

COMMENTARY

philosophers of forgery would have done well to visit at Sotheby's recent two-day sale of, to quote the catalogue: "The Celebrated Collection formed by Sir Maurice Parker, of Manchester; of the notorious Nineteenth-Century Pamphlets and other important Wisconsin, manuscript and printed." These were the "arts" of Thomas J. Wise, who died in 1937 after a lifetime of bibliographical and discriminating forgery. Fame has now imposed its own summons of rarity and authenticity and 522 lots, which included the Ker Collection and some restitutions from the shelves of Messrs. Carter and Pollard, fetched a total of £23,907.

Not only Wise's forgeries did well. A first edition of his own *Verde* of 1882 was sold for £90 and a second edition of a year later for £55, about five or ten times what a first edition of *In Memoriam* might make, while £180 was given for one of four copies on vellum of Wise the editor of Keats's "Ode to a Nightingale", and £70 for a copy on paper.

But these prices are simply a tribute to Wise the forger and it was the 135 lots of Section Four: "Forgeries, Counterfeit Editions, Pseudo, Piracies" that did best of all. A fortnight before the Parker sale a copy of Elizabeth Barrett Browning's *Poems* of 1850, which contains the first printing of *Sonnets from the Portuguese*, fetched £48, but Wise's spurious predecessor for this volume, *Sonnets*, "Reading 1847" (actually produced in 1893) went for £700. Another 1893 counterfeit, of

Matthew Arnold's *Alone at Rome*, 1840, a genuine original of which might now be worth £50 or £60, fetched the highest price of all, £800, and the same sort of disparity applied to bogus editions of Swinburne, Kuylen and other eminently forge-able Victorians.

As a result some collectors must now be hoping to prove that their hal- lowed first editions are not originals at all but genuine Wises; a long sus- pected edition of George Burrow, now authenticated, went in the sale for a wretched £6. But the outraged bibliophile who wants to out-Wise Wise can take heart from the oddest event of all at Sotheby's sale: lot 226, a Wise forgery called *Alurion Lewis* (George Eliot) was sold for £25; lot 237 was a twentieth-century (American?) counterfeit copy of lot 226 and was sold for £90.

This is the season of literary ill-will when Parisian writers and critics do their annual jury service, vanishing into various chic restaurants for an evening's tarty balloting on the year's novels. As soon as the results are announced the two debates begin: is this novel really better than that one, and, more meaningful, are the prizes intended to go to young hope- fuls or old swags? "This year, at least, two of France's manliest and most substantial novelists have been rewarded by juries clearly out to reward an *oeuvre* rather than a single book. The Prix Goncourt has been given to André Pieyre de Mandar-

gues, a writer in his late thirties, for *Le Nerve* (reviewed in the TLS on June 15, 1967), and the Prix Médica for Claude Simon for *L'Histoire* (TLS, June 7, 1967), which is very closely linked with his earlier novels. The other prizes were intended to encourage new writers: Salva Etchart, a novelist who lives in Martinique, won the Prix Renaudot for *Le Mur de la ville*, Yvonne Baby the Prix Inter- allié for *Oliv, Fenouil, Claire Echter- ell* the Prix Femina (all-woman jury) for *Elise ou la vraie vie*, and Michel Tournier the novel prize of the Académie Française for *Ysidoire* (TLS, July 27, 1967). But the most startling appearance in the voting list was Georges Bataille's *Vision de l'œil* (TLS, August 3, 1967), a very brisk piece of pornography which first appeared in the 1920s and now competed, unsuccessfully, for a new prize awarded by women jour- nalists.

The idea that in a culture which keeps burglars at bay is not a new one—where is the tycoon's wall-to-wall exposed to be if not behind his Old Master? The same subtlety is now being exploited by Heron Books, who advertise what they call a Book-Sale: "Conceal your small valu- ables... in the least obvious place! Safely lock them away between the covers of what looks exactly like another book." Heron Books clearly assume that burglars don't read the posh papers they advertise in, and that the least obvious place will go on being the least obvious place how- ever often you draw attention to it.

There is also the matter of the way in which the Book-Sale is bound or rather "moulded"—in "high impact styrene" with "gold embossed titles" and lining with rounded spines. The salesmen do not reveal what titles have been chosen (Robert Shaw's *The Killing Place* might do for a start), and since the sort of volume they describe would be absurdly conspicuous on most modern bookshelves the only possible conclusion is that true secu- rity cannot lie in a Book-Sale alone—to go with it you also need a nice long line of other high impact Heron Books.

According to his agent, A. D. Peters, Evelyn Waugh read what the critics had to say about the film version of *The End of the Affair*, and never went to see it. Whether he would, as is now suggested by the forthcoming film approved of by the producers, have *Doctine and Fall* is perhaps a question better left until that parti- cular enterprise is finished. He would certainly not have been left un- moved by the advance publicity, which speaks of that book as "a model for angry young men and claims that the new film provides 'Prestige Treatment for a Classic of our Time'."

What sort of treatment? Well, "as a middle-class undergraduate at Oxford, Paul Pennyfeather's adven- tures begin when he is made the fall guy for some rag week pranks indulged in by a group of rich, upper- bracket collegemen; he is expelled. He becomes a maver at a seddy pri-

vate school [etc.]... This stirring drama of the claws is to be performed by a cast full of interest and distinction" including "Britain's most enkur- ing theatre knight" (one of the first ladies of the French stage, whose fluent English has enabled her to respond to offers from Hollywood). There is a good deal more equally fluent English to be had from the Unit Publicist, Metrobit, Boreham Wood. It all sounds most promising—as a subject for a story à la Evelyn Waugh.

Eight years ago a National Commit- tee was set up by University College London, to plan an edition of the complete works of Jeremy Bentham—the only edition of this kind, com- pleted in 1843, is now pretty well un- obtainable—and at last it begins to seem as if the committee's labours are bearing fruit. The Athlone Press announce Volumes 1 and 2 of Ben- ham's *Correspondence* for February of next year, and cautiously predict that two volumes of his legal writings might appear in 1969. This will be followed (in 1970, perhaps?) by some more letters, and an edition of the Constitutional Code. And here the publishers' predictions stop short; though they are prepared to estimate that there will be thirty-eight volumes altogether. In fact, at the present (estimated) rate of progress Bentham addicts can look for- ward to the complete works by 1986—twenty-seven scholarly years after the committee's inauguration.

FIFTY-YEAR RULE

Extracts from reviews published anonymously in the TLS on December 13, 1917

... Charles Bronte chief among were as fanatical in their love of and give additional children are

January, the "single bullet" theory. True, on the "single bullet" theory of the Commission there was a strong actuarial probability that it would not have remained as nearly "pristine" as in fact it did, if it encountered strong and solid bone in its passage through two bodies. But how much stronger an obstacle to belief is provided by the practical improbability that a conspirator would have succeeded in reaching the hospital four miles away in gaining access, through its maze of wards and passages, to the right place, in identifying the stretcher, and "planting" the bullet in it unobserved. And, above all, how is it possible if one gives due weight to all these difficulties, to conceive of anyone's devising a plot in which the bringing off of an improbable an exploit was a vital factor?

[The improbability can (as always) be diminished by recruiting another conspirator—this time, someone on the hospital staff. But the more one thinks about the planned bullet theory, the less credible it becomes. What was the purpose of planting it? To incriminate Oswald? It seems a very roundabout way of adding to the evidence against him, which was in any case, surely, strong enough without it. The planting seems altogether too cheap an exploit to have been made an essential factor in any plan, and far too elaborate a business to have been incorporated as an essential factor.]

Much of the physical evidence adduced by the critics belongs to the same unreal, melodramatic world—a world where an object moving slowly away from the marksman (not across his field of vision) becomes a difficult target at under 100 yards; and where the discharge of a rifle in the open gives rise to a smell of "gun-powder" pervading a wide area, and creates (like a blunderbuss) "puffs of smoke" rising "six to eight feet" into the air. One wonders whether any of the critics who solemnly put forward such evidence in favour of a marksman on the "grassy knoll" or any of the

views, but having human beings. There is room in that actual world for unaccountable factors and improbable events—the unexplained bullet tag in the gunshop; the hand-dry-mark on Oswald's jacket; the strange entry in the Mexican bus manifest; the dubious apparition of Ruby at the Parkland Hospital—but such incidental mysteries do not shake one's ultimate conviction, on a review of the evidence as a whole, that the Commission was correct in their reading of the facts and just in their assessment of the principal suspects. Neither Oswald nor Ruby was a cold-blooded schemer, a cog in some complex machine, a tool of the C.I.A. or of the Dallas police force; each acted on his own, and the actions of each were entirely in keeping with his nature.

Oswald, the frustrated husband, the disappointed Communist, the rootless misfit, nursed a vindictive grudge against successful, affluent Society, against the United States—all persons, and for him in the President. The critics, looking for a copy-book assassin, ask why he should have denied his guilt, why he did not, rather, glory in the deed? But Oswald was no Harmodius; he ran away, like the little rat he was; and Sir *Seymour* *Thompson* would have sat ill upon the lips of one who had just killed a "poor dumb cop."

As for Ruby: "You all know me, I'm Jack Ruby!" He was as familiar in the police-station as the stable cat—the last man, the police would have relied on to do their dirty work for them, but just the man to slipping their basement unregarded, like the postman in the Father Brown story; and just the man, when he got there, to fire, on impulse, a half-promoted shot.

