

Esquire

A Critique of The Warren Report

by Dwight Macdonald

No heroes and no style, but the American anti-Iliad has epic scope (912 pages) and more facts than you, or the authors, could digest: consider now what they add up to—about Oswald, about law, about truth, about America

Report Of
The President's Commission On The Assassination Of President John F. Kennedy, United States Government Printing Office, 912 pages, \$3.25, cloth.

This big handsome volume, with the Presidential Great Seal stamped in gold on its dark-blue cover, is in many ways the best book value in years. The sturdy, well-sewn binding and tough paper stand up to hard use, such as in writing this review, like English leather goods. The typeface, used in all G.P.O. publications, is clear and workmanlike, as legible as it is homely. The G.P.O. has never aspired to beauty, unless good materials and utility be considered so, but it still maintains the old standards of book manufacturing that have been abandoned by our commercial publishers. Their books look sleazy and flashy alongside this product of old-fashioned craftsmanship in its Quakerishly sober garb—it doesn't even have a dust jacket and its typographical layout, if it can be said to have any, must have been established once for all by some long-forgotten Government Printer in a frock coat and wing collar. James Agee once told me that he had tried, vainly, to persuade the publisher of *Let Us Now Praise Famous Men* to print and bind it in the G.P.O. standard style, like a report on soil erosion. I scoffed then about inverse preciousity, but now, after weeks of close contact with this admirable product of the G.P.O., I think Agee had a point.

And inside those austere covers what riches, heaped up with the disorderly profusion of treasures in a bandit's cave, or the layout of *The New York Times*! It takes a bit of sorting, but the raw materials are here for the best detective story since *The Sign of Four*; all that patient sleuthing (Oswald's day-by-day, sometimes hour-by-hour movements at crucial periods are reconstructed), all those clues and false leads, and—a gold mine of savvy for future detective-story writers—all that precise information on such interesting topics as paraffin tests (not reliable), polygraphic "lie-detector" tests (ditto), the telltale microscopic structure of a hair, a bit of paper, a few strands of cloth fiber, and, most fascinating of

all, the techniques of identifying bullets, cartridges, palm prints (Agatha Christie never told me they were as revealing as fingerprints), handwriting and photographs (which, I was also surprised to learn, can be traced to the camera that took them as definitely as bullets can be related to a gun). What happens when a test bullet is fired into a skull (filled with gelatin in lieu of brains) is also described, perhaps a little too graphically. There is enough data on the lives of those two strange, depressing and very American personalities, Jack Ruby (27 pages) and Lee Harvey Oswald (201 pages), for a novel and no doubt some main-chance fictioneer is now writing it. But these densely factual pages are of most interest to the student of American society. They tell him a great deal, perhaps more than he wants to know.

The Warren Report is an American-style Iliad, i.e., an anti-Iliad that retells great and terrible events in limping prose instead of winged poetry. And what prose! The lawyer's drone, the clotted chunks of expert testimony, the turgidities of officialesse, the bureaucrat's smooth-worn evasions. For the Homeric simile, Research; for the epic surge and thunder, the crepitating clutter of Fact.

But Achilles, gathering the fury upon him, sprang on the Trojans / with a ghastly cry, and the first of them he killed was Iphition. . . . / Great Achilles struck him with the spear as he came in fury / in the middle of the head, and all the head broke into two pieces. / He fell, thunderously.

At 12:30 p.m., Central Standard Time, as the President's open limousine proceeded at approximately eleven miles per hour along Elm Street toward the Triple Underpass, shots fired from a rifle mortally wounded President Kennedy and seriously injured Governor Connally. One bullet passed through the President's neck; a subsequent bullet, which was lethal, shattered the right side of his skull. Governor Connally sustained bullet wounds in his back, the right side of his chest, right wrist, and left thigh.

The heroes of our anti-epic are not Hector and Lysander "and such great names as these," not Diomedes, Agamemnon, Sarpedon, Menelaus, not even Patroclus. They are that quintessence of the

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anti-hero, Lee Harvey Oswald, resentful underdog trying to give meaning to his failed life by elbowing his way into History; Jack Ruby, hero-worshiper of cops and Presidents, who killed Oswald to avenge Jackie and the kids; Judge Joe Brown who presided over Ruby's trial chewing tobacco and occasionally leafing through magazines on the bench; Police Chief Curry who led the fatal motorcade and whose appetite for publicity made his headquarters a televised chaos which Ruby easily penetrated in his mission of vengeance; District Attorney Wade who tried and convicted "the suspect" on TV during Oswald's miraculous survival for almost two days in the custody of the Dallas cops; J. Edgar Hoover, whose G-men had efficiently kept Oswald "under surveillance" as a defector to the U.S.S.R. and a pro-Castro agitator, but who neglected to tell the Secret Service about it, and whose response to a reproof in the Report was "Monday-morning quarterbacking," accurate but somehow inadequate. Not that there weren't epic parallels, of a sort. Chief Curry, or D.A. Wade, will do as Ajax, Shakespeare's Ajax. Nor is the Commission's Chairman, Chief Justice Warren, badly cast as Nestor: honorable, respected, but a little slow, perhaps more the Polonius type. Pretty as she is, Marina Oswald isn't quite up to Helen; Cressida maybe. The one hero who is definitely missing, among the authors of the Report, alas, as well as among the unheroes they celebrate, is that man of many counsels, the clever Odysseus.

But the greatest hero of all, oddly, is here. The late President Kennedy will more than do for Achilles, strong and handsome and all-conquering (except for the House Rules Committee), a prince among men. But his Myrmidons, the scores of Secret Service agents whose job it was to protect him, were in the American style: "Under established procedure, [they] had instructions to watch the route for signs of trouble, scanning not only the crowds but the roofs and windows of buildings"—except, it seems, the sixth floor of the Texas School Book Depository. Somehow the established procedure didn't quite work out and the President got killed. Achilles' Myrmidons did better, but then they were Greeks.

However, the Warren Commission did not undertake its enormous labors in order to write an Iliad or to provide material for novelists or detective-story addicts or students of American society. "The President directed the Commission to evaluate all the facts and circumstances surrounding the assassination and the subsequent killing of the alleged assassin," states the Foreword, which later comes to the real point: "Because of the numerous rumors and theories, the Commission concluded that the public interest . . . could not be met by merely accepting the reports or the analyses . . . [of the F.B.I., the Secret Service and the Dallas police, etc.]. Not only were the premises and conclusions of those reports critically reassessed, but all assertions or rumors relating to a possible conspiracy . . . which have come to the attention of the Commission, were investigated."

The Commission's task was one of exorcism, to lay to rest once for all those "numerous rumors and theories" that flittered and chattered in the twilight of those two strange days in Dallas, a twilight rendered even murkier by the incompetence of the local authorities. As is well known, and not surprising, Europeans generally assumed that Oswald and Ruby could not have achieved their murders all by themselves and for personal—and irrational—motives; nor could they believe that the confusion in the Dallas Police Headquarters and the many contradictory statements that issued from that Bedlam were evidence of bungling rather than of conspiracy. Their own police forces are more professional, more "sérieux," as the French say. And their assassinations have typically been the work of conspiratorial groups, with clear political aims. But of the seven previous attempts on the lives of our Presidents, successful (Lincoln, Garfield, McKinley) and unsuccessful (Jackson, the two Roosevelts, Truman), five have been the work of solitary cranks of dubious mental balance, one (Lincoln) of a political conspiracy, but limited to half-a-dozen fanatics acting on their own; and only one (Truman) in the European style—it's significant that the party behind it was Puerto Rican and not American.

It is surprising, however, and not so well known that the American public also seems to have had doubts as to Oswald's being a lone killer. A Gallup poll shortly after the assassination found that only twenty-nine percent thought Oswald had acted alone, while fifty-two percent thought "some group or element" was also involved. What group precisely was rarely specified for then as now there was a complete blank on the most modest kind of evidence

connecting the two killers to any accomplices. Still the fact was that a bare majority of Americans and a decisive majority of Europeans thought there was something fishy about the case and that the authorities ("they") had either overlooked or were covering up some kind of political conspiracy. So on November 29, 1963, President Johnson appointed the Commission whose Report was issued ten months later.

Its most striking aspect is the quantitative. The 912 pages are distilled from some 25,000 interviews and re-interviews by the F.B.I. which were submitted to the Commission in 25,400 pages of reports plus 1,550 interviews by the Secret Service (4,600 pages) plus the testimony of 552 witnesses, 94 of whom appeared before the Commission while the rest were questioned by the Commission's legal staff or submitted sworn affidavits. There were two unsworn statements, those of Mr. and Mrs. Lyndon B. Johnson, Peking papers please copy. Eight weeks after the Report, the Commission published the complete testimony of its 552 witnesses in 15 volumes plus 11 volumes containing photographs of 3,154 Exhibits ranging from President Kennedy's coat and shirt (the rips in the coat made by the frantic doctors and the great patches of bloodstains that blot out the shirt's jaunty stripes were, for me, more moving and horrible than anything in the testimony, even Jackie's narrative) to the Complete Works of Lee Harvey Oswald (every scrap of paper covered with his wretched handwriting and even worse spelling seems to be preserved here for history) and snapshots from his family album ("Me and Marina with Uncle Vasily and Aunt Lubova," also known as Exhibit 2623) and Jack Ruby's (Exhibit 5300-A: "Me and Two of the Girls in front of My Nightclub").

The efficiency with which the data were distributed was also impressive. The purchaser of The New York Times on September 28th, the day after the Report was released, got for his ten cents the normal paper plus a 48-page section which printed the full text of the Report and generous selections (13 pages) from the Appendices. Those with a dollar to spend could shortly buy a Bantam paperback of the Report plus all the Appendices. "The first printing for 700,000 copies of this 800-page edition . . . has been made available just eighty hours after President Lyndon B. Johnson released it," Bantam crows. "This establishes a new milestone in book publishing. A force of over 150 skilled men and women . . . accomplished this gigantic task by working in eight-hour shifts around the clock."

