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Dare We Rush Into Accepting Criticism of the Warren Report?

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MURDER of the chief of a powerful, wealthy nation is a matter of worldwide concern, inciting reckless, inflammatory, sustained suspicion, rumors, and gossip. Since great shifts of personal power follow, affecting the future of great masses living and to be born, deep fears, anxieties and passions are stirred. Men, organizations, and nations who opposed the policies of the victim, or who succeeded to power and influence on his death, immediately become the subject of an uncontrolled wild-fire of suspicion, unverified rumor, and reckless accusation.

So when in Lee Harvey Oswald's case, the impudent, tactless, alleged assassin of President Kennedy and Officer Tippit was arrested, paraded before the public on live television and then was himself murdered in view of untold millions, while surrounded by police officials, the usual wild-fire of suspicion, rumor, and accusation was escalated to hysterical and imminently dangerous proportions. The stability and international reputation of our government was threatened.

In these circumstances the great talents and, more important, the immense national and international personal and

RUSH TO JUDGMENT, by Mark Lane (478 pages; Holt, Rinehart & Winston; \$5.95).

INQUEST, by Edward Jay Epstein (224 pages; Viking; \$5).

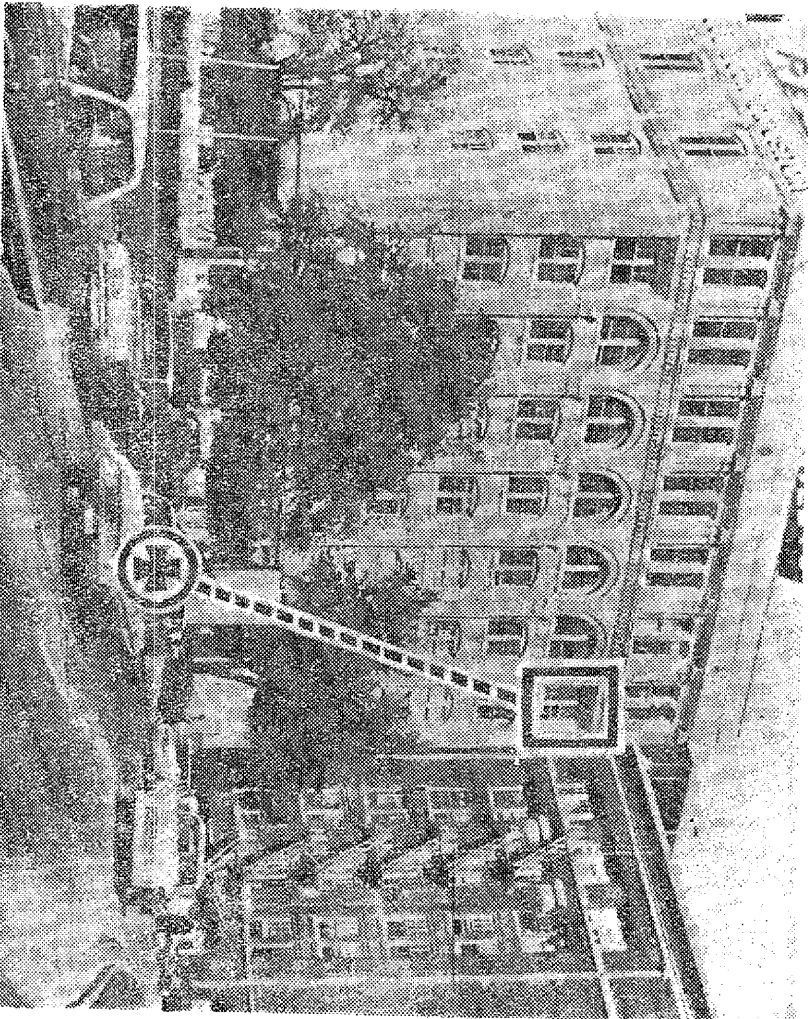
Judicial prestige of Chief Justice Earl Warren was drafted by President Johnson. Then the Warren commission hastily assembled.

One principal unspecified purpose of the commission was to discredit, quickly, unfounded speculation and rumor. The other, specified purpose was quickly to find and publish the whole truth about the assassination of the President and the killing of the alleged assassin, Oswald. Edward V. Epstein and Mark Lane, critics of the commission, assert plausibly that both purposes could not be achieved if any principal speculation and rumor was true.

AFTER TEN MONTHS and the hearing of 26 volumes of testimony and exhibits the commission reported its findings that:

1. Oswald acting alone without any accomplice or co-conspirator fired three shots from the sixth floor of the book depository above and behind the President.

2. The three shots were aimed and fired from an Ital-



WERE THE ASSASSINATION SHOTS fired from this building? This photograph, widely accepted as an accurate representation at the time of President Kennedy's murder, is now being challenged by writers who have carefully studied the Warren Commission Report.

ian bolt action rifle within a span of 4.8 to about 7-plus seconds; a maximum of 5.6 seconds elapsed between the two wounds of President Kennedy.

