

28 November 1967

Mr. Byron Dobell  
Editor  
Book World  
The Washington Post  
Washington, D.C.

Sir,

Edward Jay Epstein has been most generous in his November 26th review of my book, Accessories After the Fact. I am grateful for his commendation, which I value the more because it comes from the author of Inquest, the crucial and historical breakthrough-book without which later critiques of the Warren Report might have been ignored.

If I take issue with some of Mr. Epstein's arguments, as I must, it is in a friendly spirit and without rancor. But I cannot agree, for example, that the "new evidence produced by the recent CBS investigation of the assassination" serves to relieve the Warren Commission or its apologists of the embarrassment of the single-bullet theory. The "new evidence" does not even have the virtue of being "new", since the blurring of certain frames of the Zapruder film and their possible correlation with shots is discussed in Harold Weisberg's book, Whitewash (page 47), which had been in the hands of CBS for a year or more before its "news inquiry" was aired. That CBS claimed credit for the "discovery" suggests a sense of fair play that is also blurred.

CBS cited three blurred frames from the Zapruder film (frames 190, 227, and 318) as probably corresponding with three shots which Oswald would have had "plenty of time to fire." But there are more than three blurred frames. In a letter to CBS dated 3 July 1967, I pointed out two more frames (numbers 195 and 203) which are equally blurred but which CBS did not mention in its "news inquiry." As my letter remains without reply, I do not know if CBS wishes to argue that five blurred frames correlate with three rifle shots; but in any case, it should at least have acknowledged that there were five such frames, not three.

But even if the three frames selected by CBS had been the only blurred frames, its "new evidence" remains a specious argument for the thesis that Oswald had "plenty of time to fire" all three shots. Everyone agrees that a minimum of 2.3 seconds, or 42 frames of the Zapruder film, must elapse between two shots fired by the alleged assassination rifle (allowing only for operation of the bolt and not for aiming time). But the interval between the first two frames cited by CBS---frames 190 and 227---is less than 42 frames. It is only 37 frames---which leaves us still confronting the inescapable fact that the first two shots were in such rapid succession as to signify two riflemen.

Since Oswald did not have "plenty of time" to fire three shots, after all, perhaps Mr. Epstein will withdraw the qualification he attached to his statement that I had "persuasively demonstrated that the single-bullet theory is contraverted by the evidence."

Further evidence against the single-missile hypothesis, although it was not even needed, was provided in the course of the CBS "news inquiry." Seeking to bolster the single-bullet theory (while at the same time advocating the "blurred frame-plenty of time" alternative), CBS conducted new and more exacting wound ballistics penetration tests than those utilized by the Warren Commission. The tests were a fiasco. Not one of the CBS test bullets completed the series of penetrations required to duplicate the feat attributed to the stretcher bullet by the Warren Commission. Some lodged in the simulated wrist, far short of success. All failed to penetrate the simulated thigh. Instead of proving that one bullet could have inflicted all the wounds in question, CBS demonstrated that it could not be done. (This did not, however, prevent CBS from reaching the opposite conclusion.)

My second disagreement with Mr. Epstein relates to his suggestion that the backward head movement may have been caused by acceleration of the car or a neuromuscular reaction. Acceleration is ruled out by the facts adduced in my book: namely, that others in the car were not thrown backward like the President, as they would have been if the car had accelerated; both Governor Connally and his wife testified that it was after the President was shot in the head that the driver was instructed to "get out of here;" and motion pictures show that the car slowed down momentarily after the head shot, and then accelerated.

The possibility of a neuromuscular reaction seems to me to be remote, on the basis of my conversations with Dr. Cyril H. Wecht, the forensic pathologist who stated on the CBS "news inquiry" that he found it "quite unlikely and difficult to accept" the backward head slam as a response to a bullet from the rear. CBS, seemingly determined to reconcile the head snap with a bullet in the back of the head, solicited the opinion of another expert, physicist Charles Wyckoff. The interviewer put the problem to Dr. Wyckoff in these terms: "Some critics say that by the very fact that you can clearly see the explosion of the bullet on the front side of the President, that that certainly indicates the bullet came from the front." (I know of no critic who has ever made this preposterous suggestion.) After this straw man predictably had been knocked down by Dr. Wyckoff, CBS had the audacity to proclaim that we had heard "one explanation as to how a head could move backward after being struck from behind." One must wonder whether CBS, had it been able to find a competent spokesman to argue for a neuromuscular reaction, would have taken refuge in such transparent and desperate trickery. One must wonder also if CBS was unacquainted with the opinion of physicist R.A.J. Riddle, not mentioned in its "news inquiry," that the President's reaction to the head shot "is totally inconsistent with the impact of a bullet from above and behind" and that "the only reasonable conclusion consistent with the laws of physics is that the bullet was fired from a position forward and to the right of the President" (Ramparts, January 1967). This finding has been on record for the best part of a year without challenge or refutation by any qualified advocate.

That being so, it should not be incumbent on me to disprove the tenuous possibility of neuromuscular reaction. [As it happens, J.D. Thompson, in his book Six Seconds in Dallas, has made what seems to me a conclusive case against the neuromuscular reaction theory.] No critic of the Warren Report should be required to anticipate, much less to disprove in advance, each and every new suggestion made, in the wake of effective critical argument, with a view to somehow vindicating the collapsing structure of the Report. Its credibility does not hinge solely on the head shot, or the single-bullet theory, even if one or the other could somehow be rescued from the contraverting facts. The Report is in conflict with the evidence in every one of its central assertions and conclusions. To suppose that all its ruinous defects can, somehow or other, be "explained away," and the whole Report thus salvaged, is to demand the abrogation of the laws of probability and to enter into a surrealist dimension where practical logic and the proven criteria of judging are abandoned.

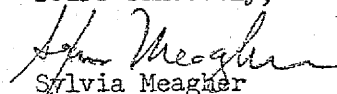
But there is no need to invent a new system for judging the Warren Report. It must be weighed on the customary scales of disinterest, veracity, accuracy, coherence, and credibility. Thus, I do not agree with Mr. Epstein at all that my "third argument" is merely that "the Commission's conclusions are weakened by implausibilities." Rather, my book demonstrates that the "events depicted in the Report" (regardless of the nature of "one's expectations" about them) were falsely reported. The book demonstrates that the Warren Commission tried to extinguish, in an avalanche of irrelevancies and custom-tailored "fact," the illumination found in the source data: that Oswald could not possibly have been the sole assassin, and that he lacked the motive, means, and opportunity to commit any of the crimes of which he has been accused.

A caveat in terms of "the contingent character of facts" and their possession of "no trace of self-evidence" is well and good; but it must be applied in the first instance to the Warren Report, whose "facts" turn out not to be facts, or cunningly selected but incomplete facts, in all too many pivotal instances. To apply the caveat while ignoring the non-factual character of the "facts" at issue is to place resolution of the problem always beyond our grasp.

Moreover, we cannot apply one standard (evidenciary) to the critical work, and another standard (philosophical) to the Warren Report. It is the Commission--not its critics--which has failed to breach the barrier--the barrier between the contrived world of its Report, and the world of real facts. That much is crystal-clear from an evidenciary examination of the Commission's twenty-seven volumes.

My respect for Mr. Epstein's work, and my admiration for his singular contribution to non-political truth, leads me to hope that he will place the burden of proof where it rightly belongs. The presumption of innocence, and the benefit of the multitudinous doubts which have arisen in this case, must be conferred on Lee Harvey Oswald and not on his accusers.

Yours sincerely,

  
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