It's all very American: the collection of data on the scale of an industrial operation followed at once by their democratic dissemination—a price range from the Times' ten cents to the \$76 the G.P.O. charges for its 26 volumes of complete testimony and exhibits. Nothing up our sleeves, you see, the Establishment tells the Unestablished, we just want you to have All The Facts so that you can make up your minds intelligently. There is some cant in this line but also some political health. "It's fantastic, really absurd to publish the complete record of such a delicate investigation," a French journalist said to me recently. "Can you imagine it happening in Russia?" I couldn't (nor in France), but what makes this somewhat grudging tribute notable is that it came from a writer who has made an intensive study of the Dallas mysteries and who doesn't think the Warren Report clears them up. "My politics are simple," he added. "I don't like to be considered an idiot. So I'm against the Report because Mr. Earl Warren must consider me an idiot." His contempt for the Report is almost as great as his contempt for some of its critics, notably such mongers of conspiracy theories as Joachim Joesten (*Oswald: Assassin or Fall Guy?*, Marzani & Munsell, \$3.95) and Thomas G. Buchanan (*Who Killed Kennedy?*, G. P. Putnam's Sons, \$4.95).

Our heroes, and our villains, have often used this factual, pragmatic approach, so congenial to the national temperament: the early muckrakers like Lincoln Steffens (*The Shame of the Cities*) and Ida Tarbell (*The History of the Standard Oil Company*); Brandeis' invention of the "sociological brief" with which in 1908 he successfully defended before the Supreme Court the Oregon ten-hour law, substituting socioeconomic data for legal reasoning on the grounds that "There is no logic that is properly applicable to these laws except the logic of facts," a proposition dubious philosophically, since facts have no logic, but effective practically—Constitutional law was never the same again; Al Smith's rasping battle cry when he was the reform governor of New York, "Let's look at the record!"; the late Senator McCarthy's exploitation of Facts ("I hold in my hand a

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letter dated . . .") which later proved to be non-Facts—the letter sometimes was a blank sheet of paper—or even anti-Facts, or lies; the mountains of Facts, sometimes surpassing even the Warren Commission's hoard, accumulated by the great Congressional investigations from the Pujos Committee's hearings on the "Money Trust" in 1913 down to the late Senator Kefauver's patient, masterly investigation of monopolistic business practices. Vice-President Nixon summed up the American attitude when he cried out, incredulously, to a mob of Peruvian students who were stoning him: "But don't you want to hear facts?" The rocks continued to fly.

So now we have the Warren Commissioners, neither heroes nor villains, putting their trust in a saturation barrage of factual ammunition. Now Facts are all very well but they have their little weaknesses. Americans often assume that Facts are solid, concrete (and discrete) objects like marbles, but they are very much not. Rather are they subtle essences, full of mystery and metaphysics, that change their color and shape, their meaning, according to the context in which they are presented. They must always be treated with skepticism, and the standard of judgment should be not how many Facts one can mobilize in support of a position but how skillfully one discriminates between them, how objectively one uses them to arrive at Truth, which is something different from, though not unrelated to, the Facts.

Another aspect of Facts is that there can be too many of them. This the Warren Commissioners don't seem to understand, perhaps because they are representative Americans. A great defect of their Report, whether it be considered as literature or as argumentation, is an undiscriminating and omnivorous inclusiveness. The kitchen stove is omitted, but not the Facts, recorded on page 670 at the taxpayers' expense, that the New Orleans house Mother Oswald bought in 1941 (a) cost \$1,300, (b) was located at 1010 Bartholomew Street and not at 1011 or 1009, (c) had a backyard, and (d) was in a neighborhood that, "according to John's recollection . . . was not as pleasant as Alvar Street." It is also recorded that in this period "the family kept a dog named 'Sunshine.'"

In Edgar Allan Poe's *The Purloined Letter*, a blackmailer steals a letter and hides it in his house; the Paris police spend weeks systematically going over every room and its contents with probes, microscopes, etc., but fail to find it; Poe's Dupin, first and greatest of fictional detectives, reasons that the blackmailer, a clever man, would have anticipated such a search and would have decided the best way to hide the letter was not to; Dupin finds it in plain sight, thrust with ostentatious carelessness into a cheap card rack "dangling by a dirty blue ribbon" from the study mantelpiece. Americans have a similar technique for concealing by revealing: we publish so much accurate information that only the most acute and diligent reader can find the needle of Truth in the haystack of Facts. The plethora of unedited Facts in the news columns of *The New York Times* are an example. Of our sociological studies, impenetrably thick with tables, case histories and masses of dispensable data. Or the Warren Report. I don't for a moment imply that these respectable editors, scholars and Commissioners intend to conceal anything. Merely that this is the effect of their labors.

For instance, the Report has twelve pages on Oswald's trip to Mexico two months before the assassination and his unsuccessful efforts to get travel visas at the Cuban and Soviet embassies: a crucial point, and the Commission's patient sleuthing establishes to my satisfaction that while Oswald was full of conspiratorial zeal, he failed to infect the Cuban and Russian embassies with it so signally that neither gave him a visa, while the Cubans threw him out. But it could have been done in half the space had they left out the kind of research trivia—minifacts—one finds on page 305, as: "A hotel guest stated that on one occasion he sat down at a table with Oswald at the restaurant because no empty tables were available [they explain everything] but that neither spoke to the other because of the language barrier." The Commission has gone Sherlock Holmes' dog-that-didn't-bark-in-the-night one better, or worse: *their* dog not only didn't bark but also had no significance. Or: "Investigation of the hotel at which Oswald stayed has failed to uncover any evidence that the hotel is unusual in any way that could relate to Oswald's visit." The hotel didn't bark either. Or: "Oswald's notebook which he carried with him to Mexico City contained the telephone number of the Cuban Airlines Office in Mexico City." Aha! But then not aha: "however . . . a confidential check of the Cuban Airlines Office

uncovered no evidence that Oswald visited their offices while in the city." There is also quite a lot on one Albert Osborne, "an elderly itinerant preacher," whom, "two Australian girls" said, Oswald had sat next to on the bus to Mexico City but who denied it; however, "Osborne's responses to Federal investigators on matters unrelated to Oswald have proved inconsistent and unreliable," so "the Commission has attached no credence to his denial"; however-however, or however squared, "to the other passengers on the bus it appeared that Osborne and Oswald had not previously met," and "extensive investigation" revealed no more Oswald-Osborne meetings, and so, after "investigation of his [Osborne's] background and activities," the Commission found "no basis for suspecting him of any involvement in the assassination." So much, and too much, for the Reverend Osborne. On turning the page, groggily, one is confronted with a full-page map of "Lee Harvey Oswald's Movements in Mexico City" (where nothing happened), with eight Points of Interest labeled, beginning with: "Bus terminal of Flecha Roja bus line, Calle Heroes Ferrocarrileros No. 45." Just what one wanted to know.

The Commissioners seem to have a thing about buses. Although I realize that in selecting Exhibits it is better to err on the inclusive side since what may seem trivial may later turn out to be important—since Facts take on meaning only from the context, and the right context may not have occurred to anybody at the time the Exhibits, or Facts, were chosen—still, leafing through those eleven volumes left me with the feeling that no remotely conceivable context could give significance to many of the Exhibits. Nos. 372 through 380, for example, are devoted to a Dreiserian brooding on the intimate details of the bus that Oswald took after the assassination. In No. 373 we get "Diagram of Cecil McWatters' bus," in 375 "Photograph of a side view of Cecil McWatters' bus," in 379 "Photograph of the interior of Cecil McWatters' bus, taken from the rear," which is logically enough followed by 380 ("Photograph of the interior of Cecil McWatters' bus taken from the front"). We also are able to decide for ourselves—nothing up the sleeves, you see—by inspection of No. 372 ("Sample of punchmarks made by Cecil McWatters' punch") whether Cecil McWatters, practically a family friend by now, did or did not punch the transfer that the Dallas police found in Oswald's pocket. Personally, I'm convinced he did.

The structure of the Report may be described cinematically. The first chapter is an "establishing" long shot which summarizes the events and the conclusions the Commission has drawn from them: that Oswald all by himself killed President Kennedy and Officer Tippit, that Ruby all by himself killed Oswald, and that there was no conspiracy. In the seven remaining chapters the camera moves in closer, to middle-distance shots, at first narrative (II: The Assassination; III: The Shots From the Texas School Book Depository; IV: The Assassin; V: Detention and Death of Oswald) and then expository (VI: Investigation of Possible Conspiracy; VII: Lee Harvey Oswald: Background and Possible Motives; VIII: The Protection of the President). The latter half of the volume consists of eighteen Appendices which are mostly close-ups of areas we have already seen at a distance: medical reports; identification of guns, bullets, cartridges, handwriting, etc.; a Brief History of Presidential Protection, etc. The most interesting of these close-ups are Appendices XI, XIV, and XV.

XIV ("Analysis of Lee Harvey Oswald's Finances from June 13, 1962, through November 22, 1963") gives monthly tables of Oswald's income and expenditures. Assuming it's on the level—faking would have been almost as difficult as digging out the real figures, I should think, and also quite dangerous—Appendix XIV disposes of at least one of the "rumors and theories": that Oswald was maintained by subsidies from the Cubans, the Russians, the Chinese, the F.B.I., or the C.I.A. The tables show that Oswald didn't earn much, but that he spent even less.

Appendix XV, on "transactions" between Oswald and the Department of State and the Immigration authorities, explains why the Kremlin let Marina out (under Stalin, Russian wives of foreigners were almost never permitted to emigrate, but the policy was liberalized under Khrushchev) and why the State Department gave Oswald a new passport and a travel loan of \$435.71, although when he had defected he had tried to renounce his American citizenship and become a Soviet citizen. He failed in both attempts: in the former because, characteristically, he messed up the complicated procedure—it's not as easy as one might think to resign from the

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U.S.A.; in the latter because the Russian authorities were understandably leery of him. After thinking it over for half a year, the State Department decided that, since he had failed to denationalize himself, he was still a citizen and his passport must be renewed. The travel loan was routine; almost any American stranded abroad without funds can get one, it seems. Oswald paid it back—in conscientious installments of \$9.71 up—before he shot the President.

