

126

NOV 27 1966

# The Warren Report

## A Panel Discussion

The dispute about the Warren Commission's findings has been mounting steadily. This article is based on excerpts from a panel discussion of the Warren Commission's report by two of its leading critics and two attorneys who helped in the commission's investigation of President John F. Kennedy's assassination.

The discussion was held before the Associated Press Managing Editors Convention in San Diego. The transcript of the discussion was made available to Opinion by the Associated Press.

The participants were authors Mark Lane ("Rush to Judgment") and Edward Jay Epstein ("Inquest"), critics of the report, and Joseph A. Ball and Wesley J. Liebeler, both of whom served on the commission's staff.

Ball is a Los Angeles attorney and Liebeler is acting professor of law at UCLA.

### Edward J. Epstein

My book dealt with the workings and operations of the Warren Commission. This is not what I'm going to discuss today because it is in the book . . . I think I'd rather discuss the new evidence that has come to light . . .

This is, of course, the X-rays and autopsy photographs that were turned over to the National Archives by the Kennedy family.

Although the release of these autopsy photographs made headlines across the nation, it was not immediately clear how in fact these autopsy photographs could solve the mystery of Dallas.

Quite understandably most people want a simple, one-sentence answer to an extremely complex mystery. Thus it is not surprising that I was misquoted as saying that the autopsy photographs would probably reduce the probability of a second as-

assassin to nil.

#### Value of Photographs

Since I have not seen the autopsy photographs nor know of anyone who has seen them and I have no idea what they show, I obviously can't predict how or what they will reveal. What in fact I did say was that these photographs might resolve the mystery. Might, that is.

My article in this month's Esquire magazine shows that most of the conspiracy theories hang on questions about the autopsy and in a nutshell, if these autopsy photographs reveal that the bullet that entered President Kennedy in the back exited through his throat, I think that it will diminish the probability of a second assassin.

On the other hand, if these autopsy photographs and X-rays show that the bullet did not pass through the President's body, I think it will diminish the probability of a single assassin committing the assassination.

The question is how can these photographs show all this? First of all, these autopsy photographs do constitute new evidence, at least in the very real sense that they were not entered into evidence before the Commission, or examined by the Commission's staff or analyzed by any group of experts in, for instance, pathology . . .

The autopsy photographs were, however, the only evidence that could clear up a very basic contradiction in the Commission's evidence. (COW 30)

