

DDAY: JFK's pe effective DEATH: INVESTIGATION OR COVER-UP? ARTHRITIS writes about ctory

The Warren Commission

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A SECOND WAVE OF CRITICS is assaulting the Warren Commission's conclusion of almost two years ago that Lee Harvey Oswald, unaided, shot and killed President John E Kennedy.

The first wave, rushing into print from the wild side, has come and gone, pocketing its profits and leaving uncounted Europeans and Matter Americans convinced that Oswald was but a pawn for conspirators. If the books and articles made less impression in the United States, where political assassination plots are not considered necessary baggage of government, many people nevertheless were ready to believe that the Warren Report was less than the final word.

If the Commission, headed by Chief Justice Earl Warren, hoped to allay doubts in the land, it failed. A Harris Survey in the fall of 1964, soon after publication of the Report, showed that 31 percent of Americans still believed Oswald had accomplices and that less than half the people believed the Commission told the full story. If anyone thinks time has quieted the suspicions, he has only to mention a Mannlicher-Carcano 6.5-mm rifle's firing speed and the subsequent wrangle will persuade him otherwise. Not only are millions of Americans still doubters but thousands of them have become assassination welcuths, ready to cite page and line from the published testimony.

Into this fertile field of conjecture marches the new wave of tics. None of them purports to name a second assassin, much less embers of a conspiracy, but almost all of them open the probability a second assassin—a direct challenge to the seven-man Warren Combission's main findings after ten months in being, and after 552 witesses, 25,000 FBI interviews, 1,550 Secret Service interviews and a ack of papers that fills 300 cubic feet in the National Archives.

There are two leading assailants. One is Mark Lane, a New York wyer whose freewheeling attacks on Commission findings have stirred lecture audiences in Europe and America. The other is Edward Jay Epstein, a 30-year-old doctoral student at Harvard whose master's thesis for Cornell University turned into a hot publishing property entitled Inquest.

Both men are being published by prominent houses. Lane's Rush to Judgment, due August 15, is being launched with heavy advance publicity by Holt, Rinehart & Winston and includes a prestige introduction by Hugh Trevor-Roper, professor of history at Oxford University. Epstein's Inquest, just published by Viking Press, carries an enthusiastic introduction by Richard H. Rovere, a respected writer, and a vote of confidence as to Epstein's scholarship from Andrew Hacker, the Cornell professor of government who supervised the work that earned Epstein his master's degree this spring.

On first reading, and even second and third, Epstein's book appears impressive. It comes clothed in the full garments of the academy, replete with footnotes, citations, source materials and index. Epstein appears to hide absolutely nothing. His mood is muted and his style pedestrian, twin earmarks of the scholarly work. He interviewed five members of the Commission and ten members of its staff. What's more, he footnotes exactly who told him what. He read the full Warren Report and all 26 volumes of the hearings and exhibits. With

Report on NEW
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OF

DOUBT

Such vestments of scholarship, he proceeds to an examination of the Commission. The results, put forth in his 156-page book, are explosive. Here are highlights of Epstein's conclusions:

FINDINGS OF THE OFFICIAL AUTOPSY on President Kennedy's body, conducted at Bethesda (Md.) Naval Medial Center the night of the November 22, 1963, assassination by three military physicians, apparently were later changed to accommodate the theory that a single bullet went through both President Kennedy and Gov. John Conduly of Texas, who was sitting on a jump seat in the death convertible stimediately in front of Kennedy.

THE AUTOPSY REPORT printed in the Warren Report evidently is

⁵Fnot the original version prepared by the physicians. Epstein does not say who he thinks changed the report, but he broadly implies that it was either the doctors or members of the Commission's staff.

Two fbi reports, one dated December 9, 1963, and one dated January 13, 1964, flatly contradict the autopsy report and say that the bullet that entered Kennedy's back did not exit from his body—and thus could not have struck Connally.

The sincle-bullet theory was adopted because the proven time span for firing the Oswald rifle was too short to embrace one shot hitting Kennedy and another striking Connally. (None of the discussion in this article involves the later fatal bullet that shattered Kennedy's brain.) Thus, if both men were struck by separate bullets, a second assassin had to be considered. But since the Commission was early wedded to a belief that Oswald operated alone, it ruled out separate bullets on insufficient evidence.

