

NYT - 9/25/64 The Right of Appeal for Lee Oswald

By TOM WICKER

WASHINGTON, Sept. 24—A public discussion group in New York recently sought to hold a roundtable session about the Warren Report and its conclusion that Lee Harvey Oswald was the lone assassin of John F. Kennedy. The major difficulty the group was in finding anyone of stature who was willing to defend the Warren Report and its findings.

That is only an example of how the atmosphere has changed in the two years since the massive report and its 26 volumes of supporting testimony and evidence were published. In this country, the Warren Commission theory than was accepted widely, almost without question, although doubt continued to prevail in Europe with its history of political assassinations and conspiracies.

Serious Questions Raised

Now a number of impressive books—and even more that are so impressive—have been published, all raising questions of the most serious nature. The Warren Commission's procedure, its objectivity and its members' diligence have been questioned. Its major findings have been

to error. The damaging suspicion has been planted, here as well as abroad, that the commission—even if unconsciously—was more concerned to quiet public fears of conspiracy and treachery than it was to establish the unvarnished truth, and thus made the facts fit a convenient thesis.

From the day of publication, for instance, Gov. John Connally of Texas has publicly denied the commission's contention that the same bullet passed through President Kennedy's body, then through Mr. Connally's chest and wrist to lodge in his thigh. The published analyses of the ballistics and autopsy evidence that have followed the Warren Report have tended to support the Governor, not the commission.

Again, reporters who were present in Dallas that dreadful Friday afternoon clearly remember that the doctor who attended the dying President, in his first public statement, tentatively described a bullet hole in the front of the throat as having had the appearance of an entry wound. That this opinion was changed in testimony before the commission, which rested its findings partially on the

theory of what was said at first hand on Nov. 22, 1963.

The point is not that the doctor necessarily was wrong the first time, or the second; perhaps there was sufficient reason for the changed opinion. Nor is it really possible to accept Governor Connally's judgment or vice versa, or to decide certainly any number of other points that have now been placed in dispute.

Public Still Concerned

The point is that the Warren Commission has not, after all, even quieted public concern about who killed John Kennedy, or why, and even less has it presented an ironclad and unarguable case that Lee Oswald, alone and without rational motive, was the assassin.

This is not an easy conclusion to come to, or state. The horror of the event, the probity of the commission's members, the awful implications of any finding that the assassination was the work of something more hateful than a pathetic, warped mentality—for all these reasons few Americans could wish for anything but vindication of the Warren Commission's conclusion.

It may be, of course, that the question will plague history—

not believe that Bruno Hauptmann kidnapped the Lindbergh baby, or that Warren G. Harding died a natural death, or that Richard III killed the Princes in the tower. Like life itself, some riddles remain always unsolved.

But has every means of establishing the truth of the Kennedy assassination been exhausted? Representative Theodore Kufnerman of New York, with many other Americans, does not think so. Next week he will ask Congress to establish a joint legislative committee empowered to review the whole case and, if necessary, to reopen it.

To Diminish Confusion

A sound precedent for this is found in the joint Congressional group that reviewed the findings of the special Roberts Commission that first investigated the Pearl Harbor disaster. The appointment of such a group in this case need have no implication that the Warren Commission was inept or unjust, or that Oswald was guilty or innocent; it would imply only that further investigation and sober second thought ought at least to diminish confusion, if not correct error.

And since the most despicable of convicted murderers has the right of appeal to a higher court,