3. The same bullet from one shot first struck the President near the base of the back of the neck slightly to the right of the spine, passed through his body, then passed through Governor Connally's chest and wrist.

4. One bullet struck the President in back of the skull, exiting on the right side, breaking into fragments, causing death.

5. Oswald acting alone without any accomplice or co-conspirator killed Officer Tippit with a revolver seized in Oswald's possession at the time of his capture at the Texas theater.

6. Jack Ruby, acting alone without any accomplice or co-conspirator shot and killed Oswald.

EPSTEIN AND LANE, in essence, challenge the sufficiency of the evidence that Oswald was a lone assassin. Epstein is careful not to assert that there was another assassin. But he implies clearly that probably there was at

least one other. Although Epstein purports to criticize only the composition and procedures of the commission, the non-professional reader will be more interested in the criticism of the findings.

In this area both Epstein's "Inquest" and Lane's "Rush to Judgment" come directly to the point, relying upon the evidence heard by the commission and the FBI summary report and supplemental report. On the pivotal finding of the commission that the bullet from the same shot penetrated the body of the President and of Governor Connally (a finding required by the established short time between two wounds of the President and the comparatively slow firing rate of the Italian rifle), Epstein and Lane quote the conflict between the FBI reports on the autopsy findings and the findings of the commission. Epstein and Lane both make the startling suggestion that the autopsy report on the nature and location of President Kennedy's wounds was altered. The quoted FBI reports stated:

"Medical examination of the President's body revealed that one of the bullets had entered

just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit and that the bullet was not in the body." (Report, December 9, 1963)

"Medical examination of the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger length." (Supplemental Report, January 13, 1964)

NEVERTHELESS the Commission found in part:

"... Seconds later shots resounded in rapid succession. The President's hands moved to his neck. He appeared to stiffen momentarily and lurch slightly forward in his seat. A bullet had entered the base of the back of his neck slightly to the right of the spine. It traveled downward and exited from the front of the neck, causing a nick in the left lower portion of the knot in the President's necktie. Before the shooting started, Governor Connally had been facing toward the crowd on the right. He started to turn toward the left and suddenly felt a blow on his back. The governor had been hit by a bullet which entered at the extreme right

Arts & Entertainment

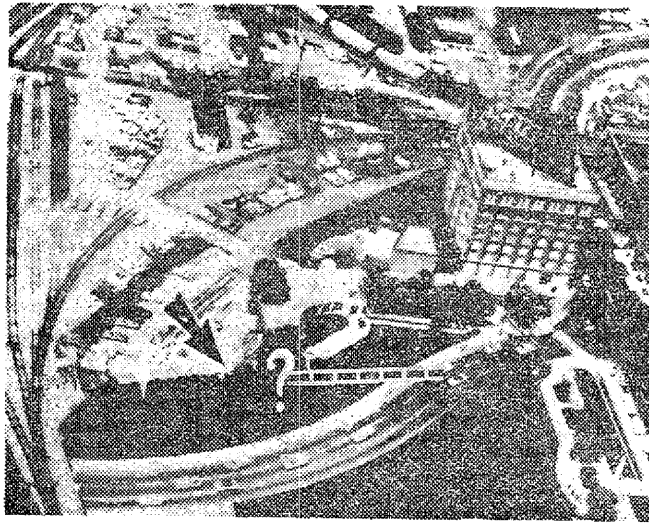
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MANY WITNESSES TO THE MURDER were certain that the shots came from in front of the President's car. They ran toward this park area (arrow) where an assassin might have concealed himself behind a wooden fence (hidden by trees), fired somewhat as indicated, then escaped through the crowded parking lot.

side of his back at a point below his right armpit. The bullet traveled through his chest in a downward and forward direction, exited below his right nipple, passed through his right wrist which had been in his lap, and then caused a wound to his left thigh. The force of the bullet's impact appeared to spin the governor to his right, and Mrs. Connally pulled him down into her lap. Another bullet then struck

President Kennedy in the rear portion of his head, causing a massive and fatal wound. The President fell to the left into Mrs. Kennedy's lap."

EPSTEIN AND LANE imply that the FBI report was an accurate report of the wounds; that the published Commission exhibits, the FBI photographs of President Kennedy's bloody shirt and coat, and the pathologist's diagram

establish the inaccuracy of the Commission's report of a wound in the neck and the accuracy of the FBI report of a back wound. (These exhibits are republished in "Inquest" but not in "Rush to Judgment.") It may be possible to settle this issue of the location of the back wound from photographs made during the autopsy but not made available in the report.

"Inquest" and "Rush to Judgment" will attract the attention of many who have previously considered the facts of the assassination and of the killing by Ruby of the alleged assassin Oswald to have been settled beyond doubt. Neither book is written by an established investigator, reporter or author. For that reason, each is accompanied by a laudatory introduction by a respected writer.