The single-bullet theory was advocated by a Commission lawyer, Arlen Specter, now district attorney of Philadelphia, and the Commission, following his lead, never thoroughly investigated the possibility of a second assassin.

THE SUPPOSEDLY MASSIVE INVESTIGATION was actually "superficial." Epstein says the probe was hampered by an impossible deadline imposed by Chief Justice Warren, by a lack of investigative manpower and by the absenteeism of the busy commissioners.

THE COMMISSION ignored possible witnesses, sifted testimony to suit its purposes, left questions unresolved and, in writing the Report, omitted "contradictory evidence and inconsistent details."

The Commission never independently investigated rumors that Oswald was a paid informant of the fbi, but merely took the word of fbi officials, principally Director J. Edgar Hoover, for it.

Most of these sins, if not all, stemmed from the Commission's commitment, which from the outset of its assignment was less to the discovery and revelation of truth than to dispelling rumors that would damage "the national interest."

These are sensational charges. Many of them, of course, have been advanced previously by lurid and irresponsible writers, but now they appear to be buttressed by a man bound by the disciplines of academic research, skilled in analytical thought and determined to follow the evidence wherever it may lead.

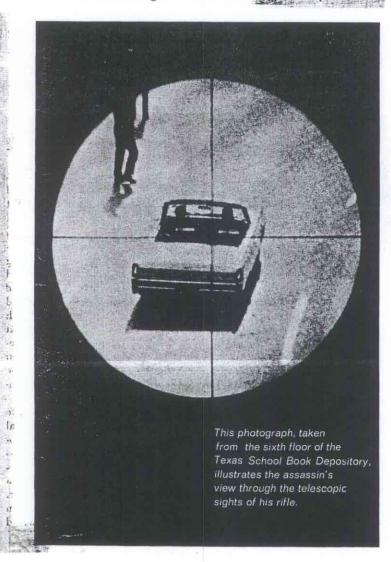
On the basis of the scholarly aura and the responsible ausplattending the book, Look arranged for an exclusive interview. Epstein and an advance study of the volume. I was to interview the academician and write an article product. Both the interview and the initial reading

compelling. I was at first persuaded that this young of digging and hard analysis, come up with one the decade, namely, that the eminent Warren Companies fantastically sloppy job and that few of its major to be credited any longer.

Then, I started to check some of Epstein's I soon became convinced that Epstein was guilty which he accused the Warren Commission: distort mony, sifting the evidence and adroitly selecting and assumptions. At the worst, Epstein has wrideceptive book. At the best, he is guilty of precisithe door of the Warren Commission—a "superficit as

Epstein's story, parenthetically, is that he appearations of the Warren Commission with no eximore than a placid master's thesis on the function mental body. Then, last summer, he interviewed Commission lawyer, and found that Liebeler has a documents that indicated fights within the Commission.

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substantive errors by the Commission. From that time forward, Enstein's research became freighted with excitement as he followed tracks of what seemed to be a big story.

When I pointed out what appeared to be overlooked chances confirmation of facts in *Inquest*, Epstein said that he was not in business of investigating Kennedy's assassination. His boundaries said, were the Report and hearings, investigative reports in the tional Archives, Commission working papers, and interviews we commissioners and staff. He contended that he was not required check statements made in his book with the person involved. Thus, he erected for himself remarkably secure and comfortable academic ramparts from which to fire a barrage at the Warren Commission. Yet any newspaperman who assumed such a stance—that people involved in highly suspect operations need not be asked for their version of the story—would be fired in a week.

There are a number of distortions in Epstein's book, but one in particular illustrates his method of operation. It can only be called devious. On the basis of this episode alone, an informed reader would weigh the remainder of *Inquest* with reservations, to put it mildly.

AN 18-YEAR-OLD MAN named Arnold L. Rowland testified be off the Commission that he saw a man with a rifle in a sixth-floor window of the Texas School Book Depository building before the assassination and that he also saw a Negro man "hanging on another sixth-floor window shortly before the Kennedy motorcast passed. Previously, he had been interviewed by the FBI. He said he has told the FBI agents about this second man, but "they didn't seem verinterested." No FBI report mentioned such a statement by Rowl

Epstein alludes to this testimony three times in his book to protect that the FBI interviews were less than thorough and that the Combission tended to reject new evidence that might alter its "basic suppositions concerning the assassination."

