

(Mount Clipping in Space Below)



John Sparrow, 58, Latin scholar, bibliophile, practising barrister for 14 years, sen- sational contributor to "Lady Chatterley" controversy

PROFESSOR HUGH TREVOR-ROPER'S article on the Warren Report is described in its headlines as "astonishing." It certainly astonished me. I write this article not in order to pick a quarrel with a colleague for whose intellect and ability I have the greatest admiration, and with whom I am (and hope to remain) on the friendliest terms, but because I think that he has done to the Report and to its authors an injustice that should be exposed without delay.

When I read Professor Trevor-Roper's article I had just finished reading the Report itself. His account of it seems to me a travesty, so marred by bias and blotted with inaccuracies that it is hard to believe that it was written by so honest and intelligent a man as he. It is deplorable that such a document should carry the authority of the Professor's name; most of his readers probably will not set eyes on the Report and will base their opinion entirely upon what he says of it; while many who have read neither the Report nor his article will be infected by the atmosphere that it creates, and conclude "There must be something fishy somewhere, if Professor Trevor-Roper says so."

Nothing is easier to create than an atmosphere of suspicion, nothing—so long as the crackpots and the credulous continue to abound—more difficult to dispel.

I think the Report provides overwhelming evidence for the acceptance of its conclusions, that it deals fully and fairly with a complex and confusing story, and that it shows no bias and no desire to shirk uncomfortable

questions. If in the course of more than 800 pages (based on twenty-six volumes of evidence) some imperfections were to be found, that would not be surprising, and even if the points that the Professor seeks to make were well founded, I see no reason to adopt his sinister suggestions in order to account for them.

The Warren Report is not only an historic official document; it contains a vivid record, all the more moving for its tone of colourless restraint, of a drama and a tragedy; it tells a story of detection as enthralling as any thriller, in fiction; and it gives a fascinating series of pictures of American life, including life-sketches of the protagonists—the mixed-up rebel Oswald and the flamboyant night-club proprietor Ruby—that take a permanent place in the gallery of American psychological types. I hope that the Report will be widely read, and if those who read it judge between Professor Trevor-Roper and its authors his structure of sinister and shadowy suspicion will collapse like a pricked balloon.

Professor Trevor-Roper has

(Indicate page, name of newspaper, city and state.)

"SUNDAY TIMES"

London, England

Date: 12/20/64

Edition:

Author: JOHN SPARROW

Editor:

Title: JOHN SPARROW ON THE WARREN REPORT

Character:

or

Classification: CRIMDEL

Submitting Office: London

3944

ENCLOSURE

not a good word to say for the Report. He attacks not only the efficiency of the Commission ("their vast and slovenly Report") but their *bona fides*: their Report is "suspect"; they have put up a "smokescreen"; they were "reluctant" to press the cross-examination of essential witnesses. He hints that all this was due to antecedent bias; the composition of the Commission was "highly unsatisfactory" (no grounds stated, no individuals named) and it was "incapable of independent judgment."

• According to the Professor, the bias of the Commission showed itself in its "choice" (his word) of evidence: it chose to receive "most of its evidence from police or F.B.I. sources"—as if circumstances had not determined that the bulk of its evidence must be based upon the reports of police investigators. The most astonishing charge of all is that it "never looked beyond that evidence," i.e., the evidence of the police and F.B.I.; that is the Professor's way of stating that out of the 550 witnesses from whom the Commission received testimony, more than 400 had no connection with the police or the F.B.I. and that only one in three of the 94 witnesses who actually appeared before it were members of those bodies. At point after point in their Report the Commission support their findings by the evidence of these independent witnesses: how then can the Professor say that they "never looked beyond" the F.B.I. and the police? From this instance, which can be checked, one may gauge the reliability of the Professor's unsupported aspersions.

Apart from such general denigrations of the Report the Professor's article consists of criticisms of a few specific points, shot through with repeated shafts of sinister innuendo. His innuendoes are never defined or clarified; he does not accept the findings of the Commission, but he does not advance any theory of his own or attempt to evaluate alternative possibilities, so it is impossible to meet them. I can only say that he seems (and this is confirmed by his endorsement of Mr Mark Lane's criticisms, which he finds "generally conclusive") to hint at a conspiracy, to which the Dallas police were privy, to use Oswald as a stooge and then eliminate him by means of Ruby. The Professor's innuendoes would seem to implicate also the F.B.I. and the staff of the Bethesda Naval Hospital, and he more than once writes as if the Commissioners themselves lent willing aid to cover up any trace of a conspiracy. The possibilities of conspiracy are in fact fully investigated in the Report, and its negative finding seems to me conclusive.