THE WELL KNOWN journalist Richard H. Rovere vouches for "Inquest" as the work of a scholar, who is not playing hunches, but disentangling the evidence from the conclusions.

He chides the press for not having "cast a cool eye on the report" as Epstein is said to have done. Indeed, "Inquest" began as a master's thesis in government at Cornell university, according to the author.

The book presents a low key criticism of the organization

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Were There Two Oswalds?

The publication of the two books reviewed here mark the beginning of serious debate in the United States about the soundness of the conclusions, procedures and creation of the Warren Commission, which investigated and reported on the assassination of President Kennedy. The Commission, headed by Chief Justice Warren, was appointed by President Johnson "to ascertain, evaluate, and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination."

One question being raised is whether the assassination was a conspiracy and the Lee Harvey Oswald, murdered by Jack Ruby, was a dupe. Coming this fall is another examination of this possibility. This, to be a 95-cent paperback from Avon and the New York Review of Books, is tentatively titled, "The Second Oswald." The author is Richard H. Popkin, chairman of the department of philosophy at the University of California at San Diego.

Professor Popkin's book will be an expansion of his 15,000-word review of two books on the Commission report, in the New York Review. That review, published July 28, was of "Inquest", (reviewed here) and "Whitewash," by Harold Weisberg, a privately printed paperback.

Incidentally, a film version of "Rush to Judgment" is to be premiered next month.

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and procedures of the Commission. The materials used are the official reports and the interviews with members of the Commission and staff.

"RUSH TO JUDGMENT" is introduced with restraint by a distinguished English author and investigator Professor H. Trevor-Roper ("Last Days of Hitler") as an advocate's argument that Oswald was not a lone assassin, and perhaps not the assassin at all. Trevor-Roper recognizes that Lane, a lawyer, attempted to secure the permission to represent Oswald's interests before the Commission (at the request of Oswald's mother); that Lane's book is the work of advocacy, not of impartiality.

Trevor-Roper does not associate himself with Lane's implication that the Commission report is a "whitewash job." He suggests that Lane attempts to prove too much. This is an evident failing of the book, which challenges nearly every important find-

ing of the Commission, admitting only the undeniable fact that Ruby killed Oswald.

WERE THERE PARTIES to a conspiracy to assassinate President Kennedy who are not officially suspected or likely to be charged with the crime? Were shots fired at President Kennedy by more than one person and from other locations than the Texas Book Depository? Was the killing of Lee Oswald by Jack Ruby assisted by others? Did Oswald and Ruby have a prior connection which might explain the killing of Oswald? Was Oswald an informer for the FBI?

The Warren Commission and the FBI investigators answered "no" to each of these questions. The authors of "Inquest" and "Rush to Judgment" boldly question the accuracy of the answers.

Lane insists that the evidence shows that the shots came from the front; that Oswald was not the assassin; that the principal witness who

identified Oswald as the man with a rifle in the depository window originally failed to identify Oswald after his arrest; that Oswald did not kill Tippit; that Ruby, Tippit and other members of the Dallas Police department may have been in a conspiracy; that Ruby was permitted to kill Oswald with connivance of one or more members of the Dallas Police department; that a Dallas police transcript of Tippit's last radio call was altered; that many material witnesses were ignored or not called by the Commission.

The reader with an inquiring mind will desire to read these books but will find that they prove nothing. They raise serious questions about the lone assassin theory, about the wounding of President Kennedy and Governor Connally with one bullet, about the accuracy of the eyewitness testimony accepted by the commission. Perhaps they deserve an official answer. There have been many unofficial answers. Certainly there

will be many more unofficial answers in books, newspapers, national magazines and in other news media. The debate will probably continue as long as the Republic survives, if the Lincoln assassination is any guide.

FASCINATED as they may be by suspicion, mystery and murder of an attractive President, the public must keep in mind that the Commission was



IF A CONSPIRACY was behind the assassination of President Kennedy, then the murder of Lee Harvey Oswald (above) suggests that his killer Jack Ruby (right) and some Dallas police were involved. Critics of the Warren Commission Report do suggest that, and more.

ble evidence and arguments are in. The sincerity and honesty of the Warren Commission should not be doubted. A discussion of its organization and findings is inevitable in a free society.

A book on this subject may be published in hope of monetary reward, because of passion, in response to a sense of public duty, a desire to be im-



composed of Chief Justice Warren, noted for moral courage and honesty, and of men of acknowledged probity, experience and intellect. The staff of the Commission was headed by the nation's best trial lawyers. The report included the testimony and exhibits before the Commission,

Granting that there was some evidence which was classified and unrevealed this may be revealed in the course of the debate to come. The wisest course is to reserve judgment until all the availa-

portant or for other reasons. The reader must judge the book and the reason.

The Warren Commission, under extreme difficulties, impressively opened the case for its conclusions. Now, undoubtedly the critics will have a public hearing. But it would be a mistake to reach a conclusion before the answering arguments are in.

It is significant that no complaints concerning the findings of the Commission have come from the directly concerned Kennedy family.