"When a witness did give new evidence," he writes, "in the Com-

mission hearings, it became suspect ipso facto, because it was not included in a prior statement. For example, Arnold Rowland testified before the Commission that he had seen a second man on the same floor with the assassin. The Commission, however, rejected this tion of Rowland's testimony partly because of 'Rowland's failur report his story despite several interviews until his appearance fore the Commission.' It will be recalled that Rowland insisted that did mention this fact to FBI agents but that they were interested on whether or not he could positively identify the assassin. The Comsion never called the FBI agents as witnesses on this matter."

Epstein's argument seems convincing, but he fails to quote full reason why the Commission rejected Rowland's testimony. Commission's reason is set out on page 252 of its Report as foll

"Rowland's failure to report his story despite several interviuntil his appearance before the Commission, the lack of prolicorroboration, and the serious doubts about his credibility, have the Commission to reject" the testimony. The key phrase he "serious doubts about his credibility." It was explained on the p

ous page, 251, of the Warren Report:

"Mrs. Rowland testified that her husband never told her all seeing any other man on the sixth floor except the man with the riff the southwest corner that he first saw. She also was present du Rowland's interview with representatives of the FBI and said she not hear him make such a statement, although she also said that did not hear everything that was discussed. Mrs. Rowland testil that after her husband first talked about seeing a man with the rife she looked back more than once at the Depository Building and no person looking out of any window on the sixth floor. She also

well, before publishing secondhand reports about them in his book. Writes Epstein: "The surest and safest way to dispel the rumor was not to investigate it. . . ." And the surest and safest way to make sure that people don't contradict what is said about them is not to question them.

Epstein's most spectacular theory is that the autopsy report printed on pages 538-545 of the Warren Report is not the original one and that someone, unnamed, changed or altered that original, written following the examination of President Kennedy's body at Bethesda Naval Medical Center. In essence, this accuses either the doctors or some members of the Commission or staff of monumental dishonesty. It implies that someone in authority deliberately falsified the most celebrated American autopsy record of this century in order to support a hypothesis of how Kennedy and Connally were shot. This is altogether a sensational line of reasoning to emerge from the cloisters. Epstein hedges and qualifies his language, and well he might. For he is dealing in pure speculation, unsupported by any evidence from the doctors and lawyers whose professional integrity is at stake.

Epstein bases his theory on two FBI reports on the autopsy that he uncovered during his research. It was quite a find, and he is to be congratulated for his enterprise in coming up with these unpublished documents. The first of these reports, dated December 9, 1963, conflicts almost in toto with the autopsy report published in the Warren Report. The FBI report said that one bullet entered Kennedy's body "just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and

that the bullet was not in the body."

The official autopsy report, signed by three physicians-Navy Cdrs. James J. Humes and J. Thornton Boswell and Army Lt. Col. Pierre A. Finck-said the bullet "entered the right superior posterior thorax above the scapula," bruised the upper right lung and went out through "the anterior surface of the neck."

A second fbi report, dated January 13, 1964, reiterated that the bullet entered the back and "penetrated to a distance of less than a finger length." The next paragraph is ambiguous as to the nature of the projectile that caused the exit hole in JFK's shirtfront.

The FBI, which had observers at the autopsy, said the bullet did not exit from the body. The three doctors who made the examination said it did. In this head-on collision of reputable authorities, whom to believe? Epstein makes it clear that he believes the FBI (although elsewhere in the book he indicates that FBI agents disregarded significant data), and on the basis of his belief, he makes this sweeping assessment

"If the FBI reports are accurate, as all the evidence indicates they are, then a central aspect of the autopsy was changed more than two months after the autopsy examination, and the autopsy report published in the Warren Report is not the original one. If this is in fact the case, the significance of this alteration of facts goes far beyond merely indicating that it was not physically possible for a lone assassin that have accomplished the assassination. It indicates that the conclusions of the Warren Report must be viewed as expressions of political truth."

Epstein cites a number of factors to show that "all the evidence indicates" that the FBI reports are accurate. Some of these are persuasive. Some aren't. In any event, the real point is that Epstein, having in hand such a startling discrepancy in reports, questioned neither the doctors involved nor the FBI on a matter vital to an assassination that rocked the world. A scholar may find reasons to put such strange restraints on his curiosity, but no police reporter could.

The fact is both Commander Boswell, one of the autopsy physicians, and the official spokesman for the FBI say that the FBI report were not accurate.

