hit the curb near a manhole cover in the vicinity of the underpass."³² James T. Tague, as previously mentioned, was struck in the cheek by a missile.³³ These three witnesses could well be accurately recording separate shots missing their target. From all the above, I deduce that more than three shots were fired from more than one rifle.

In addition to the hard fact of the hitting of Tague, and the bullet strike in the curb-

ing, we have in the Presidential limousine "the cracking of the windshield and the dent on the windshield chrome."³⁴ Where these hits came from is never explained satisfactorily by the Commission.

Finally, let us discourse briefly on the trajectory as revealed by the wounds. Assistant Professor of Surgery Robert N. McClelland, of Parkland Hospital, stated that "cause of death (President) was due to massive head and brain injury from a gunshot wound of the left temple."³⁵

You will recall that Secret Service Agent Glen A. Bennett, stationed in the right rear seat of the President's follow-up car, saw a "shot hit the President about four inches down from the right shoulder."³⁶ "An examination of the suit jacket worn by the President by F.B.I. Agent Frazier revealed a roughly circular hole approximately one-fourth of an inch in diameter on the rear of the coat, 5 3/8 inches below the top of the collar and 1 3/4 inches to the right of the center back seam of the coat."³⁷ "The shirt worn by the President contained a hole on the back side 5 3/4 inches below the top of the collar and 1 1/8 inches to the right of the middle of the back of the shirt."³⁸ "The tie had a nick on the side of the knot."³⁹ The Commission would have us believe that a trajectory of a bullet from the sixth story downward would hit the President four inches from the right shoulder, or 5 3/4 inches from the top of his short collar, and ranging upward emerge from his neck tie knot without having hit any bones. This proposed trajectory of down and then up fails to comport with a sixth-floor shot, and if possible at all, must have been fired from a lower level.

Further they ask that this same bullet which exited flying upward after not hitting any bone in the President⁴⁰ then changed direction in mid-air and coursed downward striking the Governor in the back, chest, right wrist and left thigh.⁴¹

I suggested to Arlen Specter, Esq., on the 22nd of October, 1964, that the Commission owes it to the public to enact the alleged performance of Oswald with a rifle on moving targets. I insisted that the moving target could convey dummies. Mr. Specter then complained that the traffic conditions were terrible around the Book Depository Building. I explained to him that the conditions could be duplicated with a tower and an open field. To this he made no reply.

Having read the report, I conclude that the evidence offered by the Commission indicates there was more than one rifleman firing on Nov. 22, 1963. There were more than three shots. If Oswald was one of the gunmen, then with that gun, from that vantage point, in that time-span, suggested by the Commission, he could not have been alone in the performance of the terrible work that destroyed our President and wounded two other men.

¹ Report of the President's Commission on the Assassination of President Kennedy, p. 76. United States Printing Office, Washington, D.C. 1964.

² Loc. cit.

³ Ibid., p. 76.

⁴ Ibid., p. 76.

⁵ Loc. cit.

⁶ Arlen Specter, Esq. Bar Association Meeting, Oct. 22, 1964, Room 653, City Hall. Philadelphia, Pennsylvania.

⁷ Ibid., p. 116.

⁸ Loc. cit.

⁹ Loc. cit.

¹⁰ Ibid., p. 111.

¹¹ Ibid., p. 111.

¹² Loc. cit.

¹³ Ibid., 112.

¹⁴ Loc. cit.

¹⁵ Loc. cit.

¹⁶ Loc. cit.

¹⁷ Ibid., p. 193.

¹⁸ Ibid., p. 191.

¹⁹ Ibid., p. 109.

²⁰ Ibid., p. 112.

²¹ Loc. cit.

²² Arlen Specter, Esq., Room 653, City Hall. Oct. 22, 1964.

²³ Ibid., p. 109.

²⁴ Ibid., p. 107.

²⁵ Ibid., p. 111.

²⁶ Ibid., p. 199.

²⁷ Ibid., p. 115.

²⁸ Ibid., p. 105.

²⁹ Ibid., p. 117.

³⁰ Ibid., p. 105.

³¹ Ibid., p. 116.

³² Loc. cit.

³³ Loc. cit.

³⁴ Ibid., p. 105.

³⁵ Ibid., p. 527.

³⁶ Ibid., p. 111.

³⁷ Ibid., p. 92.

³⁸ Loc. cit.

³⁹ Ibid., p. 92.

⁴⁰ Ibid., p. 88.

⁴¹ Ibid., p. 92.