

The Warren Report Stands

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Firm

The trouble with the continuing controversy over the Warren Commission's findings in the death of President Kennedy is that the circumstances of the assassination stimulate almost unbelievable flights of wildest fancy.

The great crime itself was so unbelievable, and the aftermath so confused, that it is not hard now to find weak points in the commission's report. Nor is it difficult to mix fact with rumor and conjecture and come up with a version of what happened that is plausible—if not likely. The hardest thing to do is to wade through all 26 volumes of the commission report and all the theories of its detractors and know what to believe.

This is true despite the integrity of the men who served on the commission and the extent of their investigation. The commission had the federal government's entire investigative skill at its disposal. About 26,500 persons were questioned, thousands of leads and rumors were traced to dead ends and a vast amount of physical evidence was obtained.

No Plan Was Found

After hearings and a thorough review the commission reached its finding that Lee Harvey Oswald acted alone in killing the President and that his presence in Dallas on Nov. 22, 1963—and in the Texas School Book Depository overlooking Mr. Kennedy's route—was a happenstance, not the result of a plan or design.

But long before the commission announced its findings in September, 1964, many persons, particularly in Europe, convinced themselves that there had to have been a conspiracy. To them, it was just too much to believe that one man could have done it alone.

Oswald had been fatally shot in the Dallas police station by Jack Ruby, a Dallas night-club operator with a checkered past. Oswald had gone to the Soviet Union in 1959 to become a Soviet citizen; he married, but after 32 months in Russia, apparently disillusioned, had brought his family to the United States in 1961 with financial help from the State Department. In August, 1963, Oswald was seen in New Orleans handing out pro-Castro leaflets. In September he visited the Soviet embassy in Mexico City in an unsuccessful attempt to go to Cuba. The CIA knew of this and so did the FBI, which was well aware of Oswald's entire background.

And yet, when President Kennedy motored through Dallas, there was Oswald, working on the sixth floor of the School Book Depository which the Secret Service had not checked out.

These are a few of the incredible circumstances that figured in the assassination.

Hatred Abounded

There was Dallas itself, aboil with right

wing hatred toward Mr. Kennedy; where Sen. and Mrs. Lyndon Johnson had been jostled during the campaign of 1960 and where Ambassador Adlai Stevenson had been spat upon only weeks before Mr. Kennedy visited the city. There was the Dallas police questioning of Oswald after his arrest. It was the department's policy not to transcribe or record a suspect's statements until he was ready to confess. Oswald denied being the assassin, and so, when Ruby shot him, no record, only notes, existed of what he told the Dallas authorities.

It was too much for many people to believe that Oswald acted alone—and yet, the physical evidence of the crime pointed to Oswald and no one else. His mail-order rifle was found on the sixth floor of the School Book Depository with his palm prints and some fibers from his shirt on it. Three empty cartridge cases from his rifle were found near the open sixth-floor window. Bullet fragments found in the President's car came from Oswald's rifle. These were indisputable facts and there were more.

But the commission could not prove that no one else was involved with the scientific certainty that the bullet fragments were fired from Oswald's rifle. Simply, no evidence was found that Oswald had an accomplice. It was this, plus the commission's haste, Oswald's strange career, inept police work and confusion—terrible confusion—immediately after the shooting, that have provided openings for the current attacks on the commission.

Thus, it was not hard for the attorney, Mark Lane, to structure a defense of Oswald.

Viewpoint, an in-depth look at topical issues of broad concern, appears periodically on this page. These articles, which reflect The Times' opinion, are prepared by staff writers in conjunction with an advisory board of senior editors and specialists.

Largely on the basis of eyewitness reports, Lane wrote a best-seller which contends that the fatal shots were fired from a grassy knoll to the right front of the Presidential motorcade—not from the sixth floor of the School Book Depository above and to the right rear of the President's limousine. The FBI questioned many eyewitnesses. Ultimately, the commission discounted Lane's contention, not only because there were witnesses who saw or heard the shots come from the School Book Depository, but more

important, because no evidence—no cartridge case, no rifle, no nothing—was found behind the grassy knoll.

The Keystone Kops behavior of the Dallas police, the FBI's hurried and mistaken first report on the autopsy findings and the commission's failure to run out some leads completely also gave grounds for criticism like that of Leo Sauvage, a French newsman.



"Trouble is, I can't make out a plot!"
Long in Minneapolis Tribune

After a hard-eyed look, Sauvage concluded that it is "logically untenable, legally indefensible and morally inadmissible" to declare Oswald the assassin.

Still, there is the evidence. It stands.

Despite all the criticism, the worst that can be said of the Warren Commission is that under pressure to complete its inquiry before the 1964 election, it left doubts that might have been fully resolved had it pushed harder in checking out every lead.