Appendix XI is 38 pages of photostats of reports by Captain Fritz of the Dallas police, F.B.I. agents Hosty, Bookhout and Clements, Inspector Kelly of the Secret Service, and Postal Inspector Holmes on the interrogations of Oswald. Why Inspector Holmes was included is not explained—that Oswald rented post-office boxes under a false name seems the only connection—but it was fortunate because his account is the most intelligent, with Inspector Kelly second, Captain Fritz third and the F.B.I. agents in the awkward squad. Captain Fritz's opacity is more personal than official and so his report gives us a few glimpses of reality. But Messrs. Hosty and Bookhout are professionally stupid; their thinking has become so bureaucratized that it excludes unofficial reality, i.e., real reality. In their report Oswald doesn't say, he admits. When "he admitted . . . to having resided in the Soviet Union for three years" is shortly followed by "Oswald admitted to having received an award for marksmanship while a member of the U.S. Marine Corps," one begins to wonder about this "Marine Corps" and its so-called "marksmanship awards." Maybe some kind of cover?

But the quality of these reports isn't the point. The best of them add little to what we already knew, but Oswald was an uncooperative witness, either clammng up or recklessly lying whenever the questions brought up hard evidence tying him to the assassination, and perhaps here we have all the meat there was in the approximately twelve hours of interrogations. What is appalling, unbelievable, is that these reports, written later in part from memory, in some cases days later, are all we shall ever know. There was no stenographer or tape recorder. The Dallas police are capable of anything, but I cannot explain why the F.B.I. and Secret Service agents present didn't think of making a record. Were they as inept as the cops? Did they, too, fail to recognize this was a fairly important murder case, and that a transcript of those nearly twelve hours of questioning might be worth some trouble and expense? The Report offers no explanation or criticism, seems unaware of any problem. In my much too cursory looking through the complete testimony, which was not published until I was in the final stages of this article, I ran across the following:

Mr. Ball: Did you have any tape recorder?

Captain Fritz: No, sir. . . . We need one, if we had one at this time we could have handled these conversations far better.

Mr. Ball: The Dallas Police Department doesn't have one?

Captain Fritz: No, sir; I have requested one several times but so far they haven't gotten me one.

Mr. Ball didn't ask the obvious next question, "Why didn't you or somebody think of renting or borrowing one?" The subject was simply dropped. I conclude that the Commission drew back from a line of inquiry that would have discredited the Dallas cops and, more important, the F.B.I. and the Secret Service. And I'm sorry to say this is not the only time such a conclusion may be drawn from the Warren Report.

Judging the Report as a literary work, I find the style and the form are not well calculated to produce the desired effect on the reader, i.e., that he is getting at last the definitive account, complete and objective, of what happened in Dallas. What was wanted was a tightly organized presentation of the "hard" evidence (ballistic and other identification tests, dates and places and documents) plus a tough-minded evaluation of the "soft" evidence, mostly eyewitness testimony, which would not try to conceal or explain away places where it contradicted whatever general theory the Commission had formed. (It was proper, indeed necessary, that it should have such a theory since it couldn't have made sense out of the facts without some hypothesis providing a provisional context to which they could be related; but when a fact collides with a theory, it is the latter that should be altered.) Something like the early Sherlock Holmes. Or that laconic, understated, and deadly clear work two young English booksellers, John Carter and Graham Pollard, published in 1934 which concealed under its demurely drab title, *An Enquiry into the Nature of Certain Nineteenth Century Pamphlets,*

a cargo of high-explosive research that blew up the reputation of Thomas J. Wise, the highly respected "dean of English bibliographers," exposing him as the fabricator and marketer, in his youth, of some fifty bogus first editions.

No, this is not what the Warren Report gives us. Its prose is at best workmanlike but too often turgidly legalistic or pompously official. It obscures the strong points of its case, and many are very strong, under a midden-heap of inessential facts of which I've given samples above. Its tone is that of the advocate, smoothing away or sidestepping objections to his "case," rather than the impartial judge or the researcher welcoming all data with detached curiosity. Its structure is clumsy, confused and repetitious. Oswald's biography, for example, is scattered in three places.

Chapter VI ("Investigation of Possible Conspiracy") has 79 pages of it under the subheading, "Background of Lee Harvey Oswald," which is at once followed by the 50 pages of Chapter VII bearing an almost identical title, "Lee Harvey Oswald: Background and Possible Motives," and finally the 72 pages of Appendix XIII: "Biography of Lee Harvey Oswald." Why this obsessive returning to Oswald, why the disproportionate space devoted to him—almost a fourth of the Report? The Commissioners build in a Romanesque style that seems needlessly massive, but their Oswald buttress is so thick as to suggest to the cynical that the builders may have felt their fabric was weakest at that point.

These defects don't necessarily invalidate the Report's conclusions: a sound theory may be poorly presented, a prejudiced judge may arrive at a correct decision. The publicists who have insisted that Oswald was framed or was part of a conspiracy naturally give sinister explanations of the Report's one-sidedness. The most informed and rational of them is Leo Sauvage, the American correspondent of the Paris daily, *Le Figaro*, whose book on the assassination Les Editions de Minuit is about to publish. He is the only one I know of who doesn't have a large, left-handed political ax to grind. On a very different level are the books of Mr. Buchanan and Mr. Joesten, or the articles and speeches of the New York lawyer and politician, Mark Lane, who, like them, expounds the conspiracy thesis far less reasonably and far more tendentiously than the Warren Report argues the opposite case. Or Bertrand Russell, who, according to I. F. Stone, calls it the American Dreyfus Case, with Lane cast as Zola, and has smeared the Warren Commissioners with such charges as that Congressman Ford of Michigan was "a leader of his local Goldwater movement" when in fact Mr. Ford nominated Romney at the Republican Convention in the hope of stopping Goldwater. "Demonology," Mr. Stone, hardly a supporter of The Establishment, calls it in the October 6 issue of his newsletter. These dehard would've been convinced by the Warren Report if Jehovah had descended in Person and had the Recording Angel engrave it on tablets of stone before their eyes. They often refer to Murray Kempton's article in the October 10th *New Republic*, which is indeed much the best evaluation I've seen, and especially to his conclusion, with which I agree, that it is essentially a brief for the prosecution. But they seldom quote the full sentence: "In sum, he [Earl Warren] has given us an immense and almost indisputable statement for the prosecution." ("Almost indisputable" seems to me just right.) Nor do they say much about an earlier sentence: "It is hard to believe [after reading the Report] that Oswald did not kill John F. Kennedy, and that he did not act alone."

Partisanship does infect the Report, however, and it won't do to pretend otherwise. In two ways. *The Prosecutor's Brief*: accepting or rejecting testimony according to how it fits into what the Commissioners want to prove. And *The Establishment Syndrome*: the reflexive instinct of people in office to trust other officials more than outsiders, and to gloss over their mistakes.

Mr. Kempton has noted the Report's tendency to "tidy up its case with evidence that is not evidence . . . to convince the unpersuaded by the desperate sort of carpentry which trims every piece to make it neat, even though the whole is untidy." He gives two examples: the escalation of Howard Brennan's distant glimpse of a man firing a rifle from a sixth-floor window of the School Book Depository into a "positive identification" of Oswald, although all he could tell the police at the time was that the man was white, slim, and in his early thirties, and although when he first saw Oswald in the police lineup, Brennan would only say he might be the man. Later he

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became positive, explaining that on that wild first day he had feared it was a Communist conspiracy whose agents might kill him and his family if he had identified Oswald. Could be, could be but there's no could-be about the fact that, as Kempton observes, "The case against Oswald badly needs an unimpeachable eyewitness." His other instance is the Report's claim that Oswald's firing three accurate rounds in under eight seconds was not fantastic luck but quite expectable, although his marksmanship record in the Marines was mediocre, and although three crack shots, firing at a moving target at the same angle and distance, didn't do much better, and sometimes worse, than Oswald had.

There are other examples of *The Prosecutor's Brief* and/or *The Establishment Syndrome*. To cite a few:

The murder of Officer Tippit is usually considered the weakest link in the chain of evidence against Oswald. The testimony is even more confused and contradictory than in the assassination of the President although (or perhaps because) there were more eyewitnesses, three to the murder itself and seven to the flight of the killer. The Report claims that nine of them "positively identified" Oswald, an exaggeration since some did so after seeing him on TV and others weeks later from photographs. And there were those extraordinary lineups staged by the Dallas police. A taxi driver, William Whaley, for example, made a "positive identification" of Oswald as having taken his cab right after the assassination. "You could have picked him out without identifying him," he told the Commission, "by just listening to him, because he was bawling out the policeman, telling him it wasn't right to put him in line with these teen-agers [Oswald was twenty-four] and all of that..." The Commission's comments are: (1) Whaley was mistaken about the lineup: he said there were five teen-agers plus Oswald in it but in fact there were only three (which the nonofficial mind might think made it all the worse); (2) "Whaley believes that Oswald's conduct did not aid him in his identification 'because I knew he was the right one as soon as I saw him'"; (3) "The Commission is satisfied that the lineups were conducted fairly."

The Dallas police are let off easy all through the Report—officials of a feather stick together—as its passing over their failure to make a record of Oswald's interrogation; its blandness about their letting their prisoner get killed right in headquarters ("The Abortive Transfer" is the wonderful title it gives that episode); its blaming the press and TV almost as much as Chief Curry for the bedlam in the corridors, which Captain Fritz testified had upset Oswald and made it harder to interrogate him, and which was responsible for enabling Jack Ruby simply to stroll in and shoot Oswald. It's not that the reporters didn't behave badly but that the Report pictures Chief Curry as helpless under their pressure. But of course he could have cleared them out any time he liked. Only he didn't like. As he told the Commission: "I didn't order them out of the building, which if I had to do over I would. In the past, like I say, we had always maintained very good relations with our press, and they had always respected us." His men also cherished "good relations with our press," i.e., publicity, especially on television. Watching the screen those two days I came to expect anybody in uniform, from patrolman to chief, to begin to talk the minute a camera was pointed his way, nor was I surprised to notice that at the moment Ruby darted out with his gun, the tall, ten-gallon-hatted deputy whose wrist was chained to Oswald's, the better to guard him, was looking with a bemused smile in the other direction, where the cameras were.

