FD-350 (4-3-62)

(Mount Clipping in Space Below)

THE WARREN REPORT CONTROVERSY

VITAL QUESTIONS STILL UNANSWERED

How was the President shot? Did Oswald have accomplices?

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

Pg. 9

"The Sunday Times"

London, England

Date: January 3, 1965
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: LONDON

ENCLOSURE

Hugh Trevor-Roper replies

Trevor-Roper

Sparrow

On December 13 Professor Trevor-Roper wrote for The Sunday Times, his highly critical historian's analysis of the Warren Report on President Kennedy's assassination. He found "discrepancies" between the report and the 26 volumes of evidence published with it. He asked why witnesses had not been pressed in cross-examination, why the police had destroyed the paper bag in which the assassin presumably carried the gun, why the doctor who examined the President did not keep his notes and subsequently "adjusted" his report. He suggested that the Commission had put up a "smokescreen." The following week, after others had accused Trevor-Roper of bias and misjudgment, John Sparrow, Warden of All Souls, made on this page a searching assessment of his fellow Oxonian's criticisms, accused him of, among other things, misrepresentation in regard to the doctor's change of mind as to whether the lethal bullet entered from the front or rear, of presenting the evidence of identification by Brennan unfairly by omitting a further reference to it in the report, and of "innuendo" in regard to the paper bag, which he claimed was not in fact destroyed but handed to the Commission.

MR SPARROW contests my criticism of the Warren Report on two main grounds. He accuses me generally of seeking to undermine the Report by innuendo without offering any positive theory of my own, and he challenges my particular evidence. I certainly did not wish to gain any ends by innuendo, and if I did not advance a rival theory, it was because I have nothing so positive to advance. Lack of confidence in one set of conclusions does not require positive support for another. But before coming to the detail, perhaps it is best to recapitulate, very briefly, what I said and what I did not say.

I did not propose, or mean to suggest, a vast conspiracy: I explicitly stated that I distrust conspiratorial solutions. I did not state that the conclusions of the Warren Report were necessarily wrong: I explicitly stated that, though unproved, they could be right. I did not doubt the *bona fides* of the Commission. What I said was that its composition was "highly unsatisfactory." By this I did not, of course, mean to ascribe "antecedent bias": I meant that its members were nearly all busy politicians. One of them was so busy that he attended only two out of its forty-four sessions.

I also said that its methods were ill-calculated to *guarantee* the truth; that it had relied mainly on what would have been, in any trial of Oswald, "prosecution witnesses"—i.e., witnesses found by the police; and that it had shown insufficient independence of the prosecuting agencies—i.e., it had accepted with too little question their material and their interpretation. Its conclusions are therefore, basically, a prosecutor's case. Such a case is often found to be true; but its truth would be more readily accepted if witnesses had been cross-examined, if defence witnesses had been summoned, or even if the Commission itself had pressed more heavily on the weaker joints of the evidence offered to it.

The Commission itself is obviously sensitive to this charge. It protests that, although no defence counsel was allowed, adequate provision was made to ensure fairness to the "defendant." The President of the American Bar Association, Mr Walter Craig, was invited to participate for that purpose, and he did so, we are assured, "fully and without limitation," being allowed to cross-examine and recall witnesses and make proposals. Mr David Nizer, who introduces the published Report with such a flourish of trumpets, is enraptured by this "exquisite blend" of thorough probing with protection of individual rights "in accordance with the great traditions of Anglo-Saxon jurisprudence."

Who would guess, from these statements, the real facts? For according to the official record, Mr Craig only attended three of the forty-four sessions of the Commission, and none of the separate hearings, and only opened his mouth—not on behalf of Oswald — at one of those three. It is precisely such discrepancies between the published Report and the testimony behind it which shake my confidence in its conclusions and make me wish that its procedure had been different.