I would conclude then, that even if one agrees with Mr. Dwight MacDonald, in his strictures on the Report—its shortcomings, he says, are serious and sometimes inexcusable—one must also agree with him that it "proves its big point beyond

mere and political prejudice that permeates her book, drive her to extremes that make her criticism ineffective. She concludes that her instantaneous reaction to the news on November 23 was to assume that a Communist would be "framed" as the assassin; readers who do not detect a Right-wing plot behind the assassination must be, in her phrase, "inductured" to the Establishment; and she thinks it relevant to refer in the course of her appraisal to "American Nazi thugs" and "the maimed children of Vietnam." Not surprisingly, she is inclined to agree with Mrs. Marguerite Oswald's "constant theory that her son had gone to the Soviet Union on clandestine assignment by his own government" (she makes no reference in this context to his *Hitler* *Diary*): she thinks that there is "a powerful presumption of his complete innocence of all the crimes of which he was accused"; and she in her turn accuses the Commission of "unscrupulous misrepresentation." I cannot, on an admittedly heavy reading, discover anything important in her book that is not in

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any shot came from that source. Professor Thompson gives the fullest account I have seen of the finding of bullet 399 and suggests an ingenious alternative to the theory that it was "planted"; acceptance of his theory, however, seems consistent with the bullet's having come originally from the Governor's stretcher, a conclusion he wishes to refute. In dealing with the autopsy X-rays and photograph, he is clearly nonplussed by Mr. Manchester's disclosure; and his harsh criticism of the Commission's approach to the one-bullet theory would have had to be modified if he had read Professor Clovthart's revelations about *August*.

Professor Thompson advances no wide or wild conspiracy hypothesis; he does not seek to involve the F.B.I. or C.I.A.; Ruby's name is mentioned only once in his book, Garrison's not at all. "Did Oswald shoot the president?" is one of the Unanswered Questions with which his book concludes, and among the Answered Questions are two in which he corrects extravagances of Mr. Lane, one being a reference to Miss Mercer's evidence, of which I have gratefully availed myself in the text above.

The following are among the books and periodicals consulted by Mr. Sparrow.

WILLIAM MANKHESTER: *The Death of a President*, November 20-November 25, 1963, 78pp. Michael Joseph, £3.

MARK LANE: *Ruby in Judgment*, introduced by Hugh Trevor-Roper, 478pp., Bodley Head, £2 2s.

EDWARD JAY ESPRINE: *August*, The Warren Commission and the Establishment of Truth, Introduction by Richard H. Kovera, 244pp., Hutchinson, 30s.

JOSPHIN JOSEPH: *Oswald: Assassin or Full Guy?* 206pp., Merlin Press, 18s.

HEARING OSWALD: 165pp, 25s. *Oswald: The Truth*, 312pp., £2 2s. Peter Dawney, *The Garrison Enquiry*, 158pp., Peter Dawney in association with Tandem Books, 5s.

GIRALDO R. FORD and JOHN R. STILWELL: *Portrait of an Assassin*, 510pp., New York: Simon and Schuster, 56.95.

REINHOLD H. PEPKIN: *The Second Oswald*, Introduction by Murray Kempton, 159pp., Sphere Books and Andre Deutsch, 4s. 6d. *The Case for Garrison*, The New York Review of Books, September 14, 1967.

HAROLD WHITMAN: *Whitman: The Report on the Warren Report*, 368pp., Mastower-Pell Books, 5s.

BARBARA GASKIN: *Merbird!* 76pp., Penguin, 4s. 6d.

A. L. GOODMAN: *The Mysteries of the Kennedy Assassination and the English Press*, Law Quarterly Review, January, 1967.

DWIGHT MACDONALD: *A Critique of the Warren Report*, Esquire, March, 1965.

ROBERT L. OSWALD: *He was my Brother*, Look, October, 1967.

JOSIAH THOMPSON: *Sir Seymour in Dallas*, 225pp., New York: Bernard Geis Associates, Distributed by Random House, 58.95.

SYLVIA MARSH: *Assessors After the Fact: The Warren Commission, the Authorities and the Report*, 477pp., New York: Bobb-Merrill, 58.50.

JAN STRYDOM: *A Mother in History*, 98pp., Chatto and Windus 12s. 6d.

Playboys interview with Mark Lane, February, 1967. *Playboys interview with Jim Garrison*, October, 1967.

ALEXANDER M. BICKEL: *The Failure of the Warren Report*, Article in *Cummings*, October, 1966.

life studies at several points the theories of conspiracy.

First, the selection of suitable assassins. Mr. Lane mixes the point when he says—to quote verbatim—“I personally don't know who a conspirator would pick as its assassin. Perhaps the conspirators, if they exist, would have preferred a college professor or a Rhodes Scholar. But I do know that Ruby killed Oswald quite effectively.” The point that Mr. Lane so lightly and so scornfully dismisses is a real and an important one: it is hard to conceive a pair less likely to be accepted—still less, to be chosen—as tools by men sitting down to plan a conspiracy that had to go like clockwork, than the neurotic and impulsive Ruby and the neurotic and unstable Oswald.

Then, the actual assassination. If it is hard to believe that Oswald hit his target in two out of three quick shots, it is harder still to suppose that two men, more than 100 yards apart and unable to see or communicate with each other—for a tree obscured the grassy knoll from the Depository window—could have synchronized their fire so perfectly; and it is hard-ly of all to imagine that conspirators would have allowed the success of their plan to depend on such a feat of asynchronization.

Again, it is hard enough to see how a man could have fired repeatedly from the grassy knoll and got clean away in full view of the public; but it is really impossible to suppose that anyone planning an assassination would have placed himself for the purpose, in total ignorance of how many lookers-on, when the procession passed, would be standing near by, or perhaps actually occupying the place selected as his firing-point.

So with the murder of Oswald. It is suggested that Ruby, having arranged with the police to shoot the prisoner (before millions of viewers) in their basement, joined a queue five minutes before the shooting to send a cable in a Western Union office more than 100 yards away; the cable was handled in 11.17 and

readers, who accept it, have ever fired a rifle in his life.

This lack of realistic thinking pervades, like the demagoguery and the professors' theories of conspiracy, their supposition that a complex organization can improvise and implement plans as easily as an individual—as when “the Dallas police” suddenly “decides” to bump off Tippin in his car and drop so at a moment's notice. Their “possibilities” are paper possibilities, abstract and unreal, not credible in the context of actual events; the actors in their drama are puppets, precluded from doing things that will not fit the predetermined hypothesis, because no perfectly reasonable man would have done them, yet allowed to do absurdly improbable things (because such things are mathematically possible) if the hypothesis requires it.

So with the witness: the critics treat them as simply “honest” or “dishonest,” as if evidence that could not be swallowed whole must (or may, as suits the critic) be rejected entire; they forget that in real life witnesses are human beings, who may be—like Marina—temporarily forgetful, less than candid, liable to contradict themselves, and yet bear honest and valuable testimony to the truth.

Faced with such a volume of controversial matter, how—it may be asked—is one to reach a conclusion? Read as much as you like of the critics. I would say, and dip as deep as you can into the twenty-six volumes of evidence; then turn to Mr. Manchester's hour-by-hour chronicle, to Mr. Ford's vivid *Portrait*, to Oswald's own “Historical Diary,” to the Report itself. Glance, too, at Miss Jean Stafford's account of her interviews with Oswald's mother (who gas “absolutely prove” her son's innocence, yet believes that he shot the President on the instructions of the C.I.A.—a “mercy-killing” for the President was dying of “Atkinson's Disease”), and at the “honest picture of the family background given to *Look!*” by Robert Oswald, who is convinced of his brother's guilt.

A reasonable doubt? “Oswald and Ruby did it all by themselves. . . . We must accept that even though the Warren Report says it's true.”

How is it then that people have fallen so completely? The story proves, and has proved twice over, the truth of the old adage—*Populus vult decipi*; the public is very ready to be deceived.

At the outset, the ordinary man in the United States was eager to be given an “innocent,” i.e., non-conspiratorial, explanation of the tragedy. Very naturally he wanted to be told that the American people were “not guilty of their President's death.” So he gladly accepted the reassuring verdict offered by the Warren Commission and was ready to take on trust the conclusions contained in its Report. So, for a time, the Commission enjoyed the benefit of a climate of public opinion determined not by reason but by an emotional need.

Then a reaction set in: rebuffed for credibility, people began to be ashamed of their previous wishful thinking, and the tide of opinion, still impelled by a force that owed less to reason than to emotion, turned and began to work in favour of the critics.

Since the above was written, I have received from America copies of two books just out or on the point of publication—Mrs. Sylvia Meagher's *Accusaries After the Fact* and Professor Louis Thompson's *Six Seconds in Dallas*. I have not had time to study either, but I have read enough of each to be satisfied that further reading would not lead me to alter substantially anything that I have said.

As I have tried to show, critics of the Report are of two kinds: “demagogues” who are ready to sling at the authorities any stone and any mud that presents itself, and serious inquirers, who concentrate on a hard core of relevant evidence. Mrs. Meagher, however, is a demagogue.

By the autumn of 1964 the public, in its chivalrous mood, was ready for a conspiracy theory, the more sensational the better. And here those who attacked the Report enjoyed an advantage over its defenders: they had a more exciting story to tell. The man in the street, moreover, likes to hear that something sinister has been going on, particularly in high places, and the innuendo of the demagogues certainly satisfied that requirement. Those innuendoes had also another kind of appeal: they allowed full scope for the exploitation of political prejudice; no targets could be more welcome, both to the rank and file of the Left and to its intellectual leaders, than the Texan oil plutocracy, the Radical Right, the F.B.I., and the C.I.A. If the White House and its present occupant could be somehow implicated, so much the better.