The three eyewitnesses to the Tippit murder who testified before the Commission were Domingo Benavides, a truck driver, William Scoggins, a taxi driver, and Mrs. Helen Markham, a waitress. They must have been disappointing, though, the Report maintains its usual composure. Benavides said he couldn't make a positive identification; Scoggins did pick Oswald out of "a lineup" of four persons," which sounds like the teen-ager face Whaley had described; also, the lineup was a day later and Scoggins "thought" he had by then seen a picture of Oswald in the newspaper. That left Mrs. Markham, and the Report makes the most of her. Mrs. Markham's testimony is vivid: "He fell to the ground and his cap went a little way out on the street." She is also definite; the trouble is she is differently definite at different times. She first told reporters the killer was short and stocky, with bushy hair; next made a "positive identification" of Oswald, who was slender and thin-haired, at one of those lineups; then was called from New York by Mark Lane

who momentarily elicited her agreement that the killer was "slightly heavy" (but "not too heavy") and that his hair was "uh, yeh, uh, just a little bit bushy, uh-huh"; then testified before the Commission that the man was the slim, non-bushy-haired Oswald and denied she had ever spoken to, or heard of, Mark Lane; then later, when a Commission lawyer played for her a tape recording of the phone call that Mr. Lane, a New York rather than a Dallas type, had presciently made, admitted it was her voice and explained she had thought she was talking to a local cop and so had been confused when she was asked about a call from a New York lawyer. Not the most solid of witnesses, even in the discreet prose of the Report, and much less so in her unexpurgated testimony. At the opening of one session, she is evidently so agitated that Mr. Ball, the Commission's lawyer, tries to soothe her: "Take it easy, this is just—" Mrs. M.: "I am very shook up." Mr. B.: "This is a very little informal conference here." She pulls herself together. "I had come, I come one block, I had come one block from my home," she begins, pinning grammar to the mat on the third fall. But a few more questions reduce her to chaos: "Now you have got me all mixed up on my streets." She is also frightened: "And I was scared, which I was scared of everybody. . . . I don't want to do something wrong." She clings to her identification of Oswald as a lifeline that will save her from everybody except Mr. Lane, who isn't a potterman, let alone a Supreme Court justice. Mr. Lane couldn't judge her on that even when she thought he was a cop. Apropos of her picking Oswald out of the lineup, "I took my time," she tells him proudly, adding, "Of course, I was passing out all the time." A rich character for a novelist, one would think, but an alarming witness. Not at all. She saw what she was supposed to see, and the Report makes a stately bow of appreciation: "Addressing itself solely to the probative value of Mrs. Markham's contemporaneous description of the gunman and her positive identification of Oswald at a police lineup, the Commission considers her testimony reliable." "Probative" is one of its most useful euphemisms: it means the testimony doesn't stand up by itself but with all that other testimony in the same direction, it'll do. Sometimes two or three "probative" cripples seem to be holding each other up—in a probative, or Pickwickian, sense, of course. *The Witnesses*, the Bantam paperback edited by The New York Times, prints extracts from the testimony of 77 witnesses. But nothing from Mrs. Markham. Journalists are sometimes smarter than Commissioners.

Toward those whose testimony doesn't fit, the Commission is less gallant. In his introduction to *The Witnesses*, Anthony Lewis describes Chairman Warren as "a friendly, grandfatherly figure to . . . Marina, but a relentless questioner of other witnesses." Exactly. They can't get enough of Marina's testimony and treat her with a respect—"a brave little woman," their Chairman has described her—that seems to me excessive. She is a far better witness than Oswald's mother, not a high standard, but the Commission's softness toward the wife and hardness toward the mother seem also due to the fact that the former thinks Oswald guilty while the latter doesn't. Marina seems a little too eager to please, as when she told a story of Oswald's planning an attack on Nixon which the Report shows couldn't be true because Nixon wasn't in Texas anywhere near that time. Vice-President Johnson was, however, and when asked whether it might have been he, Marina replied, à la Markham: "Yes, no. I am getting a little confused with so many questions. I was absolutely convinced it was Nixon and now after all these questions I wonder if I am right in my mind." The Commission decided her evidence was "of no probative value."

George and Patricia Nash, of Columbia University's Bureau of Applied Social Research, spent some time in Dallas primarily looking into the Tippit murder and published the results in the October 12, 1964, *New Leader*. They found two eyewitnesses who had not been questioned by the Commission: Acquilla Clemmons, who saw two men near Tippit's car just before the shooting; and Frank Wright, who ran out of his house at the shots—his wife put in the first phone call to the police—and saw a man looking down at Tippit "a while" and then running over to "a grey, little old coupe" and driving off in it. The Nashes, who admire the Report, admit that Miss Clemmons' story was "vague" (as Mrs. Markham's, I wonder?) and that Mr. Wright's man may have been just a passerby (Wright saw no gun) who didn't want to get involved. But Wright's story, which is coherent and detailed and which he is posi- (Continued on page 102)

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It seems clear that the oil companies produce gasoline on a narrow profit margin, the only way the overall price can be substantially cut is to cut the tax. And this can only happen by means of legislative action. ("If you care," the oil companies say, "write a letter to your Congressman.") Failing the unlikely event of legislative tax cuts in the near future, the economic pattern throughout the

gasoline industry is set in a rigid pattern. Taxes have been rising steadily and probably will continue to do so; octane numbers have also been climbing steadily, but probably will not continue to rise much; gasoline retail prices are dropping slightly but steadily; volume is growing, but not in pace with the increase in the number of automobiles. The oil companies all employ a staff of economists. Small wonder. #

A CRITIQUE OF THE WARREN REPORT

(Continued from page 63) tive about ("I saw that man drive off in a grey coupe just as clear as I was born"), was as worth hearing as the ones the Commission did hear on the Tippitt murder. But of course it didn't fit: Oswald couldn't drive a car, and the witnesses who did fit, and were heard, all testified the killer ran away on foot.

The Report states that the man who on the night of April 10, 1963, took a potshot at the ultra-right General Walker in his Dallas home was Oswald. Apart from Marina's story, there is one solid bit of evidence: a note she said Oswald left her before setting out that night giving her instructions about rent, money, disposal of his personal belongings, etc., and ending: "If I am alive and taken prisoner, the city jail is located at . . ." The handwriting was identified as his and, from internal evidence, the date of the note was placed around the time of the attack on Walker. She also gave them photographs of Walker's house that were identified as taken by Oswald's camera. With so much evidence, it is curious the Commission doesn't go very much into the circumstances of the attack, and especially curious it couldn't find room among its 552 witnesses for Kirk Newman, a fourteen-year-old boy who told reporters he had seen "several men jump into an automobile after the shooting and speed away." He may have been mistaken, or perhaps there was an innocent explanation (services were in progress in a church next door), but all we know is that his testimony didn't fit.

Such are some of the defects of the Warren Report. They can be explained as indications either of a deliberate attempt by the Commission to cover up, for reasons *d'état*, a broader conspiracy; or of a professional deformation of intelligence. I believe the first explanation extremely unlikely, for reasons to be considered later, and the second extremely likely.

The trouble with the Warren Report is that it was written by lawyers. All seven of the Commissioners graduated from law school and made their early careers as lawyers. It could hardly have been otherwise: the vast majority of our political and governmental Establishment were trained as lawyers; from the early years of the Republic, much over half our Senators and Congressmen have been lawyers; this is a legal-minded country, at least on its top levels, and while one or two non-lawyers might have been wedged into the Commission had anybody thought about it—and nobody did because legal training is thought of as the normal preparation for public life—a distinguished and representative group of Americans like the Warren Commission was bound to be overweighted with lawyers simply because of their numerical preponderance in our Establishment. Very well. The General

Counsel, J. Lee Rankin, was naturally a lawyer, likewise his fourteen Assistant Counsel. But to a non-lawyer it seems disproportionate that he should have needed no less than fifteen of these Counsel—it's plural, like fish, or sheep—to advise the Commission, all lawyers themselves, on legal points (was that the main question?) while it required only twelve Staff Members to conduct the nonlegal aspects of the Commission's work. However, as the Foreword explains, those fifteen Counsel didn't just advise about libel and torts and the Constitutional aspects of shooting the President and the rights of a dead defendant, if any. They "undertook the work of the Commission with a wealth of legal and investigative experience and a total dedication to the determination of the truth." They did the job, in short. "The Commission has been assisted also by highly qualified personnel from several Federal agencies," namely the Staff, who are thus relegated to the "also-assisted" level. Not that it would have made much difference had the Staff been on top, since seven of the twelve were also lawyers. And of these seven, three were to become law clerks to Justice Warren, Judge Medina, and Justice Matthew Tobriner, and the year before one had been Justice Harlan's law clerk—that is, ambitious young chaps who were not going to step out of the lines drawn by their chiefs. So of the thirty-four persons—Commissioners, Counsel and Staff—who were important enough to get their names in the Report, just five were not lawyers, three being from the Internal Revenue Service and two being "Air Force historians."

A layman might think those four law clerks could have been replaced by, say, a psychiatrist (plenty of his analysis practiced in the Report), over 200 pages on Oswald's twisted life, including a suggestion Marina's rejection of him as a husband the night before the assassination might have been an immediate motive, as it might—but an expert opinion would have been interesting), a detective or two, maybe a political journalist (Lippmann? Reston? Kempton? Rover?) or a real historian, not from the Air Force, who knew something about extremist politics, Left and Right (Richard Hofstadter? C. Vann Woodward? Daniel Bell?). Or Erle Stanley Gardner, less for his detective stories than for his work in *The Court of Last Resort*, just the kind of resourceful defender of the legal underdog that the dead Oswald needed.