For example, there was a rumor that Oswald was an FBI informant. The commission took J. Edgar Hoover's word that he was not, but failed to examine the FBI file on its contacts with Oswald though an assistant director made the file available.

Another place where the commission might have checked out leads even farther than it did is the ground which New Orleans Dist. Atty. Jim Garrison is now plowing.

Shortly after the assassination federal agents and local authorities in New Orleans began getting reports that Oswald had consorted with Cuban exiles and homosexuals when he lived there in the summer of 1963. Some informants reported that some of these persons—notably the late David Ferrie—might have conspired with Oswald to kill the President.

The FBI dug into these reports. No supporting evidence was found and in the end, the Warren Commission did not consider the allegations substantial enough to include in its report.

Garrison apparently never was satisfied with this decision. As attacks on the commission mounted last year and doubt spread, Garrison quietly reopened an investigation into the New Orleans aspects.

When New Orleans newspapers disclosed

the investigation in February, Garrison went public in a big way. Until silenced by the courts, he proclaimed that he had solved the assassination; that Ferrie and others had conspired with Oswald to commit it.

Garrison sought to exploit a gap in the Warren Commission report centering on the identity of one "Clay Bertrand." A New Orleans lawyer, Dean A. Andrews Jr., told authorities that a man whom he knew as "Bertrand" telephoned shortly after the assassination to ask him to defend Oswald. The

FBI never was able to identify "Bertrand" and because of inconsistencies in Andrews' testimony, the commission gave it no weight.

Now, a grand jury has indicted Clay Shaw, former head of the New Orleans International Trade Mart, on charges of conspiring to assassinate the President. Shaw, according to Garrison, is "Bertrand" and Andrews is under indictment for perjury apparently because he refused to put the finger on Shaw.

The flights of fancy that can be taken from the ingredients of Garrison disclosures, plus the incredible mixture of persons conceivably involved—homosexuals, masochists, narcotics users, courtroom hangers-on, Cuban exiles and whatnot—are endless and in some instances almost plausible.

Garrison's hints that in his opinion the FBI failed to evaluate correctly possible homosexual relationships in the case; that he has uncovered intriguing coincidences which will prove him right. But relationships and coincidences, however suspicious, are not evidence. And that is what is lacking in New Orleans—hard evidence.

The FBI sought to build a complete record of Oswald's actions and associations after he returned to the United States. While it was not possible to account for every minute and every movement, the record reportedly is surprisingly complete from the summer of 1963 on. There is no evidence in commission records that Oswald associated with Ferrie or Shaw, as Garrison has charged, or that Oswald had homosexual tendencies.

Atty. Gen. Ramsey Clark said the FBI's investigation in New Orleans supported the Warren Commission's conclusion that Oswald acted alone. "We have nothing that indicates any evidence of a conspiracy," Clark said.

Didn't Close Minds

Even so, many observers, including The Times which assigned five veteran reporters to the story, were willing to keep an open mind about Garrison's probe.

If the testimony which resulted in Clay Shaw being bound over for trial appeared flimsy, there were rumors that Garrison had held back his most convincing witnesses. If Garrison was unrestrained in his public statements, some of his investigators were not

without experience.

But now, with the disclosure last week by James Phelan, a writer for the Saturday Evening Post, that Garrison unwittingly gave him three documents which clearly undermine the case against Shaw, the district attorney is left very far out on a limb.

The documents show that Garrison's star witness against Shaw — Perry Raymond Russo—was under hypnotism when he first told of an assassination plot involving Shaw, Oswald and Ferrie. That's shaky enough, but the documents also show that Russo didn't even hint at knowing of such a plot when one of Garrison's men questioned him earlier for three hours. Some star witness!

This is not the stuff of which bonafide challenges to the Warren Commission are made. The U.S. government put its faith, its integrity and its credibility behind the Warren Commission report and would be discredited beyond repair if the report were proved to be in error. Even so, Chief Justice Warren said recently, that if any new evidence were uncovered, it should be examined and the "law permitted to follow its course."

But the issues are far too serious and the wound of President Kennedy's death too fresh and too deep for reckless attacks on the commission or wildcat probes of its work—whether for commercial exploitation or political gamesmanship. All of which is not to overlook the injustice which appears to have been done to Clay Shaw.

The only satisfaction to be had from the Garrison caper so far is that it puts into perspective a lot of the savage criticisms.

The wildest flight of fancy about the assassination is the charge by such critics as Lane and Harold Weisberg, author of "Whitewash," that federal officials — from President Johnson on down—engaged in a massive conspiracy to conceal the truth. If true, such a monstrous conspiracy would have involved so many persons that it would have fallen of its own weight long ago—just as Garrison's claims that he has solved the assassination seem to be doing now. *FAD*