TREVOR-ROPER SAYS COMMISSION PRESENTED ONLY 'THE PROSECUTION CASE'

Historian calls Warren Report a 'smokescreen'

HUGH TREVOR-ROPER, regius professor of modern history at Oxford, has described the Warren Report on the assassination of President Kennedy as a "smokescreen of often irrelevant material." In an article in the Dec. 13 issue of the London Sunday Times, the well-known historian charged that the commission had "accepted impermissible axioms, constructed invalid arguments and failed to ask essential questions."

"If I dissent from [the report's] findings," he wrote, "it is not because I prefer speculation to evidence or have a natural tendency towards radicalism: it is because, as a historian, I prefer evidence."

Trevor-Roper cited five instances in which he considered the commission's evidence deficient, indicating that others existed.

1—ARREST OF LEE OSWALD. "According to the report," Trevor-Roper wrote, "the Dallas police issued the order which led to this attempted arrest [of Lee Oswald, accused of assassinating Kennedy, by policeman J. D. Tippit, whom Oswald is alleged to have murdered] before any evidence had been found which pointed personally to Oswald. We immediately ask, on what evidence did they issue these orders? To fill the gap, the report mentions one witness, Howard Brennan, who, we are told, saw the shots fired from the sixth-floor window and made a statement to the police 'within minutes' of the assassination. This statement, says the report, was 'most probably' the basis of the police description radioed (among others) to Tippit. Now this chain of events is obviously of the greatest importance. It also contains obvious difficulties. Not only does the alleged statement of Brennan seem far too precise to correspond with anything he can really have seen, and the alleged police descriptions far too vague to be the basis of a particular arrest, but the words 'most probably,' which slide over these difficulties, are unpardonably vague. Any police description leading to an attempted arrest must have been based on some definite evidence—the police must know on what evidence it was based—and it was the inescapable duty of the commission, which claims to have 'critically reassessed' all the evidence, to require the police to reveal the evidence . . . If the description was based on Brennan's statement, then we immediately ask another question. For Brennan (according to the report) did not only give a general description of the man who fired the shot: he also gave a particular description of the window from which he fired. Why then, we naturally ask, did the police broadcast the vague description of the man, but make no immediate attempt to search the precisely identified room? That room was searched only later, in the course of a general search of the whole building. On the other hand, if the police description was not based on Brennan's statement, it follows that the police used other evidence which they have not revealed to the commission . . ."

2—OSWALD AT JAIL. "After his arrest, Oswald, we are told, was warned by Captain Fritz, chief of the homicide bureau of the Dallas police, that he was not compelled to make any statement, but that any statement which he made could be used in evidence against him. After that, Oswald was interrogated altogether for 12 hours, by the FBI and police, mainly by Captain Fritz. And yet, we are told, Fritz 'kept no notes and there were no stenographic or tape recordings.' This, I do not hesitate to say, cannot possibly be true. How could any statement be used against him if his statements were unrecorded? Even in the most trivial cases such a record is automatically made—and this case was the assassination of the President of the United States. If no record was available to the commission, there can be only one explanation. The record was destroyed by the FBI or the police, and the commission, with culpable indifference, has not troubled to ask why . . ."

3—MEDICAL REPORT. "On medical evidence alone, the doctor who examined

HUGH TREVOR-ROPER
He finds the evidence wanting

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LEE OSWALD OUTSIDE DALLAS POLICE STATION, BEFORE HE WAS SHOT
No immediate details on just how slayer Jack Ruby got to the scene

the President concluded that he had been shot from the front, and all police investigations were at first based on that assumption. This meant that the President—if indeed he was shot from the book depository—must have been shot either as his car approached the building or, if the building had been passed, at a moment when he had turned his head towards it. When both these conditions were ruled out by photographs, the police concluded that the shots must have come from behind, and the doctor was persuaded to adjust his medical report to this external police evidence. When the commission 'critically assessed' the evidence, it naturally had a duty to re-examine the medical evidence undistorted by police theories. Unfortunately it could not do so: the purely medical evidence was no longer available. The chief pathologist concerned, Dr. Humes [Commander James Humes, director of laboratories, Bethesda Navy Hospital], signed an affidavit that he had burned all his original notes and had kept no copy. Only the official autopsy, compiled (as is clearly stated) with the aid of police evidence, survives —and the commission, once again, has accepted this evidence without asking why, or on whose authority, the original notes were destroyed. Police evidence withheld, police evidence destroyed, medical evidence destroyed, and no questions asked. This is an odd record in so important a case . . ."

