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## THE CRITICS and the CULTISTS

Black Friday, 1963, has produced a network of Kennedy assassination cultists who have found solace and companionship in a common skepticism about the official version of what happened in Dallas. They may differ on dogma (whether Lee Harvey Oswald was a participant in the plot or was framed), but all embrace the same basic disbelief in the *Warren Report*. The cult is sustained by the writings of a lawyer in Philadelphia, a waterfowl-breeder in Maryland, and housewives in New York, Beverly Hills and Hominy, Oklahoma.

Communicants pore over maps and diagrams, exchange clues, burrow into the gray cardboard boxes preserved in the National Archives, make pilgrimages to Dealey Plaza, Dallas, and comb the *Warren Report* and the 26 volumes of *Hearings and Exhibits* for some fresh evidence of concealment and corruption. In a world of violence and conspiracy,

where nothing is ever quite what it appears to be, they live with an abiding faith that truth crushed to earth by the Chief Justice and his fellow-conspirators on the Warren Commission will someday rise again, and they will all sit at the right hand of Mark Lane.

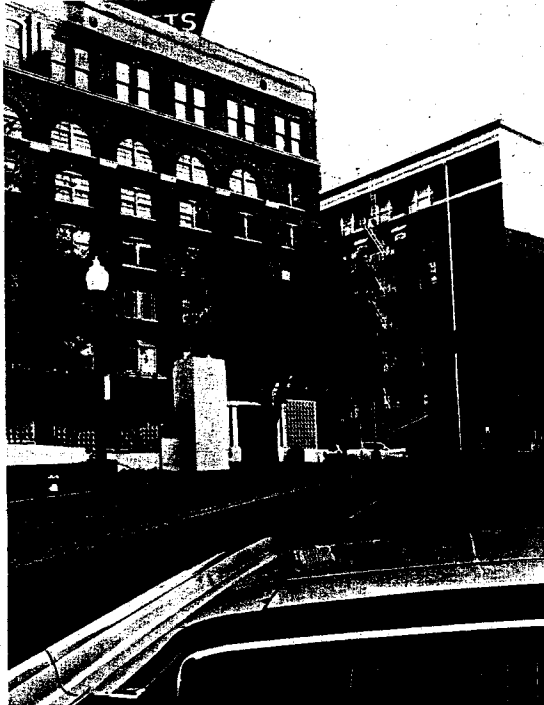
"Mr. Lane's erudition on this subject is enormous," Lord Devlin, one of England's foremost jurists, wrote in *The London Observer* after reading *Rush to Judgment*. "But for the general reader who prefers to approach the Commission's conclusions by a reasonably impartial route, Mr. Lane is not a safe guide."

To read *Rush to Judgment* without checking each allegation and each innuendo against the material published by the Warren Commission in its *Report* and supporting documentation, is like listening to the closing argument of a defense attorney without having heard the other side of the case.

Lane begins with the grassy knoll west of

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View from back seat of Lincoln Continental like one that carried President on Nov. 22, 1963, clearly shows sixth-floor window of book depository. Picture was taken at the approximate spot where bullets struck Mr. Kennedy and Gov. John Connally of Texas.

## THE WARREN REPORT *Continued*

the Texas School Book Depository, the direction from which many eyewitnesses thought the shots were fired. He gives great weight to the testimony of a schoolteacher, Jean Hill ("I thought it was just people shooting from the knoll—I did think there was more than one person shooting"). Lane doesn't mention that this same witness also saw a white, fuzzy dog in the back seat of the President's car ("I said: 'I could see Liz Taylor or the Gabor's traveling with a bunch of dogs, but I can't see the Kennedys traveling with dogs.'") The white, fuzzy dog was actually a bouquet of red roses.

Mrs. Hill also saw a man she thought was Jack Ruby running past the knoll right after the shooting, when the Commission had convincingly established his presence in the second-floor advertising offices of the Dallas *Morning News*. According to Lane, a man resembling Ruby appears in a photograph of the Book Depository entrance taken a few minutes after the assassination. Lane accuses the Commission of trimming the picture in such a way as to remove a large part of the man's face.