However, one cannot argue against vague innuendoes, and I turn to the specific points. The Professor is ready to let the Report "stand or fall on its handling of the evidence," and it is only fair to judge his article by the same test.

"I as a historian," says Professor Trevor-Roper, "prefer evidence"; but it is not enough to prefer evidence; a historian should be able to recognise it when he sees it, to interpret it correctly, to present it fairly, and to evaluate it sensibly.

The Professor does not satisfy these tests. He repeatedly says that there is "no evidence" that something occurred when he means that there is no proof of its occurrence. Further, he treats circumstantial evidence as if it were no evidence at all, saying that there is "no evidence" of an event when, though there is no direct evidence of it, there is circumstantial evidence that most readers would regard as overwhelming. For instance, he says: "There is no evidence that Oswald took the gun into the Book Depository, nor that he fired it." The Report sets out a mass of circumstantial evidence that points to Oswald's having taken the gun to the Depository; there is evidence that the gun was his; that he kept it in his garage; that on the morning of the murder he carried from his house to the Depository a large brown paper bag; that such a bag, apparently made up in order to contain the gun, was found in the Depository close to the gun immediately after the murder was committed. Oswald was questioned on the way to the Depository about this parcel, and gave an explanation (about "curtain rods") that was to all appearances fictitious. The Professor not only makes no reference to all this evidence, but flatly denies that any such evidence exists.

When he says that there is no evidence that Oswald fired the gun, the Professor is denying not only a mass of circumstantial evidence but the direct evidence of a bystander who saw a man firing and described him in fairly precise terms that fitted Oswald. Opinions may differ about the strength of this evidence, but not surely about its existence. Those who have not read the Report will presumably accept it from Professor Trevor-Roper that there really is no evidence that Oswald fired the gun or took it to the building.

The Professor does not present evidence fairly. For instance, he makes great play with the fact that the Report says that the description of Oswald radioed by the police within a few minutes of the murder was "most probably" based on particulars given by a bystander called Brennan. On the uncertainty inherent in the words "most probably" (which shows, he suggests, that the police did not wish to commit themselves to saying that they had used Brennan's statement and that the Commission helped them to cover up with this "comfortable phrase"), the Professor erects an immense structure of damaging innuendo. If he had turned to Page 5 of the Report he would have seen it clearly stated that the police message was "based primarily on Brennan's observations."

Of course, the Professor

did not deliberately suppress this passage, ~~so fatal~~ to his argument; but one cannot say that he presents the evidence fairly by omitting it. (He bases another argument on the supposition that Brennan's statement was indeed the origin of the radioed message; this depends, ultimately, on his own use of the "comfortable" word "later" with reference to the searching of the Depository, and a precise examination of the timings exposes its weakness).

Again, take the question of the medical opinion about the President's wounds; here once more the Professor's seeming eagerness to make a case against the authorities leads him positively to misstate the evidence.

Immediately after the assassination, a rumour got about that at least one of the shots that hit the President came from the front (and therefore not from the Depository). If that was so, Oswald must have had an accomplice. The Commission gives conclusive reasons for rejecting this rumour in an Appendix devoted to "Speculations and Rumors," and no one, I think, now believes it. In support of the rumour, it was said that, according to the doctors, the "entrance" of one at least of the President's wounds was in the front of his head or neck, its "exit" in the rear. The Professor raises this question of the "entrance wound," not (apparently) in order to revive the "accomplice" theory, but in order to discredit the doctors and the police. "On medical evidence alone," he says, "the doctor who examined the President concluded that he had been shot from the front." When it was realised that a frontal "entrance" wound was inconsistent with his having been shot from the Depository, "the police concluded that the shots must have come from behind, and the doctor was persuaded to

"The doctor who examined the President" is a figment of the Professor's, as is his reference to a "conclusion" resulting from such an examination. Half a dozen doctors at the Parkland Hospital strove for half an hour to keep the President alive; none of them had time or occasion to examine him or analyse the cause or nature of his wounds; none of them "concluded that he had been shot from the front"; all their reports (written on the day of the murder) are reproduced in the Commission's report; none of them contains any reference to a wound of entrance or of exit, and none of them shows any trace of having been altered or adjusted.

The rumour about a "frontal entrance" arose from a Press conference held in the hospital on the afternoon of the murder in conditions described as "Bedlam" at which one of the doctors, Dr Perry, mentioned that as being one among the hypothetical possibilities that might account for the President's wounds.

Later, taking into account the evidence of the post-mortem, when the President's body was examined for the first time, Dr Perry agreed with the conclusion that the frontal wound must have been a wound of exit.