Dr. Boswell, now retired from the Navy and practicing medicing in Bethesda, Md., says: "Our autopsy report went downtown to Admiral ral Burkley (Vice Adm. George G. Burkley, Medical Corps, U.S.)

the President's physician) at the White House on November 25, after the three of us had signed it on November 24th. It appeared in the Warren Commission Report exactly as it was written November 24th, and it was never changed or altered in any way."

Says an official fbi spokesman: "It is completely contrary to the facts to indicate that the fbi and the Commission are in opposition on the findings of the Commission. Our first reports were merely to chart a course and were not designed to be conclusive. It is entirely possible that Fumes's autopsy report did not get into the hands of the fbi until later and so our initial reports did not reflect the doctors' decision."

ission Lawyers and one of the autopsy doctors give of what happened: The autopsy on Kennedy's body from 8 p.m. until 11 p.m., November 22. Two fbi series autopsy and then left, as did Secret Service autopsy and then left, as did Secret Service time, the doctors were puzzled. They found a bullet entitle time, the doctors were unable to determine if or how it the time of the doctors were unable to determine if or how it the time of the doctors were unable to determine if or how it the time of the doctors were puzzled. They found a bullet would not consider the doctors were puzzled. They doctors knew that a tracke to the doctors and then drop out. The doctors knew that a tracke to the doctors were puzzled. The Bethesda physicians conferred by the fact to save his life. The Bethesda physicians conferred by the period of the surgical incision had obliterated a small bullet to the front of the President's neck. The Bethesda

physicians it in reconstructed and reanalyzed their autopsy work and came to the conclusion that the bullet passed through Kennedy, exiting at his needs They signed their report, so stating, on November 24 and sent it to the White House, typed, on November 25. The report went from the Warren Combined House to the Secret Service. When it reached Warren Combined and wayers the next month, it came as an enclosure from the Secret Service, not the FBI. When the Commission published

the autopsy report on September 28, 1964, nothing in the report has been changed from the November 24, 1963, writing.

The doctors may well have erred in their autopsy finding. The were not oracular. They even called the throat wound one "presumably of exit," and they noted that the bullet's path through the body could not be "easily probed."

Epstein writes, "There can be no doubt that the autopsy findings were known to the fbi when it prepared" its December 9 report. The statement is contradicted by the Treasury Department. It says a search of Secret Service records shows that the doctors' autopsy findings were not forwarded to the fbi until December 23.

Norman Redlich, now executive assistant corporation counsel of New York City, was a top staff lawyer for the Warren Commission, credited by Epstein with being a prodigious worker on the investigation. "The doctors' autopsy report was forwarded to the Commission by the Secret Service, not the FBI," says Redlich. "I saw the autopsy findings on December 20 when I came to work for the Commission and we immediately saw the conflict with the FBI's report of the autopsy. We discussed it thoroughly. Not only that, but we studied the individual reports of the FBI agents who saw the autopsy, and thus we have how the discrepancy could have occurred."

Arlen Specter, the key lawyer on this phase of the Warren Consission's investigation, says: "It is ridiculous to indicate that the autopsy findings were changed after November 24, when Commander Humes finished the report. I saw both the longhand and the type written reports when I came to work for the Commission in mid-January. They were identical, and neither was changed from the original in any way at any time."

Epstein may well be within scholarly bounds in doubting the conclusions of the autopsy physicians, but to leap to the assumption that the findings were later falsified to match a theory of the assassination

that 'At times my husband is prone to exaggerate.' Because of inconsistencies in Rowland's testimony and the importance of his testimony to the question of a possible accomplice, the Commission requested the FBI to conduct an inquiry into the truth of a broad range of statements made by Rowland to the Commission. The investigation showed that numerous statements by Rowland concerning matters about which he would not normally be expected to be mistaken—such as subjects he studied in school, grades he received, whether or not he had graduated from high school, and whether or not he had been admitted to college—were false."

Rowland's testimony and FBI matching exhibits (in Volume XXV of the Commission hearings) throw more detailed light on why the Commission and staff lawyers preferred not to believe Rowland.