Wesley J. Liebeler, an assistant counsel on the Warren Commission who is currently professor of law at UCLA, explains what happened to this picture, which was one of twelve taken with a 35-millimeter camera by Phillip L. Willis, a retired Air Force major. "Thirty-

five-millimeter slides," says Liebeler, "come in cardboard holders, held in by inserting a portion of the edges of the slide under the cardboard. When prints are made from the slides, the edges under the cardboard do not appear on the print unless the slide is removed from the holder. In this case, the holder was not removed."

Lane devotes most of two pages to the "trimmed" photograph, but makes no mention of the photographer's immediate reactions to the shooting, although Willis was standing in front of the Book Depository, 10 feet from the President's car at the moment the first bullet struck him. Unlike Lane's schoolteacher, Willis happened to be familiar with high-powered rifles. He is a deer-hunter.

"Three shots," he said when asked how many he had heard, and then added, "The minute the third shot was fired, I screamed, hoping the policeman would hear me, to ring that building because it had to come from there."

Two bullets struck the President, inflicting wounds in the head and neck. If Oswald were the lone assassin, firing from a window above and behind the President's car, as the Warren Commission concluded, neither of the bullets could have entered the front of the President's head or neck. If one such entry wound were found, it would indicate a second assassin. If both wounds had been caused by bullets fired from in front of the President's car,

Oswald was innocent of the assassination.

In arguing for Oswald's innocence, Lane bears down heavily on the discrepancies between what was observed at Parkland Hospital, where the President was given emergency treatment, and what was reported by the pathologists who performed the autopsy at the National Naval Medical Center in Bethesda, Maryland. The autopsy required about three and one-half hours. In Dallas the doctors worked over the President for exactly 17 minutes before he was pronounced dead. No post-mortem examination was made.

In the confusion at Parkland, doctors saw a throat wound which looked as though it might be an entry wound, and they failed to notice a small, clean-edged bullet hole at the rear of the President's skull which was discovered during the autopsy that night. It proved to be the point of entry for the fatal bullet that caused the President's massive head wound.

The bullet hole in the throat, it developed subsequently, was not an entry wound, as had seemed "possible" at Parkland Hospital. Instead, the bullet had come from behind, striking the back of the neck and emerging from the front, just below the Adam's apple. The autopsy findings were corroborated by the bullet holes in the rear of the President's jacket and shirt. The fibers of both garments were pushed inward, indicating a wound of entry rather than of exit.

In seeking to discredit the autopsy report, which concluded that both of the bullets responsible for the President's wounds had been "fired from a point behind and somewhat above the level of the deceased," Lane encourages his readers to infer that the report was adjusted to fit the Commission's preconceived theory that Oswald, acting alone, shot the President. Eight doctors in Dallas, Lane emphasizes, "did not see a bullet hole which the Commission said was there." Four Parkland physicians are quoted on this point, including Dr. Kemp Clark, who signed the hospital's medical report on the President's death. Lane does not quote Dr. Clark's statement that the small, undetected head wound "could have easily been hidden in the blood and hair."

Neither does he bother to explain—or, indeed, even to mention—one of the most important details regarding the disparity between the observations in Dallas and Bethesda. Lane's readers are not told that throughout the entire time the President was being treated at Parkland Hospital, he was lying on his back. The doctors never turned him over.

Thus, the Parkland physicians had not been in a position to observe the entry wound in the rear of the President's head, and the autopsy surgeons in Bethesda had been unaware of the throat wound because it had been obliterated by the hole cut in the President's windpipe in an effort to help him breathe. Once the Bethesda pathologists checked with the Dallas doctors and learned about the tracheotomy, they could see why they had failed at first to find a point of exit for this bullet. It had passed between two large strap muscles and had met with almost no resistance before it emerged from the soft tissue in front of the throat.

Before the bullet's path had been traced and the mystery of its exit cleared up, two FBI agents recorded a preliminary hypothesis

that one bullet—not found in the body—had penetrated a distance less than a finger length. This tentative theory turned up as fact in an FBI summary report dated December 9 and was repeated in a supplemental report on January 13. The contradiction between the two FBI reports and autopsy findings published by the Warren Commission figures



Wesley L. Liebeler, UCLA law professor and an assistant counsel on the Warren Commission, scotches accusation that an important photo was "cropped."

prominently in *Inquest*, a scholarly-appearing book by Edward Jay Epstein which began as a master's thesis in government at Cornell.