Now to take Mr Sparrow's particular points. I said that there was "no evidence that Oswald took the gun into the Book Depository, nor that he fired it." Mr Sparrow contests this. But what in fact is the evidence? Only two witnesses saw Oswald enter the building. Both of them testified that he carried a parcel, but both equally testified that the parcel was such that it simply could not have contained the gun, even dismantled. The Commission accepts their evidence that he carried the parcel, but rejects their detailed and insistent description of the parcel. As Mr Sparrow puts it, both witnesses "misestimated its

length." This begs the question. Anyway, they did not merely estimate: they described, circumstantially, explicitly, exclusively. This is what I mean by the Commission's "choice of evidence."

Nobody identified Oswald as having fired the gun. Admittedly one man, Howard L. Brennan, described the marksman in terms sufficiently precise to be, in the Commission's words, 'most probably" the basis of the search for Oswald. But it is interesting that whereas, in other connections, several persons identified Oswald (whom they had generally seen on television) in police line-ups (which he complained were unfairly arranged, and which were admitted by the police to be "unusual" in form), the one man who could not identify him was this same Mr Brennan whose description had been so precise. (The report, on page 250, says that he did identify him, but this, as Brennan's testimony shows, is inaccurate.) As I wrote, Oswald *may* have introduced and fired the gun. But there is no positive evidence that he did either, and my words are strictly true.

Mr Sparrow next takes me up on the Commission's phrase "most probably": words which, in the circumstances, seemed to me unpardonably vague and caused me to describe the Report as "slovenly." He points out that, elsewhere, the Report uses the word "primarily." This little fact had not escaped me. But I had also noticed that this word (which is anyway hardly less vague than "most probably") occurs only in the Summary, not in the Report itself. I therefore ignored it. It is merely a summariser's faulty rendering and does nothing to correct the vagueness of the Report.

Now we come to the medical evidence. I think this is really fairly clear. It is not merely a question (as Mr Sparrow would have it) of a "rumour" arising out of a Press Conference. This is the impression given by the Report; but for clarity we should go behind the Report to the testimony (vols. III and VI). There we see that the doctors at the Parkland Hospital were generally agreed. They regarded the wound in the President's throat as an entrance wound, and they only allowed that it might equally have been an exit wound on the strength of outside evidence. As Dr Perry put it, "With the facts which you have made available and with these assumptions, I believe that it was an exit wound."

Even so, they only accepted this interpretation that the bullet was "of low velocity," so low "that you might think that this bullet barely made it through the soft tissue, and just enough to drop out of the skin on the opposite side." And yet the Commission, having accepted the conclusion, did not accept this necessary condition of it. It could not do so, because its further theory required it to believe that this same bullet, so far from just dropping out of the front of the President's neck, went on to pass right through the body of Governor Connally: a belief, incidentally, quite incompatible with the testimony of Governor Connally himself, who insists that, after hearing the first shot, which hit the President, he had time to turn round, first to the right, then to the left, before being hit himself. It is thus true to say that there is a discrepancy between the original medical evidence and the police theory.

By the time Dr Humes conducted his autopsy, the throat wound had been distorted by the tracheotomy at Parkland He was thus unable to see its original form. He also had the advantage of the police evidence. That his autopsy was "distorted" by this evidence is shown by the document itself (Exhibit 397). It is not a purely medical document. It begins with a narrative of the assassination from the Book Depository, as reported by the police and then describes the wounds in relation to it.

On one point I must eat humble-pie. In respect of the paper bag I regret that I made an error. I neglected the cardinal rule, "Always check your references," and must pay the price. I withdraw the statement completely, and yield to Mr Sparrow the discoloured remnants of that paper bag on which I have publicly slipped up.

Finally there is the, to me, astonishing fact that, after warning him formally that his statements might be used in evidence against him, the police claimed to have no record of Oswald's statements in the course of a twelve-hour interrogation. I thought this so eccentric that I did not hesitate to suppose that the record must have been destroyed. Mr Sparrow prefers to accept the police explanation, that the failure to make a record was exceptional: that in the confusion of the time "all principles of good interrogation" were forgotten.