The lawyers were in charge, however, twenty-nine to five, and they messed it up. Wits in the capital and Earl Warren "the Washington of the Supreme Court" and certainly this rectitude was as important to the Commission as Washington's was to the infant republic. But, like Washington, his character is as solid as his intellect is not, and the Commission could have done with a Disraeli or a Metternich to supplement Mr. War-

at bankers or even the head of the C.I.A. show this professional deformation. Our "adversary" system works well enough in trials, where a rough balance of truth can be arrived at by the dialectic clash of prosecution and defense, but the Commission faced the unprecedented problem of a defendant who couldn't defend himself, making the "adversary" dialectic impossible. They took the fact-finding-agency-committed-to-truth line, but they seem to have doubted, as well they might, their ability to cleave to it and so, three months after they began their labors, they gave in to outside objections and "in fairness to the alleged assassin and his family . . . requested Walter E. Craig, President of the American Bar Association, to participate in the investigation and to advise the Commission whether in his opinion the proceedings conformed to the basic principles of American Justice." He accepted this vague mandate and carried it out even more vaguely. Although he and his "associates" (names not given) were made free of all data in the Commission's files, plus "opportunity to cross-examine witnesses, to recall any witnesses prior to his appointment" and to suggest new witnesses, they seem to have exercised these privileges sparingly, if at all. There may be traces of Mr. Craig's activity in the complete testimony, though I found none in the interrogations of Mr. Brennan, Mr. Markham, witnesses one would expect to be a cross-examiner's delight. Nor has he left any impress on the Report, whose index doesn't list him. So I suspect this is a lawyer's idea of "making the record" and that, after appointing the fantasmal Craig to watch over Oswald's interests, the Commission felt free, mostly and in a public relations sense, to go to town for the prosecution. The suspicion hardened when I read, "This procedure was agreeable to counsel for Oswald's widow," and remembered that Oswald's widow was a leading witness for the prosecution. Oswald's mother, who insisted he was framed, was the one the procedure should have been agreeable to." But her lawyer, Mark Lane, had asked to be recognized as defense attorney long before Mr. Craig was asked to be. General DeLoach was snubbed by Earl Warren. I sympathize with the Chairman: if Mr. Craig was King Log, Mr. Lane would have been King Stork. He strikes me less as a truth seeker than as a tireless and somewhat demagogic advocate, and I can imagine the publicity circus, the confusion, the waste of time and the expense of money to a client that only an embarrased partisan would have wanted to represent: another Oswald, whose mental processes are even more "shook up" than Mrs. Markham's. Cf. pages 336-340 of *The Witnesses*, in which she accuses the Commission as lawyer for conspiring to assassinate President Kennedy and to frame her son for it. The sky remains clear after Coun-

ness investigating body might well have been a counsel representing such a client. But I think a less lawyer-like Commission could have hit on something between the extremes of Mr. Craig and Mr. Lane: an energetic but responsible Devil's Advocate who would have asked the important questions that were not asked. Erle Stanley Gardner would at least have been an improvement on President Craig of the American Bar Association.

The American legal mind is often subtle and complex, but its "adversary" training pushes it toward an Either/Or solution which treats Facts not as ever-changing pointers toward an ever-changing hypothesis, but as uniformed troops to be strategically massed so as to overwhelm the enemy by sheer numbers. The irony is that a much shorter Report, concentrating on the "hard" evidence instead of relying on great accumulations of often dubious testimony, would have been more effective than the present one because it would have presented a shorter, and stronger, defensive front. But lawyers are always out for total victory—I attribute the Commission's "adversary" bias against Oswald simply to the fact that the prima-facie case against him was so strong. But—another irony—it was just this insistence on total victory that caused the Report to defend every position when it would have been tactically shrewder to abandon the more vulnerable ones. Why not admit that Mrs. Markham was a poor witness, that the Dallas police lineups were absurd, that a record should have been made of the interrogations of Oswald, that Oswald got his 1963 passport through a slipup in the official machinery, etc.? No damage would have been done to the Commission's basic case, the clarity and skepticism would have had less ammunition, and those "rumors and speculations" the Report was intended to exorcise would have been more effectively deflated.

In a Lou Harris poll taken after the publication of the Report, eighty-seven percent of the respondents believed Oswald shot the President, but thirty-one percent still thought he had accomplices that have not yet been discovered. Thus, with a third of the American public—and undoubtedly a larger percentage of Europeans—the Warren Report has not succeeded in its chief object. The ghost of conspiracy still walks.

The ghost may never be laid, if only because so many people have secreted so much information and misinformation about those two days in Dallas, and have developed such elaborate systems of causistry to explain them, that discussions tend to be so inconclusive as those that used to grind on for hours about the symbolism in Bergman movies. But perhaps Lane rescue the Warren Report from its authors. Its shortcomings are serious, sometimes inescapable, but not fatal, because it proves its big point beyond a reasonable doubt—which, by the way, doesn't mean beyond all doubt—name-

who have become judges or politicians or bankers or even the head of the C.I.A. show this professional deformation. Our "adversary" system works well enough in trials, where a rough balance of truth can be arrived at by the dialectic clash of prosecution and defense, but the Commission faced the unprecedented problem of a defendant who couldn't defend himself, making the "adversary" dialectic impossible. They took the fact-finding-agency-committed-to-truth line, but they seem to have doubted, as well they might, their ability to cleave to it and so, three months after they began their labors, they gave in to outside objections and "in fairness to the alleged assassin and his family . . . requested Walter E. Craig, President of the American Bar Association, to participate in the investigation and to advise the Commission whether in his opinion the proceedings conformed to the basic principles of American justice." He accepted this vague mandate and carried it out even more vaguely. Although he and his "associates" (names not given) were made free of all data in the Commission's files, plus "opportunity to cross-examine witnesses, to recall any witnesses prior to his appointment" and to suggest new witnesses, they seem to have exercised these privileges sparingly, if at all. There may be traces of Mr. Craig's activity in the complete testimony, though I found none in the interrogations of Mr. Brennan or Mrs. Markham, witnesses one would expect to be a cross-examiner's delight. Nor has he left any impress on the Report, whose index doesn't list him. So I suspect this is a lawyer's idea of "making the record" and that, after appointing the fantasmal Craig to watch over Oswald's interests, the Commission felt free, morally and in a public-relations sense, to go to town for the prosecution. The suspicion hardened when I read, "This procedure was agreeable to counsel for Oswald's widow," and remembered that Oswald's widow was a leading witness for the prosecution. Oswald's mother, who insisted he was framed, was the one the procedure should have been "agreeable to." But her lawyer, Mark Lane, had asked to be recognized as defense attorney long before Mr. Craig was drafted, and had been decisively snubbed by Earl Warren. I sympathize with the Chairman: if Mr. Craig was King Log, Mr. Lane would have been King Stork. He strikes me less as a truth seeker than as a tireless and somewhat demagogic advocate, and I can imagine the publicity circus, the confusion, the waste of time had he been given status before the Commission as lawyer for a client that only an embattled partisan would have wanted to represent: Mother Oswald, whose mental processes are even more "shook up" than Mrs. Markham's. Cf. pages 336-340 of *The Witnesses*, in which she accuses, out of a clear sky, Marina, Mrs. Paine and two Secret Service agents of conspiring to assassinate President Kennedy and to frame her son for it. The sky remains clear after Coun-

serious investigating body might well draw back from such a counsel representing such a client. But I think a less lawyer-like Commission could have hit on something between the extremes of Mr. Craig and Mr. Lane: an energetic but responsible Devil's Advocate who would have asked the important questions that were not asked. Erle Stanley Gardner would at least have been an improvement on President Craig of the American Bar Association.

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But perhaps I can rescue the Warren Report from its authors. Its shortcomings are serious, sometimes inexcusable, but not fatal, because it proves its big point beyond a reasonable doubt—which, by the way, doesn't mean beyond all doubt—name-

ly that Oswald killed the President and there were no accomplices. It achieves this partly because it has the virtue of its defect: the abundance of data I've objected to as confusing is sometimes, to the patient reader, illuminating. In criticizing the Report's verbosity, one shouldn't forget its many little triumphs in bringing to bear on specific points the facts amassed in 30,000 pages of F.B.I. and Secret Service reports, a lot of man-hour sleuthing. For instance, pages 256-257 show that Oswald paid for his trip to the Soviet Union without help from either the C.I.A. or the Kremlin; page 274 convinces me that his membership in the Belorussian Society of Hunters and Fishermen was not a cover for secret training as a Soviet agent; pages 322-323 trace his movements on September 26-27, 1963, in such detail as to show he couldn't have been in Dallas then and so couldn't have been the man that Mrs. Odio, a Cuban exile, thought she had met as "Leon Oswald" under conspiratorial circumstances.

But the most convincing aspect of the Report is the "hard" evidence:

(1) On March 13, 1963, Klein's Sporting Goods Company in Chicago received a purchase order, with a \$21.46 postal check, for one Mannlicher-Carcano Italian military rifle, Model 91/38, equipped with a Japanese sighting scope. The order was from "A. Hidell," P.O. Box 2915, Dallas, Texas, and the rifle was shipped to that address. ("Hidell" or "Hydell" was Oswald's favorite alias, perhaps because, as Benjamin DeMott suggested in the December 26, 1963, *New York Review of Books*, "Within the soft blur of the name fantasy selves whirled like the blades of a fan: Hydell, Hidell; hide, hell, hideous, idle, idol, Fidel, Hyde, Jekyll.") The application form for Dallas P.O. Box 2915 and the purchase order sent to Klein's were both identified, by two "questioned document experts" from the F.B.I. and the Treasury Department, as in Oswald's handwriting.