"I was at first persuaded that this young man had, by dint of digging and hard analysis, come up with one of the big stories of the decade, namely, that the eminent Warren Commission had done a fantastically sloppy job and that few of its major conclusions were to be credited any longer," Fletcher Knebel wrote in *Look*. "Then, I started to check some of Epstein's statements . . ."

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

This "political truth" could imply nothing less than a monstrous fraud perpetrated by the Chief Justice, four Congressional leaders, a parcel of outstanding lawyers and the physicians who gave the President emergency treatment in Texas and those who performed the autopsy in Maryland. Yet, as Knebel discovered at once, Epstein had not bothered to question the autopsy surgeons or the FBI.

"A scholar may find reasons to put such strange restraints on his curiosity, but no police reporter could," Knebel wrote after checking the story out.

The autopsy report signed on November 24th by two Navy Commanders (James J. Humes and "J." Thornton Boswell) and an Army Lieutenant-Colonel (Pierre A. Finck) was published in the *Warren Report* "exactly as it was written," said Dr. Boswell, and a spokesman for the FBI, using the guarded language of his calling, admitted it was "entirely possible that Humes's autopsy report did not get into the hands of the FBI until later, and so our initial reports did not reflect the doctors' decision."

Additional legwork disclosed that the autopsy report had gone first to the White House, then next door to the Secret Service. It seems to have been forwarded to the FBI on December 23, two weeks after the summary report was written. The error in the December 9 report was apparently picked up in the January 13 supplement without any check having been made as to what final conclusion the autopsy surgeons had reached.

"It is ridiculous to indicate that the autopsy findings were changed after November 24 . . ." says Arlen Specter, the Commission lawyer who did most of the work in this area of the investigation.

Specter saw both the longhand and typewritten versions of the autopsy report when he first went to work for the Commission in mid-January. He says they were essentially identical. Both have been published by the Commission. The typewritten version is in the *Warren Report*; the handwritten original is in Vol. XVII of the *Exhibits* (Commission Exhibit 397).

Also, as Specter has pointed out, when the three Bethesda physicians testified under oath, they had no way of knowing whether their description of the President's wounds would ever be checked against the X-rays and photographs turned over to the Secret Service. It scarcely seems credible that they would risk disgrace and imprisonment by giving perjured testimony which could be so easily disproved.

The seven Commissioners, the 14 lawyers who served under James Lee Rankin, and the 12 members of the staff would have assumed the same personal and professional risks in altering the facts. Men capable of a crime of such magnitude might charitably be expected to have the wit to destroy indisputable evidence of their guilt, especially when the vast investigative resources of the Department of Justice were commanded by the dead President's brother.

At the time Epstein's book appeared, some assassination cultists insisted that no autopsy X-rays or photographs had ever been made; others claimed they had been destroyed to protect the Commission. This murky aspect of the mystery has been cleared up by the Kennedy family. They have deposited the material in the National Archives. It includes 14 X-rays and 51 photographs (25 black-and-white negatives and 26 color transparencies).

Epstein's work is peppered with footnotes, but apparently neither his professors nor his editors checked his sources to see if the quotations were accurate. "Completely unreliable,"

says a Commission lawyer who claimed he was misquoted and quoted out of context. One of the members of the Commission staff told *Newsweek* he was "appalled by the inaccuracies of the book . . ."

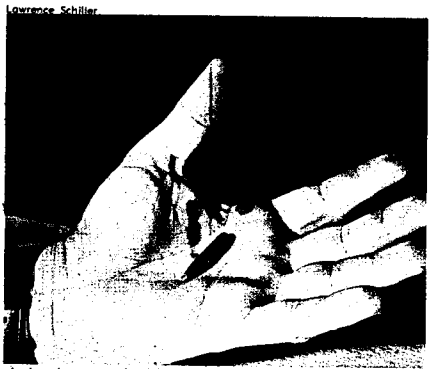
"Epstein, instead of getting a master's degree for his product, should go to the foot of his class," says Associate Justice Stanley Mosk of the California Supreme Court, who found *Inquest* "superficial and inaccurate."