So the anti-Establishmentarians, sincerely convinced of the justice of their case, set about their work. Their task was all too easy, for the public has almost lost, under the impact of “the media,” the faculty of judging in a complex case between two conflicting bodies of evidence—and in this case what proportion of

the other books that I have dealt with, though she supports her allegations drawn from the twenty-six volumes of evidence, and has unearthed one new item in the shape of a parcel addressed to Oswald at the Post Restante in Dallas—another inexplicable clue that leads to nowhere.

Mrs. Meagher's gift for innuendo and her cavalier treatment of the evidence rival Mr. Lane's (on page 351, I notice, Nurse Henechcliffe says that the neck wound “looked like an entrance bullet hole to her”); by page 156 this has become “Nurse Henechcliffe—who had maintained

those who believe in a conspiracy has attempted such a judgment? How many of them have opened the Report—let alone weighed its arguments against those of its attackers? Here again time has brought in its revenge: the critics who two years ago justly rebuked the public for accepting the Report without having looked at its contents are now profiting from the very same failure on the public's part: they can quote and misquote *ad libitum* from the twenty-seven volumes, with little fear of challenge or correction.

The last word—if indeed the last word is ever to be spoken—must await the outcome of the trial at New Orleans. But no light shed by that trial upon the tragedy can excuse its aftermath, or efface from the record a stain deeper than the crime itself: that left by the appetite that could swallow scurrilous lies like *Mr. Bird*; (for which Mr. Robert Lowell claims “a kind of genius”), by the gullibility of the American public, and by the recklessness with which that gullibility has been exploited, under a law that allows almost unlimited calumny of public officials, at whatever cost to the reputation of the innocent.

seem much too uncertain a foundation for the precise calculations that he bases on them. I therefore question his scientifically deduced conclusions about the trajectories of the bullets and the origin of the shots.

As for the testimony of the bystanders, Professor Thompson sets out statistical analyses of 107 witnesses of nearly 200 of them; and (as against 25 in favour of the Depository) as proving that one at least of the shots came from the knoll. (He does not mention Bowers's evidence about the echo

Postscript

show that he has used his powers without fear or favour and with conspicuous success.

Immediately after the assassination J. Edgar Hoover, director of the Federal Bureau of Investigation, arrested some suspicious characters in New Orleans, releasing them soon for lack of evidence and on the faith of reassurances about them from the F.B.I. When the Warren Report came out he was ready to accept its conclusions, but in the autumn of 1966 his suspicions were again awakened, and in the following February he re-arrested such of the original suspects as he could lay hands on, and instituted investigations which have culminated in criminal proceedings which are now in progress. Whatever the outcome of these proceedings, they cannot be dismissed as negligible: Mr. Garrison is charged with plotting to assassinate the President, alleging that Shaw is to be identified with a man who tried to brief a lawyer named Andrews to defend Oswald immediately after the assassination. Andrews, who contradicted himself several times on oath about his relationship with Shaw, has been convicted of perjury and Shaw himself has been sent for trial by a court of three judges and by a grand jury.

So far, Mr. Garrison has won each round of the legal battle, and from what has transpired, very dubious though his evidence is, it would certainly appear that something fishy was going on in anti-Castro circles in New Orleans during the summer of 1963. Such goings-on are not a priori improbable, and Oswald was in New Orleans at the time; but it remains to be seen how far Mr. Garrison can go in his aim with these machinations, or these machinations with the actual events in Dallas.

Certainly the District Attorney is not lacking in confidence. He alleges that in the years following the President's failure to give full support to the Bay of Pigs adventure, various "elements"—anti-Castro Cubans, ex-Minutenen, neo-Nazis,

Mr. Garrison does not explicitly accuse the C.I.A. of being a party to this new, anti-Kennedy, conspiracy. "In the absence of further and much more conclusive evidence," he says, "we must assume that the plotters were acting on their own and not under C.I.A. orders when they killed the President." But he maintains that the agency was so greatly embarrassed by the fact that from whom it had formerly employed were involved in the plot that it presented fraudulent evidence to the Commission, and "has spared neither time nor the taxpayer's money in its efforts to hide the truth about the assassination from the American people," and he believes that the C.I.A. may well have murdered a number of men who gave evidence before the Commission that was "awkward" from the point of view of the authorities.

Mr. Garrison agrees with Professor Rappaport in suggesting that a "secure Oswald" was employed to create a pro-Communist "image" of Oswald, so as to divert suspicion from the Right-Wing motivation of the plot. "Oswald's professed Marxist sympathies," he says, "were just a cover for his real activities... [His] actual political orientation was extreme right wing. Why, when Oswald professed Communism himself, it was necessary to employ someone else to profess it under his alias. Mr. Garrison does not explain. And when he is asked why Oswald, if he was a neo-Nazi, should have shot at General Walker, he can only say that it "was just another part of Oswald's cover," the whole episode, he declares, "rests on the unsupported testimony of Marina Oswald" (he forgets the photograph and the note), and he concludes that "it makes little difference... whether this incident was prepared in advance to create a cover for Oswald or fabricated after the assassination to strengthen his public image as a Marxist."

The actual murder, according to

built in a solid case." Nor does he explain his assertion that Oswald "undoubtedly" got his job at the Depository on the instructions of the plotters (unless, like Mr. Joesten, he includes Mrs. Paine among them). His rifle, we are to believe, was not used by him at all; Mr. Garrison follows Mr. Lane in suggesting that it may have been "taken from Oswald's home after the assassination and planted in the Depository." This, of course, implicates the police—but then, according to Mr. Garrison, they must have been up to the hilt in the plot, as appears from his explanation of the deaths of Tippit and of Oswald himself. Tippit was murdered not by Oswald but by two men whom "I hope we will be able to produce in a court of law." As for the cartridges found on the site, "We suspect that cartridges had been previously obtained from Oswald's 38 revolver and left at the murder site by the real killers as part of the setup to incriminate Oswald." We are not told who the killers were, or why Tippit was chosen as the victim, or the circumstances of his murder; nor is the next step in the execution of the conspiracy any clearer: "the plan was to have [Oswald] shot as a cop killer in the Texas Theater while resisting arrest." "I can't go into all the details of this," Mr. Garrison continues, rather lamely: "but I am convinced Tippit, which I am convinced Oswald didn't commit, was clearly designed to set the stage for Oswald's liquidation in the Texas Theater after another anonymous tip-off."

Finally: "The conspiracy had gone seriously awry (through Oswald's escaping death in the Theater) and the plotters were in danger of exposure by Oswald—and so: Enter Jack Ruby—and exit Oswald." As for Ruby's own "exit," Mr. Garrison thinks (with Mr. Norman Mailer) that the police may well have killed him by injecting him with the suspect cells, and he shares the suspicion entertained by most of the demagogues that there may have been

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books by

JOAKIM JOESTEN

Oswald: the truth

This book is devoted to a study of Oswald's activities in an agent of the CIA, made in Russia during the 21 years that he was Oswald's abductor, and in America on his return. It shows that the Bureau was, in fact, an agent of the KGB. It was largely on her evidence that the Warren Commission was able to convict Oswald posthumously. The author shows how Oswald was recruited, how he was used, and how he was finally eliminated. He also shows how the Warren Commission was misled by Oswald's associates.

Dennis' 510 42s. net

Marina Oswald

This book is devoted to a study of Oswald's activities in an agent of the CIA, made in Russia during the 21 years that he was Oswald's abductor, and in America on his return. It shows that the Bureau was, in fact, an agent of the KGB. It was largely on her evidence that the Warren Commission was able to convict Oswald posthumously. The author shows how Oswald was recruited, how he was used, and how he was finally eliminated. He also shows how the Warren Commission was misled by Oswald's associates.

Croly's 510 25s. net

The Garrison Enquiry

I have no recollection of having spent the last three days in Dallas. So anything I have written in this book is pure invention. It is a study of the Warren Commission's investigation of the assassination of President Kennedy. It shows how the Commission was misled by Oswald's associates, and how the Warren Commission was misled by Oswald's associates.

Paperback 5s. net

PIPER DAWNAY

19 Westminster Road, London, S.W.1.

depository and into the road-way, in full view of all; he is the man, according to Professor Poplin, who was seen by a police officer to jump into a station-wagon, was he carrying the assassination rifle? Clearly not. What happened to it? If too, one must assume, was lost in the confusion of the day.

Contrast with this ready acceptance of improbabilities involved in his own story the scepticism with which Professor Poplin treats explanations contained in the Report. e.g. the reasonable suggestion that Tippit stopped Oswald as a suspect: "It seems odd" says Professor Poplin, "that Tippit would have stopped a suspect. He was unimaginative, and had shown no real initiative in all his years on the force, as evidenced by his failure to get a promotion in thirteen years."

Professor Poplin's own explanation is that Oswald mistook Tippit's car for the conspirator's. "Tippit, come along slowly," Oswald thinks it is his rule, and takes Oswald for O. at whom he had glared in a cafe a few days before; "a monumental misunderstanding" then occurs. . . . Hence, the shooting."

Professor Poplin modestly admits that his ingenious hypothesis is "no more than a possibility" and it would not call for consideration if it had not been taken seriously by persons who ought to know better: one Professor of Philosophy calls it "plausible and significant"; another writes it as "a brilliant reconstruction"; a Professor of Sociology praises it as "logically convincing"; and Mrs. Sylvia Neuberger, who has compiled a subject index to the Report, declares that it is "stamped with the authority that can only be achieved by patient and comprehensive study of the testimony and exhibits."