(2) A Mannlicher-Carcano Italian military rifle was found shortly after the shooting on the sixth floor of the Texas School Book Depository, where Oswald worked and where fellow workers have placed him on the morning of the assassination. Its barrel was stamped with the serial number C2766, which was the number of the rifle sent to "A. Hidell," Box 2915, Dallas, according to Klein's records. The Italian armed-forces intelligence stated that "this particular rifle was the only rifle of its type bearing the number C2766." On the underside of the barrel a palm print was found which was identified as Oswald's by Sebastian Latona, of the "Latent Fingerprint" division of the F.B.I. No other prints were found on the rifle.

(3) One whole bullet and fragments of other bullets were recovered from the car in which the President was riding and the stretcher on which Governor Connally was carried into the Parkland Hospital. Three spent cartridges were found on the sixth floor of the School Book Depository. Four ballistics experts, three from the F.B.I. and one from the Illinois police, agreed that the bullet, the bullet fragments, and the cartridges had all been fired in the C2766 Mannlicher-Carcano rifle "to the exclusion of all other weapons."

(4) When Oswald was arrested in the movie theatre a half hour after the Tippit shooting, the police took a revolver from him—they testified he tried to shoot Officer McDonald with it, inconsistencies have been pointed out in their testimony, cops are not

my favorite kind of witnesses, let it go, not essential. What cannot be disputed is that the gun was a .38 Smith & Wesson special two-inch Commando, serial number V610210. Nor is there any doubt that it was bought from Seaport Traders Incorporated, of Los Angeles, who shipped it on March 20, 1963, to A.J. Hidell, Post Office Box 2915, Dallas, or that the handwriting on the order coupon was Oswald's. The four bullets recovered from Tippit's body were consistent with this gun but could not be "positively" identified with it to the exclusion of all other guns of its type because they were a trifle too small for the barrel and so were mangled passing through it; technical stuff see page 559. But three eyewitnesses had turned over to the police four spent cartridges: the truck driver Benavides, who saw Tippit fall and later picked up two shells he had seen the killer eject from his revolver as he ran away; and two young women living in the neighborhood who heard the shots, ran to the door, saw a man running across their lawn emptying his gun, and later gave the police two shells they had found near their house. Two ballistics experts, Mr. Cunningham of the F.B.I. and Mr. Nicol of the Illinois police, positively identified these four cartridges as having been fired from the .38 Smith & Wesson Commando, serial V510210 that was found on Oswald when he was arrested.

If we accept the evidence summarized above, we must conclude that Oswald almost certainly killed the President and that he certainly killed Tippit. If we reject some or all of it as faked, then we must assume two conspiracies, one for the assassination and a second to cover up the first by framing Oswald.

There are four possibilities: (1) Oswald was innocent, just a case of mistaken identity.

(2) He was innocent but was framed by the real criminals.

(3) He was part of a conspiracy; he may or may not have done one or both killings; he may or may not have been betrayed by his confederates and made to appear the sole assassin of the President.

(4) He did both killings alone; there were no accomplices and no conspiracy.

Whether one believes the "hard" evidence or not, (1) is ruled out, since if one believes it is true, he was guilty, and if one believes it is doctored, the only possibilities are (2) or (3). It seems almost impossible to believe (2) in the face of all the evidence, hard or soft, that ties him to the incriminating guns and documents and puts him at the scene of the assassination and has him running away and then shooting down a cop who stops him on the street for questioning.

Paraphrasing, I think it interesting that the direct, or eyewitness, testimony on the Tippit murder is the weakest against Oswald, while the "hard" evidence (ballistics, handwriting, etc.) is the strongest. I have never understood the popular prejudice against "just circumstantial evidence." My impression is that more innocent defendants have been convicted by sincere, but mistaken, eyewitness testimony than by the other kind. "Sometimes circumstantial evidence is very strong," Thoreau observed, "as when you find a trout in the milk." An article in *The American Bar Association Journal* by a staff member of the Warren Commission, Miss Alfreda Scobey, is relevant. According to a report in the

January 11th *New York Times* that comes to hand the morning this goes to press, Miss Scobey analyzes the Report in terms of Texas legal practice and concludes that, while it gives "the whole picture," which is true, it is also "cramped with facts that would not be admissible in the trial of a criminal case," which is also true. She does the firmness of the Brennan "positive identification" of Oswald as the man firing from the sixth-story window of the Depository, but dwells mostly on the admission of Marina Oswald's testimony—a wife cannot testify against her husband, even in Texas. The die-hard skeptics—I am a die-hard skeptic, I give in to evidence—will make much of Miss Scobey's article, but they will ignore her assumption that it was not a criminal trial, since the defendant was dead.

That the evidence against Oswald should have been examined more skeptically is a failure in fact-finding, not in civil liberties, and the Commission would have committed still another error had it limited itself by the "adversary-proceeding" rules of evidence which would have merely made it harder to discover the truth without benefiting the defendant who was, as noted above, dead. Nor will it impress them that a Commission staff member was able to publish in a reputable, even stuffy, law journal such an objective analysis, and one that indicates a certain well-founded doubt about the Commission's procedure even as a fact-finding body. (I would take this as indicating that the Report's defects were due to bungling—which is open to public discussion—rather than to a conspiracy to suppress the truth, which, by definition, is not. At least not by insiders like Miss Scobey.) Her modest conclusion will also be ignored by the die-hards: that the circumstantial evidence against Oswald "is either more cogent or less subject to attack than the direct evidence." A whole school of trout are swimming around in all that milk.

The advantage of (3) is that it explains so many puzzling details: Oswald's lucky shooting (a more expert marksman used his rifle), how the police got a description of him so quickly (they had already framed him—though then why did Officer Baker let him leave the Depository?), the killing of Tippit (Oswald realized his fellow conspirators were framing him when Tippit stopped him—though [4] also explains it), the cops letting Ruby in to kill Oswald. Indeed (3) explains practically anything that needs explaining. For instance: Mrs. Odio thought she met Oswald when she couldn't have, a gunsmith found a work tag marked "Oswald" for installing a sighting scope (Oswald's rifle already had a scope when he bought it), a sportsman at a local target range identified Oswald as a man he saw practicing there, getting into a noisy row, and driving off in a car (Oswald couldn't drive), etc. Oswald was not unusual (which, etc. Oswald might have been busy planting incriminating clues. A double reality makes detective work a child's play: maybe Oswald didn't even kill Tippit, maybe that double stole his gun, shot Tippit with it, pushed it to the cops who planted it on Oswald a half hour later after he had obligingly called attention to himself by hurrying down the street, ducking into the movie lobby when he heard police sirens, and running into the theatre without buying a ticket (which led the woman in the box office to call the police). Well, no, I guess even a double doesn't explain all that. But now suppose there were two doubles . . . and if all three got

mixed up somehow . . . and Ruby killed an Oswald facsimile . . . and Oswald is living right now in the Argentine next door to a German with a small moustache. . . .

The drawback of (3) or any other conspiracy theory is that it soon faces a dilemma. Either: (A) Some or all of the many investigators knew about a conspiracy in advance, perhaps were part of it, or discovered it later and then covered it right up again. Or: (B) They knew of no conspiracy, were part of none, and although one existed, their best efforts were unable to find any trace.

To believe (A), it is not enough to pin it on the Dallas police or "certain elements" in the F.B.I. or the C.I.A. or whatnot. We must go all the way to the top, to President Johnson, to J. Edgar Hoover, to Chief Justice Warren, because if the conspiracy did not reach that high, then some investigator who worked for a boss who was not in the conspiracy and was of a higher rank than any of the officials who were would have run across something fishy, some loose end, and tugged at it with innocent zeal and pulled up another odd fish, would have innocently told his innocent boss, and that would be it. The Dallas cops couldn't possibly have covered up a conspiracy from the F.B.I., nor the F.B.I. from the Warren Commission. Nor can I conceive of any *raison d'etat* that would make a man of Earl Warren's character falsify his Report on the assassination of his President, or one that would have caused the then Attorney-General of the United States, an able, energetic and aggressive man with great resources at his command for criminal investigation including the F.B.I., agreeing to let the murderers of a beloved brother go unpunished.

Alternative (B), that an honest investigation of the scope of this one would not turn up one accomplice of Oswald or Ruby, this seems possible in formal logic but not in real life. I can't believe that among the many hundreds of detectives, F.B.I. and Secret Service agents, and workers for the Warren Commission, assuming, as (B) does, they were really trying to find what there was to be found, not one would be bright, or lucky, enough to discover, or stumble across, some clue if there were any there. Nor that any conspiracy could be so perfectly managed as to defy such a massive investigation, and not to yield one stray bean to be spilled by one imperfect human instrument, and if I were planning to murder a President, Jack Ruby and Lee Oswald would be far down on my list of reliable instruments.

But no beans have been spilled. Those who believe the Warren Report is deliberately hiding some explosive truth can cite chapter and verse, as I have, on its obscurities, but when they try to describe the precise nature of this political land mine and to relate it to specific evidence in the Report, they abandon chapter and verse for the hymnal. M. Savage sings very low: his Gallic logic tells him the Report couldn't be that bad unless it is hiding something, but he prudently refuses to speculate on what.

The most eminent of those who imply the Report is rigged, but cautiously refrain from specifying why or by whom or for what end exactly, is Hugh Trevor-Roper, Regius Professor of Modern History at Oxford, who published a sweeping attack in *The (London) Sunday Times* for December 13th: "KENNEDY MURDER INQUIRY IS SUSPECT" runs the headline, while the subhead informs us

...of the FBI's report... American finds that suppressed police and medical evidence eluded the Warren Commission. Some of Mr. Trevor-Roper's criticisms were sound but not sound. Notable in the second category are his charges: that since American... "automatically" make a transcript... script of all interrogations of suspects "even in the most... trial cases" one must have been made in Oswald's case; and therefore it must have been "destroyed by the F.B.I. or the police"; and that "Chief pathologist, Dr. Humes," signed an affidavit that he had burned all his original notes and had kept no copy," so that "Only the official autopsy... compiled [as is clearly stated] with the aid of police evidence... survivors." Three days later "informed persons" on the Commission's staff showed that both charges were pure... thing it politely, insubstantially. It seems the normal practice of our police is not to "automatically" make a record of interrogations until the suspect begins to make incriminating admissions (as Oswald did), at which point a stenographer is called in. That a record should have been made is obvious, as noted extensively above, but it is quite another thing to assume destroyed and that the interrogators lied when they stated none was made. "This, I do not hesitate to say, cannot possibly be true," writes the Regius Professor of History. But he should have hesitated because it can possibly be, and most probably is, true. I say "probably" because, of course, Mr. Trevor-Roper may be right—all kinds of things might have happened, if there was a conspiracy—but he really knows no more about it than I or any other reader of the Report.