"Frankly," says one of the members of the Warren Commission, "I thought the Lane/Epstein and other attacks were so frivolous and the authors so undistinguished that it was better to ignore them. I now see that I was wrong."

Epstein drew heavily on the files of Professor Liebeler, who has put his UCLA law students to work on a massive study of the Commission and its critics, which will be incorporated in a book he is writing about the assassination. Although he stands by the story he told Epstein of the vigorous differences of opinion within the staff (it would be difficult to believe that such men had not disagreed at times), Liebeler takes strong exception to the doubts *Inquest* has cast on the central findings of the *Warren Report*.

"The conclusions will stand well the tests of time and history," he says, and when asked about Mark Lane's book, dismisses it as "a tissue of distortion, a masterpiece of deceit."

Lane's book carries a foreword by Hugh Trevor-Roper, a distinguished English historian who joined Bertrand Russell in launching one of the first organized efforts abroad to



A slug this size is fired from rifle like the one owned by Lee Harvey Oswald. But some question the Commission's conclusions over the number of bullets fired.

challenge the evidence of Oswald's guilt. Reviewing the *Warren Report* in the (London) *Sunday Times* in December, 1964, Professor Trevor-Roper tumbled into a trap of his own making. American police, he wrote, "automatically" make a transcript of all interrogations of suspects, no matter how trivial the case. The Dallas Police Department insisted it had made no such record of Oswald's interrogation.

"This, I do not hesitate to say, cannot possibly be true," Professor Trevor-Roper declared, and suggested it had been "destroyed

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THE WARREN REPORT Continued

by the FBI or the police, and the Commission, with culpable indifference, has not troubled to ask why."

He was answered by Dwight MacDonald in his brilliant *Esquire* critique of the Report (one of the rare pieces of good writing in the entire body of assassination literature). American police, MacDonald informed the Regius Professor of Modern History at Oxford, do not "automatically" record interrogations. They wait until the suspect has begun to make incriminating admissions. In Oswald's case, this had never happened. But because a transcript *should* have been made in Dallas, it was assumed in Oxford that it *had* been made, and having disappeared, it *must* have been destroyed.

On first reading the *Warren Report* (two years later, after *Inquest*, he changed his mind), Raymond Moley was favorably impressed. He found it bore "a heavy imprint of the Commission's chairman." He commented on the "thoroughness of detail which is the mark of a great criminal prosecutor" and on "Warren's capacity as an administrator." He had managed to produce a document signed by all seven members of the Commission. As in the decision ending racial segregation in public schools, there was no dissenting opinion.

"The *Report of the Warren Commission*," says Professor Trevor-Roper, "is an advocate's summing up."

"I am an advocate by nature," Warren said early in his career as a crusading district attorney, and, without question, the *Report* shows the influence of a prosecutor building a strong case—"The Chief Justice," says one of the Commission lawyers, "was a dominant figure moving throughout the entire investigation . . ."—and preparing an airtight brief ("It was not ever possible," says Murray Kempton, "to read these findings without becoming at once aware of the special defects of the prosecutor's mind.")

The *Report* may be faulted for playing up the testimony of two shaky witnesses who placed Oswald at the scene of the Kennedy and Tippit murders (Howard Brennan and Helen Markham), and for neglecting to quote the damaging statement of a Marine Corps contemporary of Oswald's who described his performance on the rifle range as something of a joke (Nelson Delgado). The *Report* is also much too tactful in its treatment of the Dallas Police Department. It passes over the lively testimony of Mrs. Nancy Perrin Rich who set up illegal drinks for the local lawmen, and no comment is made on the department's failure to record by any means Oswald's interrogation.

"No, sir; I have requested one several times but so far they haven't gotten me one," the head of the homicide bureau replied when asked if the Dallas Police Department owned a tape recorder (he was not asked why he had not rented or borrowed one for the occasion).