Los Angeles Times

# Opinion

Interpretation  
 Perspective: News in Review  
 Editorials

SECTION G ★

SUNDAY, NOVEMBER 27, 1966

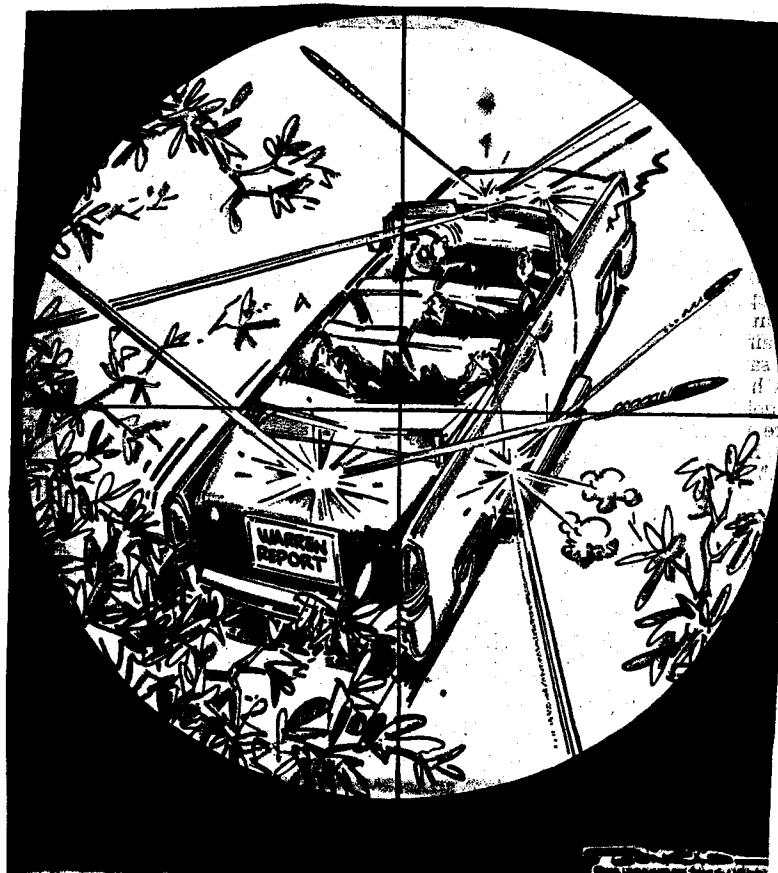


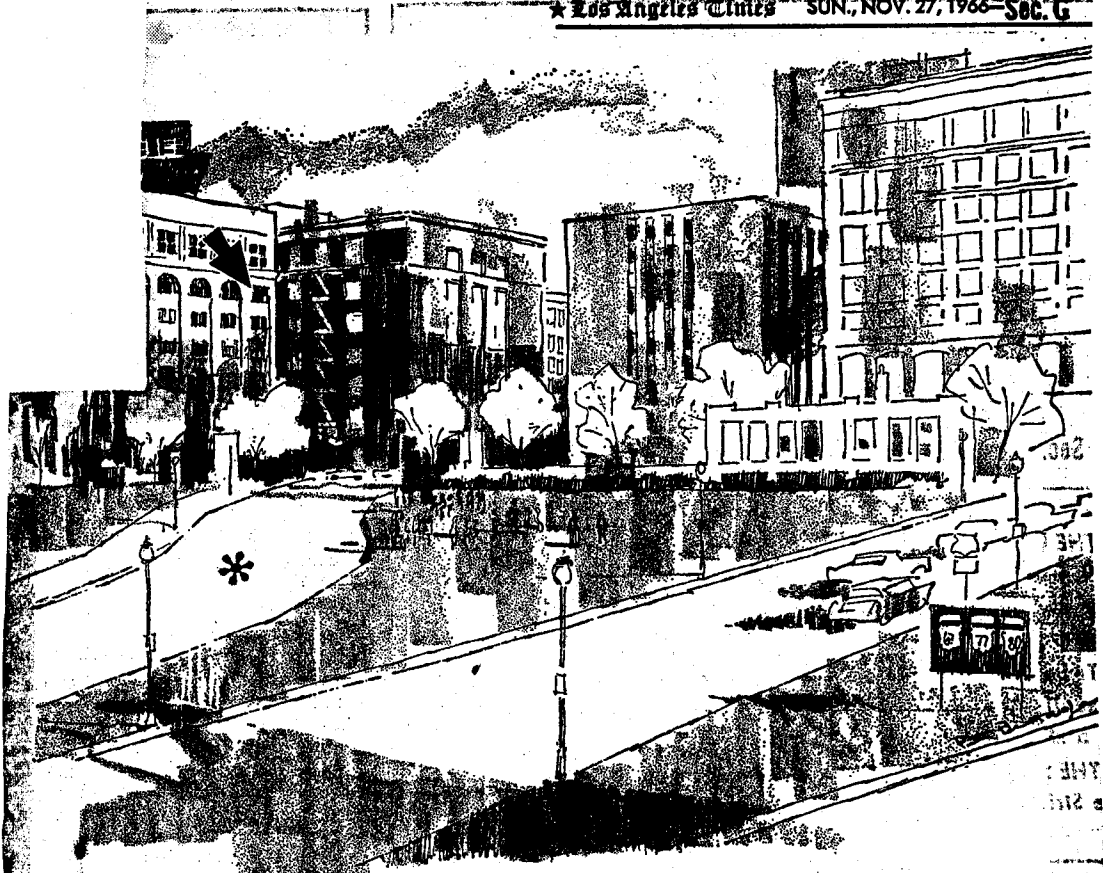
### Members of the Commission

Members of the commission headed by Chief Justice Earl Warren were:

Sen. Richard B. Russell (D-Ga.); Sen. John Sherman Cooper (R-Ky.); Rep. Hale Boggs (D-La.); Rep. Gerald R. Ford (R-Mich.); Allen W. Dulles, former head of the Central Intelligence Agency, and John J. McCloy, former U.S. high commissioner to Germany.