4—PAPER BAG. "According to the report, a specially constructed paper bag was afterwards found in the room from which Oswald is alleged to have fired the shots, and the commission concludes that it was in this bag that Oswald introduced the fatal weapon into the building. Since this conclusion is in fact contrary to the only evidence printed by the commission [that of witnesses who testified the bag Oswald carried was smaller than the one he allegedly carried], it seems strange that the police should have to admit that the bag, too, has since been destroyed. It was, we are told, 'discolored during various laboratory examinations' and so 'a replica bag' was manufactured under police orders 'for valid identification by witnesses.' In other words, the police destroyed the real evidence and substituted their own fabrication. The replica may well have been a true replica."

5—OSWALD'S DEATH. "Finally, to complete this record of suppression and destruction, there is the destruction of the most important living witness, Oswald himself. Oswald was murdered, while under police protection, by Jack Ruby, an intimate associate of Dallas police. Ruby's close association with the Dallas police is admitted in the Warren Re-

port, and it is undeniable that he entered the basement, where he murdered Oswald, by either the negligence or the connivance of the police. But how did he enter? Once again the details are of the greatest importance—but the police are unable or unwilling to say, and the commission is unwilling to press them. All that we are told is that, after his arrest, Ruby refused to discuss his means of entry: he was interrogated in vain. But then, suddenly, three policemen came forward and said that, within half an hour of his arrest, Ruby had admitted to them that he had entered by the Main St. ramp just before shooting Oswald—after which Ruby himself adopted this explanation of his entry. These three policemen, we are told, did not report this important piece of evidence to their superiors, who had been vainly interrogating Ruby on precisely this point, 'until some days later.' Why, or in what circumstances, Ruby made this interesting admission, and why the three policemen did not pass it on for several days, are clearly important questions. But the commission evidently did not ask them. It was content to repeat what it was told by the police, with the saving adverb 'probably.'"

THESE INSTANCES, Trevor-Roper said, demonstrate that the commission did not act with independent judgment. "Committed by its own choice to receive most of its evidence from the police or FBI sources, it never subjected this evidence to proper legal or intellectual tests; never looked beyond that evidence, never pressed for clear meaning or clear answers. The claim of the commissioners that they 'critically reassessed' the police evidence is mere rhetoric. Their vast and slovenly report has no more authority than the tendentious and defective police reports out of which it is compiled."

The historian also criticized the American and British press for its "failure of the critical spirit in journalism." Trevor-Roper, a member of the British Who Killed Kennedy? Committee, praised attorney Mark Lane. Lane, he said, "has made a series of formidable criticisms of the report. They are documented, reasoned and, in my opinion, generally conclusive. For his pains, he has been subjected to an incredible campaign of vituperation in the American and even the British press." Lane's analysis of the report is scheduled for publication by Grove Press in March.

In summary, Trevor-Roper declared: "The best that can be said of the Warren Commission is that it has given publicity to the prosecution case. The case for the defense had not been heard—and until it is heard no valid judgment can be given."

In reaction to the article, the New York Times on Dec. 17 quoted anonymous "informed persons" who charged that Trevor-Roper's critique was "without factual basis." The objection that no transcript was available of Oswald's statements while in police custody was attributed to the professor's "unfamiliarity with the situation. The fact is that few police forces tape or transcribe interviews with suspects."

Regarding the medical report, the newspaper said, "those most familiar with the commission's work" gave this explanation: "The doctors who examined President Kennedy's body at Bethesda Naval Hospital did make some brief, fragmentary pencil notes that they threw away when they prepared their typewritten report. But in any case they were all questioned at length by the commission under oath, and no doubts were raised about their formal report." END