He said he graduated from high school in June, 1963, but school records showed he dropped out of two high schools and had not graduated. He testified he had an IQ of 147. School records showed the figure was 109. He testified that he received straight A's in high school, with the exception of a "couple of B's" in his senior year. Records showed the B's, C's, D's, E's and F's outnumbered the A's. He testified he had been accepted by four colleges, including Southern Methodist University. The chief clerk of the SMU registrar's office told the FBI that Rowland had never applied for admission. Rowland said he had "much better" than 20-20 vision, as evidenced by a recent eye examination at Finn & Finn, Dallas optometrists. Dr. John E. Finn, noting that his firm's records covered all patients running back 15 years, told the fbi there was no evidence that Rowland had ever been examined by the firm. Further, one of Rowland's high-school counselors told the FBI that Rowland "could not be trusted and would not tell the truth regarding any matter." Another high-school official told the FBI that Rowland "would not hesitate to fabricate a story if it was of any benefit for Rowland to do so." He further stated that he had informed Secret Service agents in advance of Rowland's appearance before the Commission that "anything Rowland might tell the President's Commission would be questionable."

All this is recounted not to embarrass Rowland at this late date but to show the kind of witness on whom Epstein relies to make several supposedly telling points against the Commission. Nowhere in Epstein's book is there the slightest indication of any evidence that Rowland was a man who lied to the Commission and whose testimony was not to be trusted. To withhold this information from the reader is a form of literary rape. For a scholar, it is surprisingly shifty behavior. If Epstein, as a Warren commissioner or staff lawyer, had insisted on crediting the reliability of Rowland's testimony, his colleagues would

have laughed him out of Washington.

PSTEIN IS ALSO GUILTY of seemingly small but important errors. An example is provided by Kennedy's jacket and shirt after the assassination. Both show bullet holes in the back, and Epstein argues that they are too low to permit a bullet to thus enter from the back and exit through the throat, as the Bethesda autopsy report states. He is entitled to his opinion, which is essential to his theory, that there may have been two assassins. But in stating his case, he deceives the reader. His book contains FBI photos of Kennedy's coat and shirt. Epstein writes: "These photographs, which were omitted from the Warren Report and the twenty-six volumes of supporting evidence, show that the bullet hole in the jacket is 5 and 3/4 inches below the collar and that the bullet hole in the shirt is 5 and ¾ inches below the collar." In the context of the book, this has a menacing aspect. It as though the Commission withheld the measurements from its Report. Epstein footnotes the statement, and the footnote indicates that he took the figures from Vol. V, page 59 plus, of the hearings. The unwary reader might conclude that the Commission wished to bury the data.

But the Commission quite fully discussed the jacket and shirt holes, and gave measurements, on page 92 of the Report, drawn from the examination made by FBI Agent Robert A. Frazier, a ballistics expert. Furthermore, the Commission cited Frazier accurately, which Epstein does not do. The Commission said, as did Frazier, that the bullethole measurements were from "the top of the collar." Epstein, in the case of both the jacket and shirt, says "below the collar," thus gaining at least an inch in his argument against the Commission.

A mere inch may seem a small thing over which to quibble with Epstein, but his entire case involves fractions of feet and fractions of seconds. In this instance, Epstein is trying to prove that a bullet shot from above could not enter Kennedy's back at the designated point and exit from his throat because the point on the back supposedly is lower than the throat wound. (A Commission photo disputes the point by reconstructing the probable angle.) Thus, in his battle over the jacket and shirt, if Epstein can gain an inch, he resembles a high school team gaining a yard against the Cleveland Browns for first down.

PSTEIN ACCUSES THE Commission of failing to pursue proper in mi vestigative leads because of a fear the information might damed age "the national interest," but in making his case, he himselflo fails to pursue obvious leads. As an illustration, there is Epstein's contention that the Commission never independently investigated rumors in that Oswald was a paid fbi informant, but relied on the denials of aiz battery of fbi officials, headed by Director J. Edgar Hoover, as suffinitiont evidence to dismiss the rumors as unfounded.

Epstein says the Commission heard from two Texas officials of art rumor that Oswald was a paid fbi informant. The source appeared to be Alonzo Hudkins, then a Houston newspaperman. Epstein says a Secret Service report quoted an interview with Hudkins, in whichio Hudkins gave Allan Sweatt, chief of the criminal division of the Dallas where the source, quoting Sweatt as saying Oswald was paid \$200 a month by the fbi and had informant number S-172.