James Lee Rankin, former United States solicitor general, was chief counsel to the Commission.





**ASSASSINATION SCENE** — This is Dealey Plaza where President Kennedy was shot in car at spot marked by asterisk. Arrow points to window where Warren Report says, Lee Harvey Oswald fired shots. Times drawing by Pete Bentovo.

KEY FIGURES IN ASSASSINATION...  
...of the...  
...of the...  
...of the...

thologists to see if they conformed with either the FBI version or the autopsy doctors' version. But this contradiction was not resolved.

The FBI reports were not entered into the record or included in the 26 volumes. The two FBI agents were not called as witnesses. The autopsy photographs were never analyzed or seen by anyone that I know of. Reports simply glossed over the facts.

#### Autopsy Reports

Well, after publication of the FBI reports in my book and a good deal of other facts that came to light, one Commission lawyer or inspector . . . said that there were actually two autopsy results. One on the night of the autopsy was a tentative theory that the bullet had penetrated only a finger's length and the next day the autopsy doctors changed their conclusion when they received further evidence from Dallas about the throat wound. This sounds plausible.

The problem is that Mr. Specter (Arlen Specter, an assistant counsel to the commission) is the man who wrote the chapter that there was only one conclusion and that it was confirmed. Now he says that there were two conclusions and that it was changed by the evidence from Dallas. Certainly when the basic facts presented in the Warren Report are contradicted by the man who wrote them, I think we have to go to further evidence.

So long as these autopsy photographs remain un-analyzed the Commission has not completed its job and I think there is unfinished business to attend to.

## Mark Lane

. . . I have been waiting for this meeting for almost three years and flew back from Paris to be here because I would like to discuss with you the role played by the press in the development of the false report submitted to the American people by the Warren Commission.

When the evidence was first presented by the Dallas district attorney in the opening hours, the press played a very responsible and important position . . .

On Nov. 22 the press found Charles (F.) Brehm. He was standing right here. He was very likely the closest witness — closest

spectator — to the assassination . . . It's unfortunate that the Warren Commission never found Mr. Brehm, and never questioned Mr. Brehm. It's unfortunate our distinguished colleagues, lawyers for the Commission, never questioned Mr. Brehm.

Because Mr. Brehm said, and it is not, unfortunately, on record anywhere, except in a filmed interview which we conducted which will be shown all over Western Europe in the next two or three months and hopefully in the United States as well.

#### Brehm's Statement

Mr. Brehm said "I saw the effect of the bullet upon the President's head. As the bullet struck his head, a portion of the President's skull was driven backward and to the left over the rear and left of the car indicating that the fatal shot came from a right front area, not from the rear, not from behind the limousine."

But the press found Mr. Brehm on that day. Unfortunately, the Commission never could, or never tried, or never did, in any event.

The press found Mary Woodward . . . In fact, she works for the press, the Dallas Morning News, and she wrote her own article, published in the Dallas Morning News on Nov. 23 and she said, "I heard the shots. It was a horrible, ear-shattering sound coming from directly behind me, from behind the wooden fence on the top of the grassy hill."

It shouldn't have been difficult to find her. Her name appeared in the Dallas Morning News the next day. The Warren Commission never found her. She never testified as a witness.

And then we have Mary Moorman . . . who took a picture of the limou-

#### Contradiction Defined

The contradiction I am referring to is the contradiction between the FBI's report of the autopsy findings and the doctors' report of the autopsy findings . . . There was only one autopsy, of course, and that was conducted at Bethesda Naval Hospital and the doctors who conducted the autopsy made one report of their findings which appears in the final edition of the Warren Report. And this says that the bullet struck the President in the back of the neck, passed through his neck and exited through his throat.

During the course of my research, I came across two FBI summary reports, which contradicted this. The FBI summary reports—the last was issued two months after the autopsy—stated that the bullet in question hit the President below the shoulder, penetrated his body only a finger length and fell out of the back of the wound of entry.

Both versions are obviously diametrically opposed. If one is true, the other is false . . .