What now of Big Jim Garrison, the "Jolly Green Giant" of New Orleans, behind whom Mr. Jensen, Mr. Lane, Professor Poplin and most of the critics of the Report seem recently to have aligned themselves? To judge from the

homosexuals—formed, with the assistance of the C.I.A., a "spider's web" of conspiracy, the object of which was the assassination of Castro. When in the late summer of 1963 it became plain that Kennedy was aiming at a *détente* with Cuba, the plan was changed: its object now was to assassinate the President. It was at this stage, apparently, that the conspirators decided to make a fool of Oswald, who had for long, according to Garrison, been an agent of the C.I.A.—a belief held strongly by Oswald's mother, but hard to reconcile with his marriage to Marina, and quite irreconcilable with the contents of his Historic Diary. (This is a key document, which the critics are inclined conveniently to forget: if pressed, no doubt they would suggest

Mr. Garrison, was carried out by "a precision guerrilla team of at least seven men," four of whom fired at the President—two from the "grassy knoll" (with two more whose sole function was to catch the assassins as they were ejected from the Book Depository, and one from the Dal-Tex building; five, six, or seven shots were fired. All the murderers got clean away: as for their identities: "I can't comment . . . they will be more arrests."

It is not clear why Oswald, whose role in this plot is exceedingly obscure, should have consented to take the rap for his fellow-conspirators when, according to Mr. Garrison, he did not fire a shot; pressed

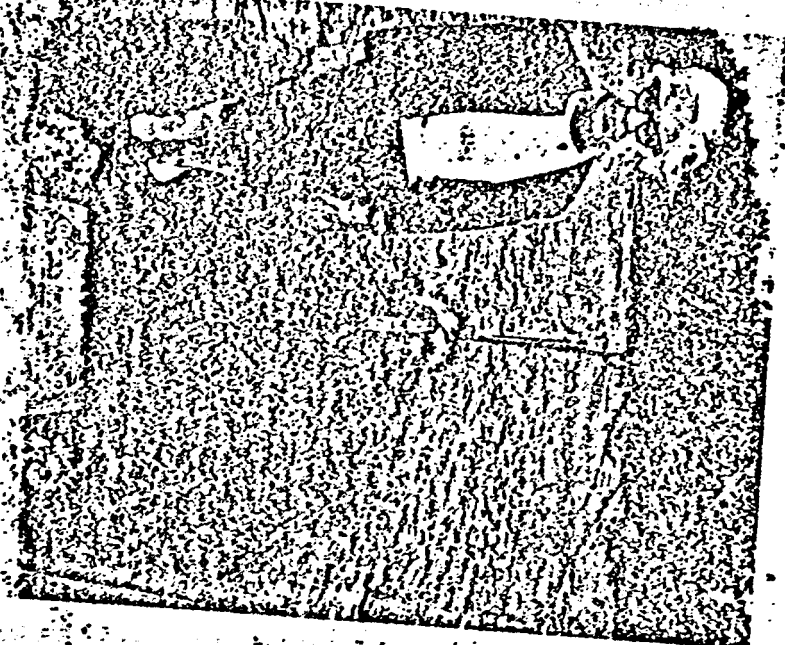
Take, for instance, the alleged "cover-up" policy of the Commission. The Commissioners, if they must at the time either have known its nature and extent or else, while aware of (or suspecting) its existence, have been uncertain how far its ramifications extended. In either alternative, could they have been so foolish (let alone so criminal) as to conduct their investigations and compose their report on the fawling that no conspiracy existed? In the second (and surely more plausible) alternative, the thing is almost inconceivable. If in the early months of 1964 they knew of (or suspected) a conspiracy of unascertained dimensions, how could they have felt any assurance that its existence might not in the near future become common knowledge? For the critics phrase "cover up" is misleading: the Commission could not hide a conspiracy simply by ignoring it: if the "covered up" conspiracy were to burst on the public soon after the publication of their findings, what would then be thought of them and their report?

The near future will show how much of the Jensen-Garrison conspiracy theory can survive examination in Court: at the moment Shaw's trial is pending, and it is perhaps significant that no co-conspirators have yet been added to the indictment.

And one may ask today, if there really had been a conspiracy in 1963, surely some trace of it, in a country where secrets are not easy to keep, would by now have come to light? Here Mr. Lane has for once performed a service to the truth: throughout four years America has been dragged-netted, hundreds of witnesses have been interviewed, no money and no effort has been spared—and the nets are empty, save for a handful of homosexuals and other queer fish in New Orleans. Thanks to Mr. Lane's own efforts, we can reject with added confidence the possibility of any such large-scale conspiracy as his criticism presupposes.

I have not been able, in the given space, to do more than describe in general terms, with a few supporting examples, the main attacks upon the Report and the hypotheses put forward by its critics. Throughout them all there run two fatal weaknesses. Of the first, and perhaps the more frequent—an inability to see the more wood through obsession with a single tree—I will give but one example: Oswald's jacket.

There is difficulty in identifying the jacket, found on Oswald's route from Tippit's murder to the Texas Theater, with any jacket known to have been in Oswald's possession; in particular, it has a laundry-mark, and Oswald did not have his jackets laundered. So obsessed are the critics with the laundry-mark and its attendant difficulties that they forget two simple facts: Oswald was seen but a minute or two after he left his



A policy of "covering up" would have required the complicity of the seven Commissioners and the acquiescence of some, if not all, of their investigating staff. Could the Chief Justice have obtained such

And one may ask today, if there really had been a conspiracy in 1963, surely some trace of it, in a country where secrets are not easy to keep, would by now have come to light? Here Mr. Lane has for once performed a service to the truth: throughout four years America has been dragged-netted, hundreds of witnesses have been interviewed, no money and no effort has been spared—and the nets are empty, save for a handful of homosexuals and other queer fish in New Orleans. Thanks to Mr. Lane's own efforts, we can reject with added confidence the possibility of any such large-scale conspiracy as his criticism presupposes.

Epstein are, as Professor Goodhart says, "not a declaration that the 'rumor' must be 'wiped out' even if it is true" but "a declaration in words that cannot be mistaken that the Commission must fairly say whether Oswald 'was or was not' an employee of the F.B.I."

Critical though he is of the Commission, Mr. Epstein is no demagogue; he does not believe in a conspiracy involving the police or the F.B.I., or suggest that the latter acted callously with the Commission. He accepts the view that Oswald shot the President, and does not (it seems) question the conclusions of the Report concerning the murders of Tippit and of Oswald himself; he does not make play with the planting of bullets and rifles, with puffs of smoke and fabricated paper bags. He confines himself to a hard core of evidence, from which, by close argument, he concludes that the Commission's theory is untenable and that there must therefore have been a second marksman.

The "hard core" consists of the following difficulties and doubts: (1) the fact that the interval between the action of the President and that of the Governor was shorter than the shortest time within which two shots could be fired from Oswald's rifle; (2) the difference between the account of the President's back wounds given in the doctor's autopsy report and that given in two F.B.I. reports, apparently based on statements from agents who were among those present at the autopsy; the F.B.I. reports are inconsistent with the single bullet theory adopted by the Commission in order to surmount difficulty (1); the *prima facie* supporting the F.B.I. evidence about the wounds; (4) "Bullet 339" which ought, on the Commission's "single bullet" hypothesis, to have been discovered by its passage through two needles; (5) Governor Connally's impression that he heard a shot which must have hit the President before he felt the hit. Difficulty (1) can be surmounted by supposing that a single shot hit the President and the Governor, the latter's rescuer being

left unaltered) and persuaded them to substitute a false report which did not necessitate the existence of a second assassin.

Mr. Epstein makes this allegation in discreet terms; his verdict the says, "Indicates that the conclusions of the Warren Report must be viewed as expressions of political truth"—"ie., the Commission fabricated a document in order to achieve its 'dominant purpose' and reassure the public that the President's death was the work of a 'lone assassin'."

Why did the Commission have to resort to such an expedient? Because, says Mr. Epstein, they accepted a conspiracy that he attributes to Mr. Redlich, Mr. Rankin's special assistant, who played a leading part in the compilation of the Report: "To say that [the President and the Governor] were hit by separate bullets is synonymous with saying that there were two assassins"; if it accepted this, the Commission could not afford to publish an account of the autopsy that contradicted the single-bullet theory. Unfortunately for Mr. Epstein, he misquotes Mr. Redlich on this vital point: asked by Professor Goodhart about the remark attributed to him, Mr. Redlich replied that "he did not say this and he did not believe it."

Applied by the inaccuracy of the book, and the statements which [Mr. Epstein] has attributed to me which I never made. What Mr. Redlich did could best be explained in terms of the one-bullet theory; but neither he nor a majority of the Commissioners rejected as impossible the other explanation that Oswald had fired two shots that separately hit the President and Governor Connally." (Professor Bickel, in the article above referred to, has advanced a plausible alternative to the one-bullet theory, which accounts for all the "hard-core" difficulties consistently with Oswald's being the sole assassin.) Unfortunately, Praders of *The Law Quarterly Review* are counted in hundreds against the thousands of those who have read *Inquest*; so that

Here Mr. Manchester has produced vital evidence (on p.192 of *The Death of a President*) he writes: "In the summer of 1964 a former Cornell graduate student [Mr. Epstein] published a book which suggested that this first bullet followed a different trajectory. The implication was that a second assassin had aided Oswald. The issue is resolved by the X-rays and photographs which were taken from every conceivable angle during the autopsy on the President's body. Because this material is unspoilable, the author has discovered it with three men who examined it before it was placed under seal. All these carried special professional qualifications. Each was a stranger to the other two. Nevertheless their accounts were identical. The X-rays show no entry wound below the shoulder" as argued by the graduate student. Admittedly X-rays of active projectiles passing through soft tissue are difficult to read. Yet, the photographs support them in this case—and reveal that the wound was in the neck. And that, it would seem, is that.]