His treatment of the medical evidence is even more extraordinary. By blurring the distinction—or perhaps he is honestly unaware of it—between the surgeons at Parkland Hospital in Dallas—some of whom did think the bullet would have entered from the front (and so could have come from the Kennedy's because he was going to save the President's life and so didn't turn them over to the pathologists headed by Dr. Humes, Bethesda Naval Hospital in Maryland and disclosed that all the wounds were made from the back and by touches like—"the Commission [could not] re-examine the medical evidence undertaken by police theories [because] only the official autopsy compiled... with the aid of police evidence... survivors." Mr. Trevor-Roper implies the destruction of some "original" information that was purely medical and undisturbed by the cops. What Dr. Humes and the Bethesda autopsists destroyed were, according to the Commission's spokesmen, "some brief, fragmentary pencil notes that they

their now destroyed... agreed with the Dallas surgeon that the wounds came from the front but that before they could type up their "official" report—how dirty he makes "Parker"—the F.B.I. or the C.I.A. or somebody nipped in and pressured or persuaded the pathologists, Humes, respect and distinguished in their

three ways... to see what comfort these notes might have given Mr. Trevor-Roper's case since they "check" surgeon in Dallas had a "back wound" autopsy in Maryland. The only hypothesis that would work is that the Maryland autopsists, headed by Dr. Humes, in

professionals... and falsify their report so that Oswald could be framed. But if Trevor-Roper can believe all these things why bother with the bullet notes, or any other concrete evidence, since it would be as reasonable, much easier, to assume the Marxist autopsists cooked up their notes...

page Report, Mr. Trevor-Roper... he read the one-dollar paper which lacks most of the illustrations... "but I have also pursued crucial point all the way through volumes of testimony." But his page of the nineteen doctors from the Land Hospital in Dallas who appeared before the Commission was not very... The only one he refers to is "the one who examined the bullet..."

who... (Kennedy) had been... from the front" and later was... to adjust his medical report... this external police evidence." The... doesn't mention his name, this... gears to be Dr. Malcolm O. Perry, who indeed at first speak of a... wound and then retracted. But... Perry's actual testimony gives a... different impression: that at a... press conference... he called... the... front... a thorough enough examination... be sure (the Report prints a November 23, 1963, New York Herald Tribune story confirming this),... that he changed his opinion because of the autopsy and not to please the police, as Mr. Trevor-Roper charges.

For a third gaffe, which I had noticed, I am indebted to the devastating critique of the Trevor-Roper article by his colleague and friend, James Sparrow, the Master of All Souls College, that appeared, at almost equal length, in the next issue of The London Sunday Times (December 20). Professor Trevor-Roper had accused the police of destroying the original paper bag which they (and the Commission) believed Oswald had made... hand—much evidence on this, a laborious analysis of the paper tape—to carry his gun into the position, and of replacing it with replica bag" (his insinuating quote "In other words," he concludes, "the police destroyed the real evidence substituted their own fabrication... Mr. Sparrow points out that the original bag was not destroyed and is fact reproduced as a photographic exhibit on page 132 of the Report is referred to in the text. In his issue Mr. Sparrow in the January 3 Sunday Times, Mr. Trevor-Roper still walls on the other points (again plying, for instance, that poor Perry finally concluded it was an wound from "outside [i.e., police evidence]," rather than from theopsy results) but gives in on paper bag. "I must eat humble pie," he airily concedes. "I neglected cardinal rule, 'Always check your references,' and must pay the price. It is hard to see what he means by "checking your references" since picture and the text both are on the non-destruction of the original bag; maybe "Always read a book before you attack it," which would be a lesson well learned by the Report. Another lesson might be always read the original text, not paperback reprint, for, though the bag is reproduced in the reprint cut (which includes the rifle) a small half page instead of a whole page in the G.P.O. edition which also has a caption, lacking in the reprint: "Paper bag found on sixth floor of the Texas School Book Depository," which might have caused Mr. Trevor-Roper's eye and spared him some embarrassment. As a point Mr. Sparrow doesn't make is again a puzzle what Mr. Trevor-Roper thinks might have been going for his case even if the police destroyed the original bag, since the only reason for doing so would have been to fake a replica that was longer than the original, so as to confuse the two eyewitnesses whose estimates of its length was too short for it to have contained Oswald's rifle even in a dismantled state. (That estimating

professionals and casual... is a lucky business... seems not to have occurred... Mr. Trevor-Roper, any more... that Oswald may have lied when he told the witnesses, and later... police, that he was carrying cut rods in it—the Report in its... way produces testimony by his... lady that his room was equipped... both curtains and curtain rods.)... Mr. Trevor-Roper doesn't challenge the dimensions of the replica...

more about it than any of us... genius observers do, beyond his... actual rejection of any evidence... produced by the police, the F.B.I., Secret Service, the Warren Commission or any of those who investigate the assassination, with the exception of Mr. Mark Lane. It is indeed an "astonishing" performance by a trained historian, the most courteous explanation that Mr. Trevor-Roper wrote his... less as an historian than as a member of Bertrand Russell's Who Killed Kennedy? Committee... Who Didn't Kill Kennedy? Committee. Yet even as discreet as M. Sauvage in rejecting to be precise about the nature of a conspiracy which his constant... ("suppressed police and... evidence," etc.) logically pointed out indeed require if they are to be credible themselves. Mr. Joesten and Mr. Buchanan apply the valor of which the Trevor-Roper discretion is the better part. "The conspiracy involves... believe, some officials of the C.I.A., the F.B.I. as well as some American... millionaires such as L. Hunt," Mr. Joesten states... said: Assassin or Fall Guy? (pages 177-190), he clears it all... meaning that "the Dallas oligarchy... behind the assassination, Oswald (whom he—and Mother... —thinks was working for... A. or maybe the F.B.I.) and other... yet undiscovered agents for... because (1) they thought... less sympathetic than John... the twenty-seven-and-a-half... oil-depletion allowance;... they propose to win control of... Red States from Wall Street... (2) they had defected... Kennedy-Khrushchev rapprochement... or in the author's neo-Marxist... "I believe the murder of... president was provoked, primarily... of the domestic and international... sequences of the Moscow pact... of disarmament which would... the industries on which... depended and of an... detente which would, in... have threatened the event... of their oil interests... is true the "Dallas oligarchy... as did General Walker, H... the Birchites, the Klan, G... or Wallace of Alabama, et al... also did Castro, the Kremlin... detente wasn't all that detented... China, although none of the... racy mongers ever mention... reasons that, as Hercules... would say, leap to the eye. (I... see, even in Joestenland... F.B.I. or C.I.A. come in, mo...) But if motives were cons... then journalistic beggars... side. And speaking of motives... seems not to have occurred to... conspiratorialists that the Kenn... Johnson government, which was... in control of the agencies that... alleged to have covered up the... ing truth, would not at all object... discovering the assassination was... work of Mr. Hunt and other D... millionaires, or General Walker... of the right-wing persons... groups they are supposed to be... ockistically protecting. But it's... worth arguing when political... Ba, who is Foreign Minister of... in the United Nations... Council on December 10th and... that President

depend upon it, my dear Watson... once you have eliminated... other possibilities, the remain... is, however improbable, is the... solution," Sherlock Holmes... served (or words to that effect... we are left, or stuck, with... that Oswald and Ruby did it all... ourselves, and, since Holmes... ways right, we must accept t... though the Warren Report... true. But is it really so hard...? At the time that Ruby kill... wald (I assume Mr. Buchanan... even Foreign Minister Ba wo... see he did, though there are... inconsistencies in eyewitness testi... ch if it were the Tippit murd... ch was not televised, would ca... same doubts) the conspirator... hailed it as the capstone of t... and it seemed a little queer... me. (Still does: the Report sh... had Ruby arrived two or th... minutes earlier or later he wo... be either been stopped or h... ed Oswald. Hmmm.) But m... say little about Ruby, tho... killing Oswald fits into their... than any other of the event... head they concentrate on the... ness testimony, which is, as... mal, often confused. I think... because what we have learn... Ruby since he could have be... of any serious conspiracy; al... nourse, no evidence has been fo... nnect him with one—the Rep... k down and demolishes all... rumors—though that doesn't usually... bother them. Anyway, I think it fair... say Ruby is no longer a difficult... probably knows more than he... telling," is as far as even Mr... sten now will go.

The arguments most commonly advanced against Oswald's being the assassin (aside from matters of evidence, with which I've already dealt) are: (1) As a leftist, who may well have taken that shot at General Walker, he had no political motive in killing Kennedy. (2) Why did he insist Oswald was innocent, if he had done it? (3) Political murderers usually proclaim their deed proudly. (4) He couldn't have done it alone: too much planning needed.

The Report shows in detail... underdog resentment and envy... with a desperate ambition... make his mark on History (which he lacked the talents even to hold... a job, or get himself taken... by that beleaguered little p... (senior committee) were his chief... tives. He may have had also a... ary political motive—his pathetic... gles to distinguish himself from... common herd often took a "Mar... form—but from my Trotskyist... I can testify that for a... left sectarian (who would... e Trotskyists as bourgeois cop... isers) a Kennedy would seem... re dangerous enemy of World Re... than a Walker precisely be... e Kennedy pretended to be on... side of the people while Walk... an open reactionary. In Oswald...