When the Commission lawyers arrived in Washington they were confronted by two contradictory reports of the autopsy . . . It would not have been especially difficult to clear up the contradiction in these early stages. The FBI agents who wrote the paper could have been called as witnesses and then of course the autopsy photographs could have been examined and analyzed by independent forensic pa-

sine as it moved down Elm St. and in the background of that picture was shown the Book Depository Building. According to the Dallas sheriff who took the photograph from her, it showed the sixth floor window from which the gunman purportedly fired.

According to Miss Moorman it was taken when the shots were fired.

What a valuable picture! A picture of the window with Oswald with his Italian Mannlicher or German Mauser or a cannon rifle of some kind, firing out of the window. Did the Commission ever publish the picture? No. Did the Commission ever call Miss Moorman as a witness? No.

Now let's talk about the other side (of the role of the press). Presentation of one side, primarily. One side—the government's side . . . During a long period of time when these investigations took place, conducted behind closed doors in top secrecy, with transcripts locked away for perhaps 75 years . . .

We can't see the original transcripts at the present time and no one testified before public hearing except myself because I refused, when I twice testified before the Commission, to testify in a closed session.

#### Where Was the Press?

But where was the press of this country? Demanding that the doors be opened so that the American people could see and hear what was taking place before the Warren Commission—was that not the first responsibility of the American press and is it not a responsibility in which the press miserably failed the American people and their obligations and their responsibilities?

Why was nobody reading the 26

(Continued) ~~from the~~ volumes and comparing the evidence with the Commission's false conclusions and distortions and selected handling of the evidence?

There was little dissent permitted by the media—press, television and radio—during that long silent two years after the death of the President . . .

And the government, too, has made a complaint that it will not tolerate dissent in this question.

I just arrived in Los Angeles yesterday. I go through a ritual every time I land in this country. My passport is taken from me by the Department of Immigration and Naturalization and is kept for a period of 15 minutes because I'm listed. I used to be listed as G15 in the Lookout Book—and that began when I was first called from London to testify before the Warren Commission and I came back and my passport was taken when I landed in the country.

And right on the list is G15, which means that I am permitted entrance into this country but that my passport is to be surrendered during the period of time which the Federal Bureau of Investigation is to be notified immediately and telephonically that I have arrived back in the country.

That was until yesterday. Now I have been changed to F1. I don't know what that category means yet.

I think that what is required now is not only a new investigation, but an investigation which will at least accomplish the very narrow limited objectives which the Commission set for itself and that is to still the doubts and the rumors and convince the American people that the truth has been told because even in that narrow limited area the Commission has totally failed, to say nothing of its failure to tell us the truth.

So we called for the creation of a new Commission by the United States Government and we suggest that there be leaders of the universities, leading pathologists at the medical schools and leading and distinguished journalists from the United States . . . People in whom the American people can place some trust and some faith, not a Commission made up by those associated directly with the government. We know the government's position and now we want to find out what the facts are.

## Joseph A. Ball

. . . I've read Mr. Lane's book and I've read Mr. Epstein's book and I'll tell you frankly, if we had followed the same evasiveness and distortion of evidence that Mr. Lane particularly followed, you'd have some reason to criticize.

Let me give you some examples of his technique.

There's the question of the gun. The Commission established, by documentary evidence . . . that Oswald ordered that gun and paid for it. The revolver; there's no question he ordered that revolver from a Los Angeles sporting goods store and paid for it. And there's no question from the documents that these two—gun and revolver—were delivered to a Post Office box in Dallas, to a box owned by Oswald.

Now when Mr. Lane presents this to his readers . . . he . . . points out they didn't bring an obscure post of-

office regulation out that he says would not permit the delivery of the gun or the revolver to that post office box . . .

Now I ask Mr. Lane does he wish to draw the conclusion that Oswald didn't get that gun because of a post office regulation?

The readers never hear of the sound evidence upon which the Commission based its conclusion that Oswald bought the gun.

#### Another Example

Now let's take another one, the identification of the gun . . .

Seymour Weitzman, a deputy constable of Dallas, and Deputy Sheriff (Eugene) Boone . . . saw over a pile of boxes about five feet high a gun . . . And later on that day they both said it was a Mauser, a German Mauser. Now Mr. Lane sarcastically says, "Well, overnight this gun changes its nationality from a German Mauser to an Italian Mannlicher Carcano . . .