But the police, who made this excuse, did not stick to it. On another occasion they told the Commission that they never took notes, so that their neglect of "all principles of good interrogation" was not

exceptional, when the President of the United States was murdered, but regular, in all the 500 shootings whose victims are brought yearly to the Parkland Hospital. So we can take our choice. We have a free choice, because here, as elsewhere when interrogating the police, the Commission did not press the point. Defending counsel, I think, would have done so.

This indeed is my principal complaint against the Commission. In the chain of reasoning constructed by the police several essential links are very weak. There is the mystery of the original message which motivated Tippit —and indeed the whole Tippit episode. There is the mystery of Oswald's marksmanship: three rapid and deadly shots from a bolt-action rifle through an upper window. Qualified witnesses have deposed that the feat was impossible. "If I couldn't do it myself," declared a former naval ordnanceman, "eight hours a day, doing this for a living, constantly on the range, I know this civilian couldn't do it." There is the mystery of the rifle itself. Why did the experienced police-officer who found it—a graduate in engineering who admitted that he was familiar with rifles, having been "in the sporting goods business" —report, not casually but in writing, both to his superiors and to the F.B.I., that it was a Mauser 7.65 when a different make and calibre were clearly inscribed on it?

All these problems may be soluble. But the Commission never pressed these weak links. It was content with general, even evasive, answers which slid over their weakness.

Above all, there is the problem of motive. Why should a Marxist, who expressed admiration for Kennedy, have laid so deep a plot to kill him? Unable to find a rational explanation, the Commission has accepted a psychological explanation But it has only created a psychological mystery. If Oswald were an idealist or an exhibitionist, we would have expected him, on arrest, to have boasted of his act of justice, claimed his full publicity. In fact, he obstinately denied the fact. Such denial might be natural in a hired assassin who reckoned on protection. It is difficult to understand in a "loner."

If there are weaknesses within the testimony used, there are also problems about testimony that was unused or unpursued. Some known witnesses were not heard by the Commission, or at least, if heard, were heard in spite of, not through, the police. Such was Warren Reynolds, a witness of the Tippit affair, who was mysteriously shot in the head two days after being interviewed by the police. He survived and gave evidence, but it was General Walker, not the police, who got him to do so: the police sought to discount his evidence in advance.

Two other possible witnesses, one known to Oswald, the other to Ruby, died violently before being able to testify Some evidence given to the police, on the day of the assassination, was not pursued because "it did not fit with what we knew to be true." Of course much of the evidence which was not brought before the Commission is, by definition, hearsay. For that reason I have been careful to cite none of it. But it need not have been ignored. The pursuit of hearsay sometimes leads to the discovery of evidence. And even the evidence that did come before the Commission was not fully digested by it. How could it be? We only have to look at the dates. The Commission began its work in February. On September 15 it was still taking evidence. And yet the final Report was handed to the President on September 24 and was on the bookstalls, printed and bound, two days later. Clearly its main conclusions had been reached, and its separate chapters composed, before the last witnesses had been heard.

Nevertheless, from that mass of fascinating detail, and perhaps from other evidence, conclusions will one day be drawn. Whether those conclusions will be the same as those of the Commission is, in my opinion, an open question. Mr Sparrow would have me believe, as the only logical alternative to swallowing the Report whole, in a vast conspiracy involving police, F.B.I. and all their witnesses. I do not accept such an alternative, or such logic.

It seems to me that whatever may have been established, certain specific questions have been left unanswered. Not knowing how far we can trust the police evidence, we do not know how fully we have been informed. The solid pieces of evidence, which have been arranged in one pattern, may easily, if that is defective, have to be rearranged in another. Meanwhile, precise conclusions are necessarily uncertain. We do not know precisely how the President was shot. We do not know whether Oswald had accomplices. We do not know the real motives, or connections, of Ruby. And these, after all, are the essential questions.