Professor Richard Popkin, Chairman of the Department of Philosophy at the University of California, is an expert on the History of Scepticism—a history to which in his book *The Second Oswald*, he has himself made a notable contribution. Such intense scepticism as Professor Popkin's needs a great deal of credulity to support it; in order not to believe in the probable there is so much of the improbable that he has to believe

Professor Popkin is no more of a demonologist than is Mr. Epstein; he makes no sensational accusations against the C.I.A. or the F.B.I. or the Dallas police, and his only criticism of the Commissioners—"that they did not do an adequate investigative job, and did not weigh all of the data carefully"—is based on the "revealed contents" of the "twenty-six page critique" of Mr. Liebelers therein referred to. Unfortunately for Professor Popkin, since his book was published these supports for his

could hardly be according to plan, says Professor Popkin, except for the murder of Tippit, which he light-heartily explains as the result of a "momentary misunderstanding."

This hypothesis is vulnerable at every stage: (1) the evidence for the existence of a deliberate impersonator is mis-stated in the book and its effect exaggerated; it is really very tenuous; (2) his supposed pre-assassination activity is (in current jargon) "inherently motivated"; not to say pointers; and (3) his suggested role in the assassination itself involves a number of practical impossibilities which Professor Popkin cannot explain away.

Most of the appearances of "Oswald" (though Professor Popkin does not tell us this) anonymous—the man appeared without giving a name in shops, stores, etc. in Dallas or its neighbourhood. Now Oswald had, in the words of one of the witnesses (not quoted by Professor Popkin), "a common face for this part of the country"; "his features, face and all is [are] common with the working class here and he could easily be mistaken one way or the other." May there not well have been not only one person, but several persons, in the neighbourhood who resembled Oswald closely enough to have been confused with him, in recollection, by people who saw them in stores or shops or rifle-ranges? And if the man these people saw was really engaged in actively impersonating Oswald, why did he not give Oswald's name?

Even where there is evidence connecting O' with Oswald's name, Professor Popkin's presentation of it is not always dependable. "A tag marked 'Oswald' relating to repairs to a gun that was certainly not his Mannlicher-Carcano, was found in an Irving gunshop: 'The clerk is sure he ran into Oswald somewhere, and the clerk seems reliable. His boss was convinced', says Professor Popkin. In fact, the clerk was a woman, and all she said about seeing Oswald

was intended in some kind of conspiracy which culminated in the events of November 22, when the duplication played a vital role both in the assassination and the planned denouement." He admits that his hypothesis is "tentative and conjectured"—"he might have added 'nebulous'."

The weakness of the theory is reflected in the reasoning with which Professor Popkin defends it. "In October", he says, "there seems to have been little double Oswald activity." This is a serious objection, for on his hypothesis one would expect O's activity during that month to have been intense. The best that Professor Popkin can offer by way of explanation is the following: "This may be explained by the facts that Oswald was looking for a job and that his second daughter was born on October 20." But why should the fact that the real Oswald was preoccupied in one place preclude the second Oswald from impersonating him in another? It is fortunate that Professor Popkin's Chair is not a Chair of Logic.

When he comes to the assassination, Professor Popkin, so sceptical about the Commission's theory, readily accepts any explanation that comes to hand in order to dismiss objections to his own. He admits, for instance, that if, as he believes, at least one bullet hit the President from the front, he knows of no satisfactory answer to the question what became of the bullets, and is content to conclude that they must have "fragmented or were deflected and disappeared in the confusion of that day."

Again, he believes (with Mr. Lane) that the bag Oswald brought up from Irving to the depository on the morning of November 22 contained not his rifle but a bundle of curtain rods. Being, like Mr. Lane, unable to account for the disappearance of the bag and its contents, he dismisses the difficulty by saying "The packages vanishes by the time he enters the building—the curtain rods, one assumes, being lost (like the bullets) in the confusion of the day. One more example: after the

of the Commission. In other words, Mr. Epstein is claiming that he has caught the Commission's chief counsel in *flagrant delicto* declaring that the Commission's purpose is to scotch rumour, even at the expense of truth.

No wonder *Newsweek* created a sensation. Some six months after it appeared, however, *The Law Quarterly Review* published an article by Professor A. L. Goodhart which was in effect an *inquest* upon *Newsweek*. Professor Goodhart had applied Mr. Epstein's methods to Mr. Epstein's work: he had gone behind the scenes and questioned some of the persons from whose interviews Mr. Epstein had quoted; and in his article he presented the results. They were startling: Mr. Ball had replied that all the quotations attributed to him by Mr. Epstein were "wrong or false"; he saw Mr. Epstein only once, for about ten minutes in the lobby of a hotel; he had protested to the publishers. As for Mr. Lieber, he had denied having said that the Commission did "nothing"; and Epstein's misstatements or distortions of the record: his own criticisms of the Commission's staff work, he said, "were directed not at the investigation—which he believes was thorough—but at the writing of the Report."

He declared himself "thoroughly in accord with the Commission's findings," and said that he was appalled at the nature of the attacks that questioned the conclusion (which he fully accepted) that Oswald was the assassin and acted alone.

Finally, Professor Goodhart showed that Mr. Epstein had facilitated misinterpretation of Mr. Rankin's remark about winning out the "dirty rumour"; by quoting it out of its context. It occurred in the course of a discussion between members of the Commission and their staff which is set out at length by Mr. Gerald Ford, himself a Commissioner, in *Portrait of the Assassin*. No one who reads Mr. Ford's account can have any

delayed by further two seconds; difficulties (3) and (4) are not conclusive; the clothing might have been rucked up by the President's movements; the bullet might have struck almost intact, particularly if it did not pass through a lung and solid bone; (5) the Governor's evidence is not dependable; he was clearly bewildered) and he became unconscious shortly after the event. As for (2), the F.B.I. has explained that its reports reproduced the first impressions of the doctors, reported by its agents while the autopsy was still in progress; the autopsy report, according to which the wounds are located consistently with the single-bullet theory? prevents his doctor's final conclusion.

So far, then, as concerns the assassination itself, Mr. Epstein's conclusion, though it differs from that of the Commission, is not sensational: it simply means that Oswald must have had an accomplice. In order to vindicate it, however, Mr. Epstein has to allege that the Com-

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and a lot of noise in order to attract every body's attention to that window. . . . Plenty of noise came from the Book Depository but not a single bullet I believe the man in the window was Oliver Tippit, fired from the Dallas police force. And the man who Larry Conrad.

Oswald, an innocent "fall-guy" was to be seized before he left the Depository, where his gun, fetched from Mrs. Paine's garage, where he was planted by the police (this is suggested also by Mr. Lane); he was to have the guilt pinned upon him, or be "made to confess," and then else [could] challenge the evidence. "I am satisfied," says Mr. Joesten, "that this was the blue-prim, give or take a few minor details."

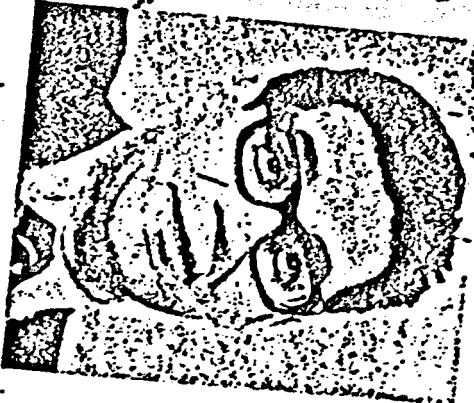
Ruby's plot did not come off, because Oswald's bullets failed to kill the Governor; another plot also miscarried, because Oswald was unapprehended. This faced the plotters with a problem: with Oswald at large, "one of their own fellow conspirators, indeed one of the two killers, was in danger of exposure. . . . So long as Tippit himself was alive, there was further peril. . . . In such a situation as this," says Mr. Joesten, "the danger of endless blackmail is ever present, and [the address] is usually eliminated at the point of a few minutes of careful planning"; and within a few minutes of the assassination "the death of Patrolman Tippit was irrevocably decided. Where and by whom and how this operation was taken Mr. Joesten does not tell us; anyhow, he is satisfied that Sir. Hill of the Dallas Police was told off (by Capt. Fritz, it seems) to apprehend Tippit, and Oswald, his own plot having been planted on him by the police, was arrested in the Texas Theater.

Oswald having been apprehended and taken to the jail with the guilt of both murders, and "tool" was called in by the police, "evidently afraid that their lies and distortions, their trumped-up charges and fabricated evidence, indeed the whole pattern of the frame-up, would come apart at the seams in the course of a fair trial, and would reveal the underlying fiber of conspiracy and official complicity and the shabby off Oswald" in approved gangster style.

Mr. Joesten's story is extravagant and incredible; his book is a compound of bad logic, bad temper, and bad taste. His

suggests that the President's assistant Ken O'Donnell, who had some responsibility for planning the trip to Texas, was implicated in the plot. Most of his other accusations are essential to any large-scale conspiracy theory; this one is as gratuitous as it is cruel.

There is this, however, to be said for Mr. Joesten: he has the courage of his own crazy convictions; he is not afraid to put forward a positive theory, and he names his guilty men. And in this he has provided an object-lesson for Messrs. Lane and Weisberg, most of whose suspicions and innuendoes are directed at the same targets as are Mr. Joesten's forthright denunciations. They have had three or four years in which to think of a more convincing conspiracy theory than that of Mr. Joesten, but they have not produced one. Why not?