That is the sequence of events that Professor Trevor-Roper summarises by saying that "the doctor who examined the President concluded that he had been shot from the front," and

that "the doctor was persuaded to adjust his medical report to this external police evidence."

Can misrepresentation go further? Well, I am afraid it can. My next example of the Professor's "handling of evidence" is so remarkable that, to do it justice, I must quote him in full:

According to the Report, a specially constructed paper bag was afterwards found in the room from which Oswald is alleged to have fired the shots, and the Commission concludes that it was in this bag that Oswald introduced the fatal weapon into the building. Since this conclusion is in fact contrary to the only evidence printed by the Commission, (this—I must inform those who have no access to the Report—is the Professor's way of saying that two witnesses who saw Oswald with the bag on his way to the Depository misestimated its length) it seems strange that the police should have to admit that the bag, too, has since been destroyed. It was, we are told, "disclosed during various laboratory examinations" and so "a replica bag" was manufactured under police orders for valid identification by

witnesses." In other words, the police destroyed the real evidence and substituted their own fabrication. The replica may well have been a true replica, but we have to rely on a mere assertion by the police. Finally, to complete this record of suppression and destruction, there is the destruction of the most important living witness, Oswald himself.

The innuendo is, of course, that the police destroyed the original bag because its shape and size did not fit their theory, and "fabricated" a replica that suited them better. This is made to lead up to the more serious innuendo that they "destroyed" the most important witness, Oswald himself.

Now, it is scarcely credible, but it is the fact, that the Professor's statement that the police destroyed the original bag is simply untrue; it is, to use his language, a "fabrication" of his own. In fact, the police, so far from destroying the original bag, handed it in, together with the replica, to the Commission as an exhibit, and a photograph of the bag, correctly captioned and showing its measurements, is reproduced on Page 132 of the Report, and referred to in the text.

Of course this misrepresentation on the Professor's part was not deliberate, he just misread the evidence, or misinterpreted it, being obsessed with what he calls a "pattern" of "suppression" and "destruction" of evidence by the police, a pattern that exists not in the facts but in his own mind.

I wish that space allowed me to go at length into each of the three or four remaining charges of "mishandling evidence" on which he bases his criticism of the Report. I can only deal briefly with the two other alleged instances of destruction of evidence.

The first is admitted, but it was not the work of the police. After the report on the post mortem on the President's body had been signed by the three naval surgeons who conducted it, one of them destroyed the notes from which it was compiled, treating them, no doubt, as superseded by the full Report. I see nothing sinister in this; even the Professor does not suggest that it was done by or at the instigation of the F.B.I. or the Dallas police (the post mortem took place in a naval hospital in Maryland within two hours of the arrival of the body); and his suggestion that the autopsy itself was "distorted by police evidence" is entirely gratuitous.

The other charge concerns the interrogation of Oswald. This was conducted, as the police have admitted, "just against all principles of good interrogation practice." It

took place in a tiny room, most of the time in the presence of seven or eight persons, with a milling crowd of journalists in the passage outside. No verbatim note was taken of what the prisoner said; but instead, we have nine reports (reproduced by the Commission) which were made during or after the interrogation period and which summarise the substance of what Oswald said.

Which is the more likely, in the pandemonium prevailing in the Dallas police building at that time—that the ordinary note-taking procedure went by the board, or that a note was taken and subsequently destroyed, with the complicity of every witness (not all of them were policemen) who had been in the room at the time?

That the latter alternative is possible must be admitted, but to me at least it presents greater improbability than the former. The Dallas police force strikes me as a hot-headed, publicity-loving organisation, ill-fitted for cool, efficient, successfully planned, conducted, and concealed, conspiracy.

This is a question of the evaluation, not the interpretation or presentation, of evidence; one hypothesis must be weighed against the other. According to Professor Trevor-Roper, there is nothing, really, to weigh: the former hypothesis, he declares, "I do not hesitate to say, cannot possibly be true . . . there can be only one explanation. The record was destroyed by the F.B.I. or the police."

Surely a little hesitation was called for on this all-important point? It is out of this unhesitating assertion of his own, coupled with a naval surgeon's destruction of his rough notes, and his own mythical destruction of the paper bag, that the Professor constructs the "pattern" that forms the main subject of his strictures on the Report.

It is easier, as I have said, to throw out a number of sinister innuendoes in a brief article than it is to refute them in the same space; for while they can be suggested in a few words, they have to be refuted in detail. But I hope I have said enough to show that the charge of mishandling evidence—and it is the handling of evidence that he accepts as a just criterion in this matter—comes ill from Professor Trevor-Roper. He may, perhaps, take comfort from the reflection that it is not the first time that a respected figure has come a cropper in public through slipping up upon a paper bag.