He insinuates that the Italian Carcano was substituted for a Mauser . . .

Weitzman is an expert on guns, and that's just the reason he made the mistake he made. Because what Mr. Lane doesn't tell you, but he knows as well as I do . . . that this is a bolt action rifle. The basic patent on bolt action rifles is a Mauser. This is an Italian rifle built on the Mauser patent. It's an Italian Mauser, and of course, because he

was an expert, he made the mistake.

#### Where Were Shots Fired?

Now let's take another one. Let's take the question of the grassy knoll. Now in 1963 Mr. Lane wrote . . . "Oh no, the shots came from the overpass, the railroad overpass."

We examined the witnesses on the overpass and there is no question, no shots were fired from the overpass.

Now recently in his book . . . he says, "There is some evidence to support that one or more shots may have come from the book depository, as the Warren Commission maintains. It is considerably less compelling than the evidence suggesting the shots came from behind the fence."

The "less compelling" evidence that we know of is that two persons actually saw a gun fired from that sixth floor window and they immediately, right afterwards, said so and told the police. Three other persons saw a man in the window with a gun and said so to their companions. Three young men on the fifth floor, directly below the sixth floor . . . heard the shots . . . and one said he could hear the shells strike the floor.

In addition to that, a gun was found there. Three shells were found there, fired by this gun. Now this is the "less compelling" evidence.

#### Lane's Evidence

Now what is this compelling evidence that Mr. Lane tells us about?

First of all the earshot testimony . . . There were hundreds of people there in Dealey Plaza. Some thought it came from the overpass. Some thought it came from the grassy knoll.

Earshot testimony is something we could not rely upon and neither can Mr. Lane, because when a rifle recedes from the muzzle it sets up shock waves at right angles. So it de-

pends on where you stand. By a good many people ran up there and they found nothing. They found no man with a gun. They found no gun. They found no shells. They found nothing.

So we have the compelling testimony that Mr. Lane talks about—their evidence against overwhelming evidence that the shot came from the school book depository.

And again he says, "Well there are some witnesses that saw a puff of smoke."

Since when did rifles give off a puff of smoke? They don't do it . . .

#### 'Distortion' Charged

But one of the most outrageous distortions of evidence that has occurred in his book comes from his analysis of the testimony of Lee Bowers . . .

I examined Lee Bowers. Lee Bowers testified that he heard three shots. He didn't know whether they came from the School Book Depository Building or the overpass . . .

And then I asked him what he saw after the shots were fired, and I asked him that twice, and in effect he said "nothing." And then repeating a question . . . I said "Mr. Bowers, when you said 'there was a commotion' what do you mean by that? What did it look like when you were looking at the commotion?"

He said "I am unable to describe, rather that it was something out of the ordinary. A sort of a milling around, but something occurred in this particular spot that was out of the ordinary which attracted my eye for some reason which I could not identify. You couldn't describe it."

Now here Mr. Lane lifts out of context of my examination "You couldn't describe it."

Then there's a dash and I asked another question and Mr. Lane draws the conclusion that I interrupted him so that I would suppress evidence . . .

#### Meeting With Bowers

He says he went down to see Lee Bowers and he said "What were you going to tell Commission counsel when he interrupted you?" And Lee Bowers, he says, and we can't prove he's wrong now because Lee's dead, he says it was either a flash of light or a puff of smoke . . .

I asked him two questions later. "Mr. Bowers, I believe you have talked this over with me before your deposition was taken . . . Is there anything that you've told me that I haven't asked you about that you can think of?"

Mr. Bowers: "Nothing that I can recall." But I persisted and gave him a chance to answer anything he had to say. How in God's name can Mr. Lane draw a conclusion that I attempted to suppress this evidence? . . .

## Wesley J. Liebel

. . . I have prepared today to comment on Mr. Epstein's work and I'm going to hold it to that. But I am going to tell you one story about Mr. Lane . . .

I had read . . . an article that Mr. Lane had written in the Guardian, in which he discussed a question of a palm print on the under side of the Mannlicher Carcano that was found on the sixth floor of the school book depository.

And Mr. Lane indicated there was

a conflict in the record between what the Dallas police laboratory had said about the presence of palm

prints on that rifle and the way they were handled and what the FBI laboratory had said.

