

LETTERS TO THE TIMES

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# Justice Mosk Disputes Favorable Review of Book on Warren Report

Robert Kirsch, whose book reviews are generally penetrating, completely missed the mark in his recent glowing review of "Inquest," a book in which a young man named Jay Epstein disparages the work of the Warren Commission.

A superficial reading of that book might lead one to believe that it is indeed a work of scholarship. But those who have carefully examined "Inquest" and the Warren Commission Report have concluded otherwise.

Thus Fletcher Knebel, in a recent article, states, "Then I started to check some of Epstein's statements . . . and I soon became convinced that Epstein was guilty of the very sins of which he accused the Warren Commission: distortion, ignoring testimony, sifting the evidence and adroitly selecting it to fit his theories and assumptions. At the worst, Epstein has written a dangerously deceptive book. At the best, he is guilty of precisely what he lays at the door of the Warren Commission—a 'superficial' investigation." Knebel then accurately documents his conclusion.

Moreover, many of the staff members upon whom Epstein allegedly relies have described the book as inaccurate and full of distortions. Apparently Epstein, unlike the true scholar, failed to check his quotes with those whom he interviewed.

For some strange reason, Kirsch creates his own myth about the Warren Commission Report by urging "the release of the complete transcript of the interrogation of Oswald up to the time of his death." Had Kirsch carefully read the report and the supporting volumes of testimony and exhibits he would have realized that all records of Oswald's interrogations were in fact published in full. (See Appendix XI and various Commission exhibits. As the report points out, no stenographic or tape recordings of the interrogation were made. Unfortunately, the practice in many police departments, including Dallas, is not to make a recording unless the suspect shows an inclination to confess.)

In sum, before endorsing the work of a critic of the Warren Commission, Kirsch should have determined the book's merit by weighing its assertions against the Report itself. If he had done so, as either a scholar or a journalist, he would have concluded "Inquest" is a superficial and inaccurate thesis. Epstein, instead of getting a master's degree for his product, should go to the foot of

his class.

STANLEY MOSK,  
Associate Justice,  
Supreme Court of California.

## Kirsch Replies

I'll stand on the review as an accurate reflection of the work.

Justice Mosk's citation of Fletcher Knebel is surprising since the Look article in which the quotation appeared does not begin to support Knebel's claims.

First, Knebel ignores the major thesis of the book, the examination of "the public truth" theory.

Second, he ignores the strongest questions raised, including the evidence of the Zapruder film. In the example he gives, regarding the witness, Rowland, which incidentally is one of the minor points in the book, Knebel fails to give Mrs. Rowland's entire quote.

It would have been more to the point of Epstein's book, had Justice Mosk quoted someone like Paul Freese, who in a symposium in the New York University Law Review, May, 1965, addresses himself to the crucial point, the Commission's impeachment of potential witnesses. He writes on page 447: "The Commission in handling Mrs. Rowland, betrayed a desire to discredit her husband rather than confront the implications of his testimony." Freese, incidentally, supports the Commission findings.

As to the final point of Justice Mosk's letter: I direct him to Appendix XI, page 636, which is a photocopy of Postal Inspector H. D. Holmes' "Memorandum of Interview." Holmes was present during much of the interrogation of Oswald. He writes:

"Capt. Fritz then asked him about the I.D. card he (Oswald) had in his pocket bearing such a name and he flared up and stated 'I've told you all I'm going to about that card. You took notes, just read them for yourself, if you want to refresh your memory.'"

So much for my mythmaking. I did, indeed, check Epstein's work against the 26-volume report.

It is significant that when Postal Inspector Holmes testified before the Commission, he was not asked about this item on note-taking during the Oswald interrogations. Notes were taken. I would be surprised if they were not in a case of this magnitude. They should have been made directly available.

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Times Book Editor.