

# Burning questions

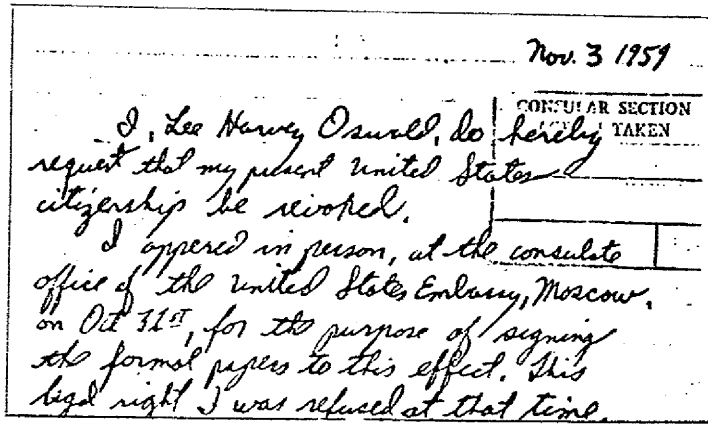
By Gaeton Fonzi

**THE OSWALD AFFAIR: An Examination of the Contradictions and Omissions of the Warren Report.** By Leo Sauvage. Translated by Charles Gaulkin. World. 418 pp. \$6.95.

Shortly after the Warren Commission Report was issued two years ago, the publisher who was to have brought out Mr. Sauvage's book cancelled his contract. "The problem," the publisher wrote Mr. Sauvage, "is that the Warren Report has put the Oswald matter in a different light from what I had expected, and I'm now convinced that any book which attempts to question Oswald's guilt would be out of touch with reality and could not be taken seriously by responsible critics."

Unconvinced by this, Sauvage, who is the American correspondent for the Paris daily *Le Figaro*, had his manuscript published in Europe, where controversial theories about the Kennedy assassination were more openly entertained than in the United States. Recently, however, the climate of opinion about the assassination has begun to alter in this country. Doubts about the Commission's basic conclusions have been raised in a variety of periodicals and books, and public interest has been aroused sufficiently to justify publishing *The Oswald Affair* in this country.

Yet despite Mr. Sauvage's book and other attacks on the Warren Commission, such as Mark Lane's *Rush to Judgment* and Edward Jay Epstein's *Inquest*, the reservations expressed by Mr. Sauvage's prospective publisher are still heard. They were repeated to me recently by Arlen Specter, district attorney of Philadelphia, who, as a Warren Commission investigator, is credited with developing the hypothesis that a single bullet hit both Kennedy and Connally. Specter thinks it is inconceivable that Oswald is innocent: "That investigation," he



Letter by Oswald to the American Embassy in Moscow.

said, "had seven smart guys, the Commissioners, who did a lot of work. And they went all over the country to get assistant counsel and made a real effort to find able people. Some of the guys on that Commission were the smartest fellows around. I don't think Earl Warren would fudge the facts if all hell froze over."

The doubts remain, however. Even the intelligent and articulate Mr. Specter equivocated and grew evasive when asked

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to explain obvious discrepancies between the evidence and the Commission's conclusions. The location of the bullet holes in Kennedy's jacket and shirt, for instance, is not consistent with the "official" autopsy report which describes the President's wounds. Also, the bullet that supposedly passed through Kennedy's neck and caused all of Connally's wounds emerged miraculously unscathed.

These inconsistencies, unlike many of Sauvage's other points, cannot be argued about; they are hard facts which seriously challenge the Commission's conclusion that Oswald operated alone. But again, how could such an eminent group have bungled their investigation to the extent Sauvage claims they did? This question looms larger in *The Oswald Affair* than in the books by Lane or Epstein. The primary reason is that Sauvage did not build his case as convincingly as the other authors did. Sauvage tends to be more shrill in his contentions and does not always base his con-

clusions on the best evidence. For example, he makes much of the contention that the Commission itself might have provided Oswald with an alibi when it reconstructed his descent from the sixth floor of the Dallas Book Depository to the second-floor lunchroom where he was observed by a policeman moments after the shooting. The basis for the argument is the policeman's estimate of the time he himself took to get into the building and up to the second floor. One need not be a lawyer to know that estimates of time cannot be considered unflawed gems of evidence.

Nevertheless, the points are made, and they are valid insofar as Sauvage's principal allegation is valid: that the Commission, it is an allegation not possibilities that might have led away from the preconceived notion of Oswald's guilt. For someone who has examined the 26 volumes of evidence and testimony, and attempted an objective comparison of the facts with the Commission's conclusions, it is an allegation not without foundation.

The special value of *The Oswald Affair* is that it offers the views of an on-the-scene

foreign observer at a time when the rush of events and immediate concern for the national interest were straining some of the basic concepts of our judicial system.

Two chapters, "Oswald and the Law" and "Oswald and the Press," especially reveal Sauvage's outrage about the numerous casual violations of individual rights by both federal and local authorities (as when Dallas police officials told the world that Oswald was officially accused of the assassination of President Kennedy before they told the accused himself) and about the manner in which these violations were accepted and even carelessly perpetuated by the press. As Sauvage points out, even the *New York Times* lost its head in the excitement: the very edition that printed an editorial admonishing the Dallas authorities for having declared Oswald guilty of a crime he was only "alleged" to have committed, carried the page-one headline, "PRESIDENT'S ASSASSIN SHOT TO DEATH."

Sauvage concludes that the Warren Commission's handling of the Oswald affair may have been based on a blind concept of patriotism, which in Europe is cynically identified with the interests of the state: "Distinguished persons and important institutions, apparently believing this was their patriotic duty, lent their names and reputations to support the affirmations and attitudes based on Oswald's guilt. . . ." Much as was done in the Dreyfus case, whose first verdict of guilty "with extenuating circumstances" in 1899 was regarded in the words of Georges Clemenceau as "a compromise between discipline and the consciences."

Sauvage also maintains that "the compromise was much easier 65 years later in Washington. Lee Harvey Oswald is dead and buried; there is no innocent man in prison whose suffering could weigh consciences. And there is no Esterhazy in the Oswald affair: Nobody among those who believe in Oswald's innocence is able to accuse anyone else by name. Why then make a fuss about it?"

Why, indeed?