Mark Lane

They must have considered possible alternatives: if either of them had found one, why didn't he not have brought it forward? Presumably, each of them realizes that all the explanations he has been able to think of fall as to cover all the facts; and that if extended so as to cover them, they would become, like Mr. Joesten's, top-heavy and patently implausible.

Ignore the basis of his charge against the Dallas police. If that is so, was not his own negligence as gross as that which he imputes to the Commission?

My next example of Mr. Lane's methods comes a page or two later in his book. A crucial question is whether any shots came from the grassy knoll, in front of the Presidential car, who devotes a whole chapter to "Where the Shots came from?" insists that they could not have been mistaken. A key witness was Lee E. Howers, a railwayman who worked close by. Here is a passage from his evidence:

Mr. Bowers: I heard three shots. One, then a slight pause, then two very close together. Also reverberations from the shot. Mr. Bull: And were you able to form an opinion as to the source of the sound or what direction it came from?

Mr. Bowers: The sounds came either from up against the School Depository Building or near the mouth of the triple underpass. Mr. Bull: Were you able to tell which? Mr. Bowers: No; I could not. . . . I had worked this same tower for some 10 or 12 years. . . . and had noticed at that time the similarity of sounds occurring in either of these two locations. . . . There is a similarity of sound, because there is a reverberation which takes place from either location.

Plainly, the sounds heard coming from the knoll might well have been reverberations of shots coming from the Depository. How does Mr. Lane deal with this important testimony? By making no reference to it. One can think of only three reasons for this omission: (1) Mr. Lane somehow missed the passage in his study of the evidence; (2) He read the passage, but did not appreciate its significance; (3) He appreciated its significance, but decided to suppress it. If would be interesting to learn from Mr. Lane which of these represents the truth, and whether he can suggest another explanation less damaging to his reputation as a dependable investigator.

Mr. Lane employs similar methods throughout the book—e.g., in dealing with the assassination of the General, Oswald wrote a note to Marina, advising her what to do in the event of his arrest; this note was found in a book that was handed to the police by Mrs. Paine, together with other belongings of Oswald, on December 1, 1964; it was undated and did not plainly enough that it is to that episode that it refers. (Mr. Joesten disposes of this note by saying that it was "intentionally" written by Oswald.)

paper bag, the attempted murder of General Walker, the murder of Tippit, the murder of Oswald himself, the alleged association of Tippit and Ruby—as well as on a host of subsidiary issues, his presentation of facts is so slanted—owing no doubt, to his firm conviction that his conclusions must be right—that it simply cannot be relied upon. In short, *Ruby to Judgment* confirms Mr. Lane's "less a truth seeker than a tireless demagogic advocate" who "expounds the conspiracy thesis far less reasonably and far more tendentiously than the Warren Report argues the opposite case."

It is a relief to turn from writing of this kind to Mr. Edward Epstein's *Impeach*, which is short, clear, extremely well argued, and all the more effective because it is moderate in its conclusions and states them quietly. The book started life as a university thesis on the workings of Government-appointed investigative bodies, of which the Chief Justice's Commission was taken as a signal example. The academic origin of the work seemed to guarantee its scholarly accuracy, and it claimed authority as being based upon a series of interviews granted to the author during 1965 by five of the Commissioners and a dozen members of their legal staff.

Impeach created a sensation when it appeared in the summer of 1966, and it has probably done more to damage the Commission in the eyes of enlightened readers than any other contribution to the debate.

The greater part of the book consists of criticism of the way the Warren Commission went about its work. The Commissioners in attendance at the hearings; their staff, many of them busy lawyers, were short-handed and over-worked; both Commission and staff had to conform to an impossibly restricted time schedule; they suffered from having to rely on Government agencies for the collection of material; above all, they were to a man committed to the "dominant purpose" of allowing public anxiety by suppressing all traces of a possible conspiracy—an aim that blinded them to any evidence, and prevented them from following up any line that might have shown Oswald not to be the

diverted jacket, you must also suggest some other plausible explanation of the murder. Mr. Josten's incredible hypothesis is the only one so far put forward. Mr. Weinberg, who refuses to believe that Oswald killed Tippit, can suggest no other explanation; Mr. Lane seems to be equally reluctant to accept Oswald's guilt, but is equally unable to produce an alternative. But if Oswald did kill Tippit, he must surely have been guilty at least of complicity in the murder of the President. Why should a completely innocent Oswald shoot a policeman? Why should an Oswald who had acted merely as a "front" for the President's real murderers gratuitously commit a murder on his own? We shall never know what passed between Tippit and his murderer; but the obvious explanation is that Oswald, confronted by a policeman within an hour of being shot by the President, lost his head and a second murder could not increase the penalty he would suffer if he was caught.

It is instructive to observe how, when faced by difficulties such as Tippit's murder, Mr. Josten is compelled, in order to supplant the story told by the Commission, to trail and perjure the evidence of witnesses after witnesses, and to brand as accomplices in the conspiracy one party after another, each less likely than the last, until the structure becomes top-heavy and collapses under its own weight.

Thus in order to explain away Oswald's attempted assassination of General Walker, which he confessed to his wife, Mr. Josten has to allege that Marina's circumstantial account of the confession, supported as it is by physical evidence, was simply an invention—for him, this is easy: she was admittedly a temperamental and sometimes unreliable witness; therefore, in accordance with the familiar principle, all she says can be dismissed. (Mr. Josten and Weinberg suggest that the F.B.I. brainwashed or bullied her into inventing the story.)

Again, it was an essential factor in the supposed conspiracy that Oswald should have a job in the Book Depository; in order to account for the awkward fact that the job was procured through Mrs. Paine whose honesty shines out from every line of her evidence, Mr. Josten has to make her an accomplice in the plot.

To take one more instance: to justify imputing to Oswald advance knowledge of the route of the procession, Mr. Josten actually

turns and Rumors." Appendix to the Report, and many of them could be directed just as effectively against a rival hypothesis (if the dared to put one forward). As for Mr. Lane's imputations, they mean nothing if they do not imply a conspiracy implicating, among others, Chief Curry, Captain Fritz, and other officers of the Dallas police; but when he is faced with the suggestion that he is charging the officers with murder he has recourse to bluster and abuse.

If one cannot attack conclusions that Mr. Lane refused to state, one can at least criticize the methods he employs in establishing a basis for his imputations. Let me give an example of two: one does not have to look far to find them.

On the first page of *Rush to Judgment* Mr. Lane recounts, as if it were established fact, the story told by a Miss Mercer, who on the morning of the assassination saw a truck parked by the grassy knoll from which (according to him) fire was later opened on the President; she saw a man take "what appeared to be a rifle-case" from the truck, carry it towards the bushes on the knoll and put it (according to Mr. Lane) behind a fence; three Dallas policemen were standing near, but did not move the truck or take any action. Mr. Lane complains that Commission investigators did not question Miss Mercer and "did not try to identify the three police officers so as to question them or with this condoning a breach of security regulations, and suggests that the incident was connected with the fire from the grassy knoll; the obvious innuendo being that the police turned a blind eye and that the Commission culpably abstained from probing into the incident. Thus on its opening page he creates an atmosphere of suspicion which pervades his book.

What Mr. Lane does not tell us is that the F.B.I. took statements from Miss Mercer and the police, and identified the truck (which belonged to a construction firm working on a neighbouring building); it had broken down, and if any box was removed from it, it must have been a tool-box; the police managed to get it moved on, with all its occupants, shortly before the arrival of the President's procession. The report recording all this is accessible in the Commission's archives.

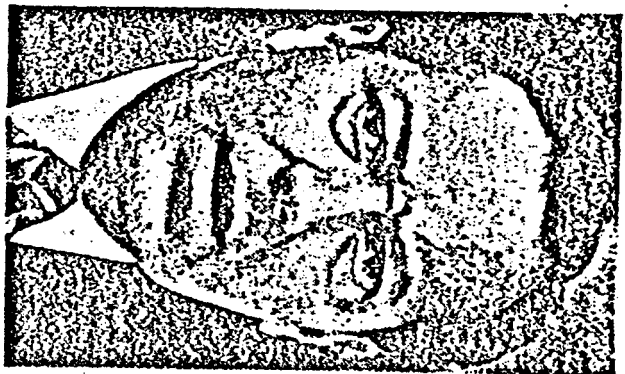
One can only suppose that Mr. Lane was ignorant of this report and recklessly made his

to deny by implication that it existed, declaring that a photograph of Walker's house, also found among Oswald's things, was "the one piece of physical evidence (my italics) used to show that Oswald shot at General Walker".

One more example. It is important to Mr. Lane's case that the wound in the President's throat should have been the result of fire from the front. Unfortunately, within minutes of his arrival in hospital the wound was obliterated by a tracheotomy—the doctors had no time and no reason to examine it, nor did they turn the body over and examine the wounds in the back. Answering questions at a press conference that afternoon, in conditions that were said to be like Bedlam, the doctor who performed the tracheotomy, and another surgeon said that the neck wound looked like, or might have been, an entrance wound; it was so described in a report drafted in the hospital that day. In evidence before the Commission, however, the same doctors repeatedly explained that they had no means of knowing whether it was an "entrance" or an "exit" wound; it might have been either. Mr. Lane tells his readers: "The doctors were unanimous about the nature of the throat wound: it was an entrance wound; they 'took a stand'; he says, 'to this effect: and he declares in interviews: "Every doctor at Dallas's Parkland Hospital who examined the wound in President Kennedy's throat (my italics) and made a statement to the press on the day of the assassination said the throat wound was an entrance wound." (This became, in the mouth of Mr. Lane's disciple, Professor Trevor-Roper, "doctor after doctor at first *lauding* (my italics) that the shots (Professor Trevor-Roper's plural; my italics) came from the front.") Had he stopped to think, Mr. Lane would have realized that it was, to put it mildly, misleading to say that the doctors unanimously pronounced the throat wound to be an entrance wound, and worse than misleading to suggest that anything they said was based on an examination of it.