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Belgian rescue operation in... [Mr. Ba] did not elaborate... beyond denouncing what he called... imperialistic forces of reaction, ... rantism and racism." The m... laborate nonelaboration of the y...

depend upon it, my dear Watson... once you have eliminated... other possibilities, the remain... is, however improbable, is the... solution," Sherlock Holmes... served (or words to that effect... we are left, or stuck, with... that Oswald and Ruby did it all... ourselves, and, since Holmes... ways right, we must accept t... though the Warren Report... true. But is it really so hard...? At the time that Ruby kill... wald (I assume Mr. Buchanan... even Foreign Minister Ba wo... see he did, though there are... inconsistencies in eyewitness testi... ch if it were the Tippit murd... ch was not televised, would ca... same doubts) the conspirator... hailed it as the capstone of t... and it seemed a little queer... me. (Still does: the Report sh... had Ruby arrived two or th... minutes earlier or later he wo... be either been stopped or h... ed Oswald. Hmmm.) But m... say little about Ruby, tho... killing Oswald fits into their... than any other of the event... head they concentrate on the... ness testimony, which is, as... mal, often confused. I think... because what we have learn... Ruby since he could have be... of any serious conspiracy; al... nourse, no evidence has been fo... nnect him with one—the Rep... k down and demolishes all... rumors—though that doesn't usually... bother them. Anyway, I think it fair... say Ruby is no longer a difficult... probably knows more than he... telling," is as far as even Mr... sten now will go.

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can a way... really... to escape he would have head... out of town, not back to his room),... also acted so as to insure his... ing caught (taking only \$13.87... way money that morning and... ing Marina \$170, or killing Tip... or his unusual behavior on t... ts afterward). Similarly, I think... could have confessed—or rather... ed about—his assassination af... had exhausted the pleasures of... rating the police and the press... after I'd worked out all this, I was... sure to see that a Dr. William... kramtz, of the University of... go, had arrived at the same... "Criminals who unconsciously... ge for their own capture are... are. A more bizarre possibility... by refusing to talk, he was not... waiting for a lawyer, but per... enjoying the sadistic pleasure... ndering the police impotent and... ess.")

On the impossibility of Os... having done it all by himself:... and McKinley were killed... one crackpots of same near it. And... is, for our European friends... THE Tobias' Reichstag Fire (G... Putnam's Sons, 1962; introduction... A. J. P. Taylor), which demon... strates to my, and Professor Taylor's... satisfaction that van der Lubbe did... all by himself, and that it was not... everybody at the time assumed... obvious (including me, but ex... cluding the Berlin detectives who... rked on the case), the work of... the Nazis (my view, remember... The Brown Book of the Hitler... rror, one of the more inspired fab... rications of Stalin's Goebbels, Willi... nzenberg—complete with a map... of the "secret tunnel" from Göring's... residence to the Reichstag which the... mistaking Mr. Tobias shows was a... baby?) or, as the Nazis tried to... in court unsuccessfully, the... Communists. Both sides made great... play with political motivations and it... was obvious to everybody that no sin... arsonist could have set so many... in such a short time, just as Os... couldn't have made three hits in... eight seconds. Yet alas for... Must Have Been: it appears... that was what that one fanatic, ... prepared by anarchistic ideas as vague... as Oswald's "Marxism" (van der... actually believed he was help... the workers' cause against the...), did it all by himself.

epitaph for the American... of The Strange Case of... Sparrow of All-Souls C... late Sir Lewis Namier, and... Frazier of the F.B.I. ... Sparrow writes, apropos... of the Warren Report... ue, Mr. Trevor-Roper: "No... r to create than an atmosph... ion, nothing—so long as the... and the credulous contin...

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Lee Oswald's fate hasn't
fallen badly by his mother, either. Like
Marina, she automatically became
News, that is a part of History, the
moment her son was arrested. Being
older, less pretty and considerably
more scatterbrained than Marina,
Marguerite Oswald hasn't been so
visible, though she appeared in a
studio photograph," in, I'm afraid,
this magazine, with a collection of her
son's very dull letters to her. But
since everybody else seems to take her
importance for granted, as of and af-
ter November 22, 1963, why shouldn't
she? I read somewhere, as others
seem to have also, that Mother Os-
wald was indignant when she didn't
receive a note of condolence on the
death of her son from Jackie Ken-
nedy. "They can't push us around
anymore—we're in the history books
now!" she is said to have said angrily.
And so they are, all three of them.
The Greeks had only Herostratus to
put up with, but we have Mrs. Hero-
stratus and Mother Herostratus.
Even Jack Ruby seems to have had
his sense of History. At the notorious
midnight "press conference" in the
jail when the reporters and camera-
men swarmed all over Oswald and
even Chief Curry was appalled, and
out it short, Jack Ruby, who was there
along with anybody else in Dallas
that wanted to come ("No identifi-
cation was required," the Warren
report notes), appointed himself as
kind of major domo for District At-
torney Wade, since he knew him and
also many of the reporters. "I was
carried away by history," he said
later. His brush with History seems
to have changed him. Up to then he
had been crying and upset by the
President's murder. But a local an-
nouncer named Duncan was surprised
to find that "Ruby did not appear to
be grieving but, instead, seemed
pleased about the personal contact he
had had with the investigation earlier
in the evening." Perhaps that was
when Jack Ruby discovered History
and got the notion that he, too, could
take the center of the stage, just like
Oswald . . . and speaking of Oswald
. . . why not? The President's blood
called out for vengeance, not to men-
tion Jackie and those marvelous kids,
and everybody would praise the man
who killed the monster . . . Jack the
Monster Killer. It may be that Ruby's
state of "fugue" at his trial was
caused by his realization that every-
body would praise his deed, quite
like Oswald's. **END**

chief, Mr. Rawley, did not fire or dis-
miss them, on historical grounds.
I do not think in the light of his
story," he told the Commission, "that
they should be stigmatized with some-
thing like that." Americans have a
right to avoid, as well as to make
historical footnotes.
"Don't worry," Lee Oswald told Ma-
rina when she visited him in the
Dallas jail. "Everything will be all
right." He was, for once, right. With-
in a fortnight she had signed a con-
tract with one James Martin, who
was to be her "personal manager,"
empowered to "advise and counsel"
with me in any and all matters per-
taining to publicity, public relations,
and advertising . . . news releases,
public appearances . . . for tele-
vision . . . sale of any movie rights,
magazine rights, book rights . . . cari-
catures . . . contracts for my services,
talents, memoirs, history story. . ."
Not bad for only two weeks after
what Marina calls "the fateful rifle
of Lee Oswald" had done its work.
The contract (Exhibit 276 in Volume
XVI of the Commission's complete
testimony) gives the impression that
Marina thinks she has suddenly be-
come Doris Day. She even has ghost
writers. Elizabeth Hardwick quotes
a former one: "I quit because Marina
has come to believe she is as impor-
tant as the President of the United
States" (*The New York Review of
Books*, November 5). *The Ameri-
canization of Marina* would make an
interesting movie, though I'd hate to
have to dicker with her for the rights.

bered Oswald in the Marines. For it wasn't only the President who was unconscious of an historic role. Oswald seems to have had History on the brain. He grandly titled the common place, semiliterate notebook he kept in Russia "Historic Diary." Marxism for him was a skeleton key to History, theoretically—he doesn't seem to have read Marx. On October 3, 1956, he wrote the Socialist Party of America asking if there was "a branch in my area" he could join, adding: "I am a Marxist, and have been studying Socialist principles for well over fifteen months." On October 18, he became seventeen and on October 24 he enlisted in the Marines. A record of some kind, I imagine, three weeks from one kind of powerhouse to a different kind.

The pathos of Oswald's life was that he had unlimited aspirations and extremely limited talents. He failed in everything he tried, defecting to the Soviet Union, holding down a fifty-dollar-a-week job, making a go of it with Marina. And the more he failed, the grander became his aspirations. "I'll be prime minister in twenty years!" he told Marina just before he took the bus to Mexico City to get his Russian and Cuban visas, which he didn't get. Nothing seemed to go right, nobody took him seriously, not even the Fair Play for Cuba Committee, not even the Socialist Labor Party. The one real success in his whole life seems to have been the assassination of President Kennedy. But that was a relatively simple job for a people. And a footnote in History. Like Herostratus, who set fire to the great temple of Artemis in Ephesus, in order, as he explained later, to immortalize himself. That name is in the history books, but the name of the man who wanted to get much more space into the history books than Herostratus, President Kennedy will than Oswald. Still, they have succeeded in a small way, a small way, but these are small men, and the reach of their ambition didn't go beyond a footnote recognizing that, while others might create, they could destroy.

History-consciousness can also operate in reverse. Nine of the twenty-eight Secret Service operatives who guarded the President that day in Dallas had violated regulations by going to late parties, with drinks, the night before. The Report, without its usual blandness about official blunders, concedes this was unfortunate, but concludes probably they couldn't have reacted any quicker in any way. Senator A. J. A. (though that name is in the motorcade section of the report) in any case their

under Hamilton's "Your people, sir, is nothing but a great beast." The Presidential party landed in "bright sunshine" at the Dallas airport—it is called Love Field—and after cheering crowds all along the way. Mrs. Connally, who was riding in the Kennedys' car with her husband, the Governor of Texas—the state motto is "Friendship"—turned to the President as the motorcade was (slowly) approaching the Texas School Book Depository—what a very American site for an assassination!—and said, possibly in some relief: "Mr. President, you can't say that Dallas doesn't love you," to which he replied, "That is very obvious." A minute or two later, "shots from a rifle mortally wounded President Kennedy and seriously injured Governor Connally." The President had said his last words, but the Governor was able to gasp, before he lost consciousness, "My God, they are going to kill us all!" We and My had suddenly become they.

"It is considered certain," a *Times* correspondent wrote the same day, that the informality of office under recent Presidents, especially President Kennedy, will be sharply curtailed. President Johnson is expected to be less publicly accessible, less in the public view." That was very obvious. Then.

He looked upon the eyes of future people as some kind of tribunal, and he wanted to be on the winning side so that ten thousand years from now people would look in the history books and say, 'Well, this man was ahead of his time.' The eyes of the future became the eyes of God. He was concerned with his image in history. Sen. Kerry Phornley remem-