The FBI and the Secret Service agents who sat in on the questioning of Oswald have also been rebuked for not having insisted that a stenographer or recording device be brought into the interrogation room, but their critics—

especially foreign journalists — have often failed to realize that the government agents had no jurisdiction in the case. Under the law at that time, it was a federal crime to threaten the President but not to shoot him. Federal jurisdiction could have been asserted only if evidence had pointed toward a conspiracy.

No such evidence turned up, at least as far as the federal agencies have reported, but suspicion of a plot of some sort took hold of the public mind at once and has never been dislodged—or substantiated. Shortly after the assassination, a Gallup poll revealed that more than half of the American people (52%) believed "some group or element" was involved. Three years later, following the Lane-Epstein attacks on the Commission, a Louis Harris survey indicated that two out of three Americans thought the *Warren Report* had not told the "full story."

"The largest lack of acceptance of the explanation by the Warren Commission persists among lower income, less well-educated Americans," the Harris survey noted. "The

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Jack Ruby is led from his cell at the Dallas jail by police in his first appearance to the public after he shot and killed Lee Harvey Oswald in jail basement.

more articulate, better-informed groups tend to give more credence to the official report."

Among the mass of its critics, the *Report* was immediately suspect because it was the *official* version of what happened in Dallas. In a republic overrun with rebels who regard the District of Columbia as a foreign and unfriendly power, it is difficult for even the most eminent group of public officials to make a thoroughly convincing case for any debatable proposition. Chances of total acceptance are further reduced when the group is headed by a highly controversial figure who has aroused the wrath of racists, right-wing radicals and back-country evangelists.

Possibly the Commission was too official in its composition. Possibly it should have been salted with private citizens drawn from literature and history rather than the law (Edmund Wilson and Samuel Eliot Morison, for

example), but even so, its pursuit of truth would still have taken it into the same tanglewood of myth and mystery. Any official report on the assassination would inevitably have had to offer facts where fantasy had taken hold.

"It is a monumental work," Lord Devlin wrote when he read the *Warren Report*, and went on to praise the superb organization of its material. "The structure is clear. Each fact is to be found in its proper place to sustain each conclusion. The minor conclusions support the major, and on the major the verdict rests."

But it was not a popular verdict. Politically, the right still insists the assassination was a conspiracy of the left, and the left remains equally certain it was a right-wing plot. Emotionally, the dead President's mourners are not content with the conclusion that this dazzling young man was senselessly killed by a neurotic ne'er-do-well. Having failed to find a conspiracy in Dallas, assassination cultists have transferred their suspicions and their malice to the Warren Commission, vilifying it as a conspiracy to conceal the truth.

Reasonable men may differ on the Commission's methods, the interpretation it placed on the evidence, and the conclusions it reached, but it is one thing to accuse the Chief Justice and his associates of bad judgment, quite another to speak of bad faith. If there is any truth about the assassination which has not yet been found, its discovery is not to be hastened by increasingly irresponsible slanders, which at times have crossed over into madness.

Critics of the *Report*, serious analysts as well as the cultists, have had a tendency to stress the notoriously unreliable testimony of eyewitnesses and play down the hard physical evidence of Oswald's guilt. They pick and choose among conflicting memories, fasten on inconsistencies, and dwell at length on inexplicable details (the police car Oswald's landlady is sure she saw and heard outside her house shortly before Officer Tippit was murdered), but cheerfully pass over or try to explain away the documentary proof that Oswald purchased the rifle found at the Book Depository and left his palmprint on it. Also, cotton fibers on the rifle matched the colors, shades and twist of the fibers in the shirt Oswald was wearing when he was arrested.

It is difficult to believe that this young man, who failed at everything he set out to do in his brief, unhappy life, could single-handedly have shot the President. For a stubborn minority, it has been no less difficult to believe that *Hamlet* was written by a Tudor dropout, but in 300 years no acceptable substitute has been found for William Shakespeare.

The Dallas mystery may have spawned a new breed of theorists who will go thundering down the corridors of time insisting Oswald was innocent or was part of a conspiracy concealed by the Warren Commission, but so far they have come up with no plausible, provable alternative to its *Report*. They have been more successful in ridiculing and reviling it than in replacing it.