Mr. Lane's zeal for the truth as he sees it leads him again and again, no doubt unwittingly, not only to suppress but to misrepresent the evidence on crucial points. On every issue of importance—if the origin of the shots that hit the President, the nature of Oswald's wounds, the identification of Oswald's rifle, the "fabrication" of the important

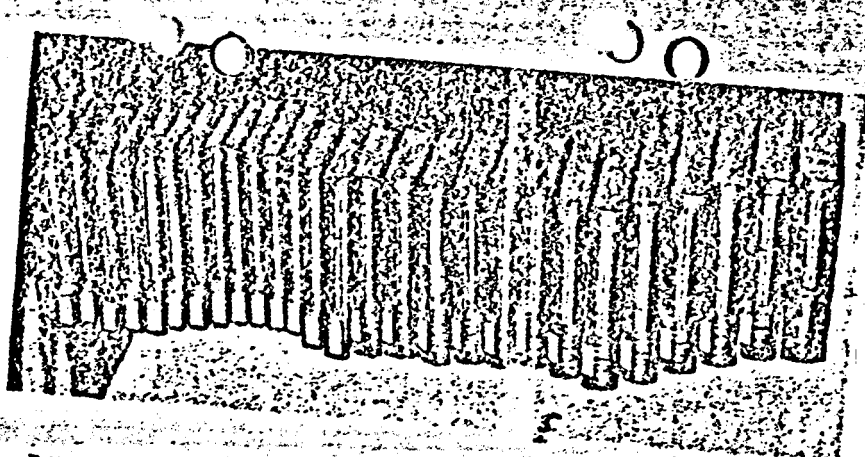
authority for some particularly damaging



Jim Garrison

remark; for instance he is quoted as saying, when asked what the Commissioners did, "in a word, nothing"—while Mr. Bull, a senior counsel, is said to have declared that they "had no idea what was happening". Most damaging of all, Mr. Epstein illustrates the Commission's subservience to its "dominant purpose" by a remark of their chief counsel, Mr. J. Lee Rankin, about the rumour that Oswald had been a paid informer of the F.B.I.: this (said Mr. Rankin) was "a dirty rumour... very bad for the Commission... very damaging to the agencies that are involved in it and it must be wiped out in so far as it is possible to do so by this Commission". That must mean, according to Mr. Epstein, that the rumour was "considered dirty", not because it was known to be untrue, but because it was known to be "damaging" to the government. The "solution proposed" he explains, "was to 'wipe out' the rumour. This would satisfy the implicit purpose

... the chief justice of the court, and a great part of his criticism only makes sense on the deliberate work of the Dallas police: Chief Curry and Captain Fritz (to mention no others) ought, if Mr. Lane is right, to be charged as accessories, if not as principals, both with the assassination of the President and with the murder of the President's assassin, Mr. Weisberg can be as outspoken as Mr. Joesten: "The



The Report

intellectual honesty or dishonesty; self-delusion, whether it be to a political ideology or to an *alibi* five, is apt to induce an intellectual myopia that blinds its victims, when weighing one piece of evidence against another, to the criteria used by judges with cooler or clearer heads.

It is the chief weakness of these critics that in dealing with evidence they run counter to a number of truths that are common knowledge among lawyers. (1) Every lawyer knows that no evidence is less dependable than that of witnesses present at a sudden and unexpected accident; a dozen honest observers will give a dozen different accounts of what occurred. (2) Every lawyer knows that a witness—called, say, to identify a suspect—while wrong on a number of points may yet be right on others, perhaps including the essential one. (3) Every lawyer knows that honest and truthful witnesses may contradict themselves, particularly on questions concerning their own and others' motives and states of mind, without thereby forfeiting credibility. (4) Every lawyer knows that in a sensational case, such as the assassination of a public figure, scores of people will run up with impossible stories—sometimes sheer inventions, sometimes fantasies that they have how persuaded themselves are true. (5) Again, human beings, even trained officials, are liable to make mistakes in carrying out their tasks and in the accounts they afterwards give of how they did it—and the Dallas police in the chaos that followed the assassination were certainly no exception to that rule. But every lawyer knows that such blunders do not vitiate all the testimony that contains them; still less need they cast doubt upon the honesty of the witness. (6) Finally, every lawyer knows that in a big and complicated case there is always, at the end of the day, a residue of improbable, inexplicable fact. You do not invalidate a hypothesis by showing that the chances were against its occurrence; some of the events that it presupposes; many things that happen are actuarially improbable, but they happen. To make up its mind, if it can, what *must* have happened, despite incidental improbabilities—that is the task of a Commission of Inquiry.

Confronted by masses of conflicting testimony and flooded with a myriad statements ranging from the certainly true to the completely

... the example given, they suggest that Butler Juy was specifically prepared for the purpose by the conspirators and some how planted by them in the Parkland Hospital. Worst of all, the critics repeatedly fail to distinguish between a good point and a bad one and refuse to abandon arguments that have been shown to be without foundation. Three or four years of debate and discussion have cleared away a vast undergrowth of misconceptions; circumstances that seemed suspicious (e.g., the military rehearsal, shortly before the assassination, of the ceremonial for a Presidential funeral) have been shown to have an innocent explanation; significant mistakes (e.g., the story that the splintering of the windshield of the Presidential car was on its front surface) have been corrected; vital calculations (e.g., the estimate of the time needed to fire three shots from Oswald's rifle) have been shown (e.g., that the Dallas police took notes of Oswald's interrogation and then destroyed them; and that they destroyed the bag in which he carried his rifle, and fabricated a substitute) to have been explained as being due to false assumptions or a hasty misunderstanding of the evidence. There remains a small hard core of real difficulties—most of them arising out of the reactions of the President and the Governor when hit and the reputed positions of the President's wounds—and it is on these that rational critics rely in challenging the conclusion that Oswald was the sole assassin. A case can indeed be based on this hard core of difficulties, and it can be stated effectively and with moderation; but that is not the way with Messrs. Joesten, Lane and Weisberg.

They put forward good points and bad alike, mingle discarded assertions with valid evidences, and make up for weak links in their hypotheses by loud asseveration and virulent abuse of the Dallas police, the F.B.I., and the Commission. It is this that makes the reading of their books so painful an experience for anyone who is genuinely concerned to discover the truth. As he turns over page after page of exaggeration, distortion, and plain misstatement, the reader's indignation kindles, and the impulse to retort the authors' assertions one by one becomes almost irresistible; it seems intolerable that accusations of murder and treason against specified individuals,

... from Ruby. He was shooting at Governor Connally. (This is founded on a cock-and-bull story about a conversation overheard in a night-club, sworn to by a Dallas lawyer in an affidavit printed by the Commission, but rightly regarded by them as of no evidential value.)

At the same time, says Mr. Joesten, "... the was on foot a conspiracy to kill the President, the parties to which included one of the President's aides, Ken O'Donnell, Chief Curry and Captain Fritz of the Dallas police, members of and—Mr. Joesten makes much of this—Mrs. Faine, a Quaker lady, who had been kind to the Oswalds and in whose house Marina Oswald was living at the time. The President was to be killed by simultaneous fire from the famous "grassy knoll" and from a window in the Book Depository—in essentials, the plot is the same as that postulated by Messrs. Lane and Weisberg and by Professor Popkin. The man who fired from the window (according to



Joachim Joesten

Mr. Joesten) was not Oswald but Patrolman Tippelt of the Dallas police, who was chosen (like Crivard) for his physical resemblance to Oswald: "I am not making this charge lightly," says Mr. Joesten: "It is my considered opinion that the sniper in the sixth-floor window of the T.S.B.D. was Tippelt rather than Oswald." He varies this account later by suggesting that Tippelt's role was only diversionary: "He [Tippelt] didn't fire a single shot or at any rate a single bullet. He fired all right, and made an

Still, it was possible, while accepting that verdict to feel dissatisfied with the way in which the Commission had to go about their work: they had an immense field to cover in a comparatively short space of time, and the Commission themselves necessarily delegated the examination of most of the witnesses to a staff which, though expert and without political or other bias, was working under pressure; even if the Chief Justice and his colleagues reached the right conclusions, it might be thought that they had done so without adequate exploration of possible alternatives, and that a number of unlikely but perhaps significant trails had not been followed up.

Moreover, the frame of mind in which they approached the case afforded grounds for giving Mr. Dwight Macdonald wrote for *Life* a Critique which is the shrewdest, finest, weightiest, and most entertaining of the structures on the Report that have been published. He did not pull his punches altogether too legalistic in its approach to the facts and in its presentation of them: the Commission, he said, suffered from *The Establishment Syndrome* and their Report was *The Prosecutor's Brief*. None the less, he did not believe that they intended to conceal anything, and he agreed with their conclusions: they may have been too easily impressed by the overwhelming *prima facie* case against Oswald as the sole assassin; but, after all, it was overwhelming. Professor Alexander M. Bickel, of Yale, in a searching article in *Commonwealth* for October, 1966, took a similar line: he would have liked to see a further inquiry instituted, but rather to set at rest possible doubts, than to challenge the conclusions contained in the Report.