Hudkins, now a Baltimore newspaperman, says he was never interviewed on this matter by the Secret Service, that he never heard the rumor from Sweatt, that he heard a similar rumor elsewhere and that later, because of his own work on the case, he became convinced that Oswald had not worked for the FBI. Sweatt says he never made any such statement to Hudkins or to anyone else, and that he had no knowledge of Oswald's connections with any Government agency.

Epstein says that Leon Jaworski, special counsel for the State of Texas on the assassination, was asked to speak to Hudkins about the rumor and that Jaworski reported to Warren Commission lawyers that there was nothing to it. Hudkins says Jaworski never spoke to him about the rumor, and Jaworski says he never spoke "to anyone named Alonzo Hudkins."

"I did suggest to Rankin [J. Lee Rankin, Warren Commission general counsel] that a thorough check-out had to be wale of the Oswald-fbi rumors," says Jaworski. "We did make this and we made it independently of the fbi. We made a thorough of it in Texas, and I came to the conclusion that there we although and so reported to the Commission staff."

Epstein's statement that the Commission did not if FBI-Oswald rumors by hearing witnesses outside the FBI his statement that the staff made "no efforts" to investig is challenged by two staff lawyers who worked on the as by Leon Jaworski. Also, as the Warren Report an independent review of FBI files on the Oswaldid not rely solely on the word of Hoover and his says that "nowhere" in the Warren Report is the

allegation. If he means the specific rumor credit correct, but his implication is wrong. The Report alleged role as a secret FBI agent on pages 326 said in an interview that he never saw a Secret ? Hudkins on the source of the rumor, but only a quotation from the report in a file supplied him by Wesley Liebeled

Epstein contends that the Commission sho kins and Sweatt as witnesses. This is fair criticism of the Commission's methods. It is also fair criticism of Epstein's methods, to say that he, . Epstein, should have interviewed Hudkins, Sweatt and Jaworski as

that proved politically appealing is quite a leap for an academician. Writes Epstein: "If the FBI's statements are accurate, it would ti be appear that the autopsy findings were revised some time subsequent to January 13, 1964." But those intimately connected with the situad sition say the FBI reports were not accurate. And, to adopt Epstein's own guarded style of exposition, if they were inaccurate, then a central

pillar of Epstein's thesis collapses. Epstein's book does reveal much that is significantly new: fights within the staff, disputes over selection of evidence for the Report, and a Commission "battle of the adjectives" over how to describe the Comredamission's controversial conclusion that a single bullet probably hit both President Kennedy and Governor Connally, a conclusion that

Connally himself strongly doubted.

Epstein measured the seven commissioners' attendance at the hearings and found much absenteeism. He says the attendance ranged from a low of about six percent for Sen. Richard B. Russell (Dem., and 6a.) to a high of about 71 percent for Allen W. Dulles, the former Central Intelligence Agency director. Only three commissioners heard more than half the testimony, Epstein calculates. This highlights a possible major flaw in establishment of the Commission. President Johnson selected very busy men whose national reputations would lend credence to eventual Commission findings. Seven men of lesser prominence, but fewer conflicting interests, undoubtedly would have bent a more attentive ear to the testimony. A similar complaint can be lodged against some of the senior counsel named to the staff. They sq were too busy with their own affairs.

It is when Epstein deals with the thrust of the evidence-and concludes that the Commission never thoroughly examined the possibility that Oswald was not the lone assassin-that his own methods and our thoroughness stir deep doubts. Even a brief ten-day scrutiny of Epstein's book discloses, in addition to the instances cited above, six other critical areas where Epstein's reasoning runs shallow-either because of dubious selection of testimony to buttress an assumption or because of failure to pursue unresolved questions via available witnesses. In short, Epstein, author of the reputed scholarly critique of the Warren Commission, is guilty of the very lapses for which he indicts the Warren Commission. The Commission's general counsel, J. Lee Rankin, now corporation counsel of New York City, says: "This book is full of distortions."

But it is doubtful that flashing a caution light on Epstein's book will have much effect in staying the new clamor over the Warren Commission. Already, in a mighty prepublication blast, Mark Lane says he will deal with the same FBI autopsy report, and he diclares the report "devastates the Commission's conclusions that all of the shots

As yet undisclosed facts may perhaps demolish the Commission's findings someday. But the man who discovers them will have to demore than weave his tortured way through the Report, its 26 volumes of testimony and exhibits, and the thousands of attendar a documents. As Allen Dulles said to Look recently: "If they've found another assassin, let them name names and produce their evidence." END