Mr. Lane's article suggested or would lead the reader to infer that perhaps this palm print had been manufactured by the Dallas police after Oswald had been killed and that explained the contradiction in the testimony.

Now I discussed this with Mr.

Lane at lunch and I pointed out to him that the Commission after observing this discrepancy in the record, had conducted an additional investigation into the question and that the FBI laboratory had gone back and analyzed the matrix of the lift itself . . . and it appeared that there were indications in the lift itself of the surface from which the print had been lifted.

And that seems quite reasonable that that should be so. Because if you put material on there to lift, to take off the configuration of the print, it's also going to pick up the configuration of the surface on which the print appeared . . .

Mr. Lane assured me that he would check into this and that he would straighten it up one way or the other . . .

#### Says Distortion Repeated

I picked up his book when I first received it and . . . I noted again that Mr. Lane had not mentioned the existence of this additional evidence but went right down the path to lead the reader to the conclusion that in fact the print had been planted by the Dallas police . . .

This is precisely the kind of thing that has led me to say . . . his book is a tissue of distortion and a masterpiece of deceit. . . I did say to Mr. Lane's face—that which Mr. Ball



was too much of a gentleman to say—and that is that Mr. Lane is going around the country telling lies for money. And Mr. Lane's response to that was to threaten to sue me for libel and I've been waiting anxiously for those papers ever since.

If you have them here this morning I'll be glad to accept service of process, Mr. Lane, because you know very well as soon as you do that you're going to have to submit yourself to deposition under oath and go through discovery proceedings and that day I'll wait for, sir.

Now I'm not going to be so harsh with Mr. Epstein. Mr. Epstein makes several points, one of which was that the commission or the lawyers suffered from a time problem . . . There is no question but what the actual writing of the report suffered to some extent because of the deadline that the commission stated, or imposed, on getting the report out . . .

#### Distinction Between Problems:

We have to sharply distinguish between the time problem in that regard and the question of whether or not this affected the investigation . . . If any of us that had any problems that were unresolved in our mind at that time, you can rest assured that we would have conducted any additional investigation that was necessary to resolve those doubts.

When you go through (Epstein's) book you find that he emphasizes an alleged contradiction . . . (which) occurred at the autopsy . . . the statements of two FBI agents and two Secret Service agents who very imprecisely placed the wound on the—in the back of the President's body and this all relates to whether the bullet came through the President's neck and then went on to strike Gov. (John) Connally or not . . . They said it was below the shoulders and one of them said, I think, it was four inches below the shoulders. I've never been able to figure out just exactly where the shoulders would be . . .

I always like to compare it with the statement that the autopsy surgeons made . . . which indicated that that wound was located 14 centimeters below the right mastoid process, which is the bony tip be-

hind your right ear and 14, which is 5½ inches, 14 centimeters from the tip of the right acromion process, which places the wound rather precisely, right at the base of the neck.

Now one of the primary bits of evidence that Mr. Epstein relies on in his book is the claimed inconsistency between the location of the holes in the President's coat and shirt, in the back of his coat and shirt, and the location of the wound on the body itself . . .

I had my wife measure 14 centimeters from my right mastoid process down into my shirt and that spot came three inches below the collar line . . .

And then if you raise your arm to the position that the President was in at the time he was shot . . . the shirt very easily rides up and so does the coat and I did it myself and measured again and the second mark comes on my body 5½ inches below the collar line which is exactly one quarter of an inch from the place where the hole was in the President's shirt.

#### Epstein Didn't Measure

At no time prior to the time that Mr. Epstein wrote this book or made these statements did he ever measure 14 centimeters from his own right mastoid process or from the right mastoid process of any other human being . . .

When I pointed out the location of these holes in the shirt, Mr. Epstein was gracious enough to admit that I had clarified (his) thinking in connection with this alleged contradiction. I'm glad that Mr. Epstein said that but I think he ought to say it again . . . He owes us all an obligation to explain the kind of a job he did in the first place that led him into this kind of error.

Mr. Epstein's work has had more effect than that of any other critic of the commission and this results from what I must call a superficial appearance of scholarship. He now has a responsibility that is not to be taken lightly.