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What is it that has inspired such rabid denunciations? Most of their authors have, in the words of Mr. Dwight Macdonald, "a large, left-handed political axe to grind." In the less picturesque language of Professor Bickel, "A portion of the Left, clinging stubbornly to a kind of abstract logic, [wishes] to believe that the shot that killed John F. Kennedy came from the organized Right." If the Warren Commissioners are exposed

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based on such a presentation of such evidence, should be allowed to go unanswered. A moment's reflection, however, shows that to answer their charges individually would take up volumes at least as long as the books that contain them. And misrepresentation is too often like the hydra: cut off one of its heads and a score of others take its place; the task is never-ending. Worst of all, the controversialist becomes a bore, and his readers are inclined to say: "After all, there must be something in the charges if a man has to spend so much labour in an effort to refute them."

So there is a strong temptation to leave it all alone, relying on the assurance that such exaggerated accusations will answer themselves. So, no doubt, they eventually will; when the Report and the attacks upon it have stood side by side on the shelves of libraries for long enough, a proper balance will assert itself, at least in the minds of thinking people. But in the short run the demonologist's methods are effective, and at present they are reaping a remarkable harvest, in credit and no doubt in cash. The passion of their attack convinces some people; its sheer volume impresses others. The Gallup polls prove their success with the mass of the public: the utterances of sagas like Mr. Norman Mailer and Dr. Conor Cruise O'Brien (who finds Mr. Lane's arguments "devastating") show that the intellectual can be duped as completely as the man in the street. In the United States, and their "appalling duty", evidently believing that if they cackle loud enough in condemnation of the critics they will save the Capital from dangers that exist only in their own imagination: in this country a distinguished donard, Bertrand Russell, has hailed Mr. Lane's book as "a great historical document"; and on the Continent only a week or two ago another venerable figure attached himself to the ranks of the credulous in the person of General de Gaulle.

What sort of stories are they that the public is prepared to accept as suppliant? The answers given by the Commission, all of what sort of arguments are they supported? First in the field was Mr. Jostein, in whose pages may be found at least the seed of most subsequent speculations. According to Mr. Jostein, there were two gunmen who

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The Warren Commission in session

as merely happenst dupest", says Mr. Andrew Kopkind in *The New Statesman*, "other doubts about American history during the last two decades become more pertinent. Was the Rosenberg case also a fraud? ... Was the whole U.S. position on the origins of the cold war fraudulent? ... If the critics could go further and convict the Commission with the F.B.I. and the C.I.A., of participation in a criminal conspiracy, the damage done to the Government and to the whole Right-Wing "Establishment" would be immeasurable, and the political consequences might be suggesting.

And yet, through political expediency, the staff of the Commission did not shun lying to the Commission itself; he writes, "and neither as for the F.B.I., its report incriminating Oswald is a tissue so thin and a polemic so undisguised that it would demean the labours of a dedicated police force investigating the poisoning of a dedicated founder."

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TWO DAYS AFTER THE ASSASSINATION of President Kennedy million Americans gave some foretaste of what was to come. Still, more and more people came to believe in the trustworthiness of the Commission and the conclusiveness of its findings, and for a year or more it seemed that the "demonologists" were making no headway with the general public.

Then, half-way through 1966, the storm broke: there appeared a number of books that were intended to discredit completely Chief Justice Warren's Commission and their Report. All of them criticized the methods of the Commission, some insinuating, others asserting outright, that the assassination and the murder of Oswald were the result of a large-scale conspiracy—a conspiracy deliberately "covered up" by the Chief Justice and his colleagues. The gist of all these attacks upon the Warren Report can be summed up in the words of the most energetic of its critics: the report, says Mr. Mark Lane, "may be ranked with Teapot Dome and the Reichstag Fire trial as a synonym for political cover-up and cynical manipulation of the truth."

These conclusions were succinctly stated in a volume of some 900 pages, the narrative that led up to them being clearly and vividly told and conveniently divided into chapters: "The Assassination"; "The Shots"; "The Assassin" (including an account of his murder by Patrolman Tippit and his attempt upon the life of General Walker); his "Detention and Death"; his "Background and Possible Motives"; A separate chapter was devoted to "Investigation of Possible Conspiracy" and there were Appendices dealing with (*inter alia*) "Speculations and Rumours", and containing medical and autopsy reports, expert testimony about firearms and finger prints, and a fascinating account of Jack Ruby. The evidence taken by the Commission was published in twenty-six volumes, half of them consisting of photographs and other exhibits. It was undoubtedly an impressive achievement, and the American public was duly impressed.

Still, speculation continued on both sides of the Atlantic, especially in Europe (where, it seems, conspiracies are more readily suspected) and there was a good deal of debate in the press, on television, and on public platforms, in which criticism of the Report was expressed. Mark Lane, the "itinerant demonologist" went round the world lecturing on the iniquities of the Commission, and sporadic articles and

books by Mr. Vincent Salandria, Mr. Leo Savage, Mr. Joachim Joesten and others, gave some foretaste of what was to come. Still, more and more people came to believe in the trustworthiness of the Commission and the conclusiveness of its findings, and for a year or more it seemed that the "demonologists" were making no headway with the general public.

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The campaign was astonishingly successful. By the end of 1966, according to a poll taken during the closing months of that year, most Americans considered that the Report was not to be trusted, and two out of every hundred persons consulted believed that President Johnson was somehow implicated in the murder of his predecessor. These proportions are probably larger now, and larger still on this side of the Atlantic. The manufacture of conspiracy theories became a small-scale industry in the United States; and over here leading national newspapers have countenanced the cause, one of them giving pride of place to an article by a mid-Western editor suggesting wholesale murder of "awkward" witnesses by the Federal and State police. Nor is it only the ignorant and the uneducated that have been affected: intellectuals and academics in this country seem ready to entertain the wildest suspicions about conspiracies involving "Texas oil-men", the Dallas police, the F.B.I., the C.I.A., the Warren Commission, even President Johnson.

While the assassination itself has till now remained the focus of attention, future his-

torians are likely to be more interested in its aftermath. As time goes by, it will become increasingly evident that the real mystery concerns not the doings of the protagonists in Dallas during the fatal week, but the subsequent performance of the mystery-makers themselves and the success of their campaign.

What was it, posterity will ask, that inspired this outbreak of "demonology", and how were its exponents able to cast their spells so widely and compel belief in their lurid denunciations?

"The real problem in *Hawler*", said Oscar Wilde, "is Are the critics mad, or are they only pretending to be mad?" So here, confronted by such onslaughts on the Commission as those of Messrs. Joesten, Lane, and Weinberg, one is tempted to ask the very question that they themselves raise about the murders in Dallas: Are they to be explained as the result of some complex antecedent combination, or were they the work of obsessed, unbalanced men, each acting in independence?

There is certainly evidence of association between those who have criticized the report: Joesten, the most outspoken of the "demonologists" dedicated Oswald; Alamus or Fall Guy? To Mark Lane. The brilliant and courageous New York attorney whose Brief for Oswald will go down in history as one of the great libertarian documents; Edward Jay Epstein, the most incisive, and Lane himself, the most industrious of the critics, worked together for a time on their investigations; Harold Weinberg, the author of *Marxism*; the so-called "world-wide scamman" that strips the veil of secrecy from the Warren Commission; supplied material to Jack Garrison, the District Attorney who claims to have traced the assassination plot to New Orleans, and he went to New Orleans to assist in the investigation, as did the indefatigable Lane; Professor Richard Popkin has put in a plea for Garrison in *The New York Review of Books* (which implied the first version of his own "Second Oswald" theory) and Joesten has published a whole book in his support: there was close association between the *Eschew* and Russell, Michael Foot, the Member of Parliament, and Professor Trevor-Roper were members of the American "Chicago" Committee of Inquiry (of which Mark Lane was the

founder; Professor Trevor-Roper, who published in *The Sunday Times* a violent criticism of the report as soon as it came out, has written a commendatory introduction to Lane's *Road to Judgment*; while Lane praises Trevor-Roper's *Sunday Times* article as "a major attack upon the Report. If the critics turned their scrutiny upon themselves they might well detect in their own activities evidence of a sinister combination.

In fact, there is no need to suppose any concerted plan of action on the part of the critics or to impute sinister motives to any of them: to do so would be to fall into their own besetting error. A complex and sensational story like this brings to the fore, along with serious and level-headed inquirers, a host of crack-pots and rabble-rousing publicists, of "patriots" with a self-appointed mission and Buconians with an *à la carte* fix. Not all that such men say can be safely disregarded; it is the task of the dispassionate inquirer to see if there is a needle of truth hidden in their haystacks of denunciation.

It is not difficult to trace the development of opinion among reasonable, critically-minded people. At the outset, it was only natural to suspect that a carefully organized plot must have lain behind the assassination: the coincidence of two unrelated murders seemed so improbable, and the atmosphere of Texas was so suspicious for a conspiracy. But people soon perceived that a conspiracy involving not only the assassination of the President but also the murder of the assassin himself would have to be an extremely elaborate affair: apart from all else, such a story must make the Dallas police force principals in the murder of Oswald and at least accessories to the murder of the President. It was hard, if Oswald was simply a tool in the hands of the real assassins, to account for his murder of Patrolman Tippit; and his attempted murder inconsistent with his acting in concert with Texas oil plutocrats. If, then, first thoughts suggested a conspiratorial explanation, second thoughts made such an explanation difficult to sustain. It is not surprising that, when the Commission, after a lengthy investigation, announced that they could find no evidence of a conspiracy, many inquirers should have been

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