

Warren in the Nude

Oswald's marksmanship has been the subject of controversy but there is no doubt that Edward Jay Epstein is a champion sharpshooter: he has just shot down the Warren Report for all time, and with it a number of eminent reputations. The controversy about the validity of the Report and the probity of its authors has been settled, thanks to Epstein's book Inquest: The Warren Commission and the Establishment of Truth (Viking Press, New York, 1966). The "amateurs" who tried to tell a deaf and complacent public that Lee Harvey Oswald was not a lone assassin and that the Warren Report was not an honest document have been vindicated.

The paradox is that Epstein did not set out to challenge the Warren Report or to indict its authors--on the contrary. As a student of Government at Cornell University, Epstein undertook to write a master's thesis with the stated purpose of finding out how the Warren Commission went about "searching for such an elusive and many-faced quarry as the truth." In his scholarship of the methodology of a governmental fact-finding investigation which had to proceed without benefit of a model, Epstein has succeeded admirably. He has filled a void in the historical record, since the Warren Report necessarily is reticent--or silent--on the processes by which it derived form and substance.

But Epstein has done far more than he set out to do. Almost as a by-product of his primary inquiry, he has also uncovered the utter bankruptcy of the so-called investigation and the fraudulence of the hysterically-acclaimed Warren Report.

A handful of sceptics have always insisted, on the basis of careful analysis of the Commission's published evidence--with which its conclusions constantly collide--that the Report was cynical and spurious. I quarrel with Epstein's view that most of the writing on the Warren Report must be classified as either demonology or blind faith. The writing that Epstein regards as based on "blind faith" pretends to derive from scrutiny of the evidence, but does not. Those who endorsed the Commission's conclusions, including two or three who acknowledged that the work was tainted by bias and other shortcomings, fell into the trap of accepting the "hard evidence" as proven. More conscientious research in the Commission's own published documents would have shown that the "hard evidence" was seriously defective.

The writing that Epstein seems to classify as "demonology" he himself largely has vindicated with revelations from behind-the-scene that corroborate the reasoning behind published attacks on the autopsy findings by Vincent J. Salandria, for example, and attacks on other aspects of the Report by responsible writers such as Leo Sauvage.

If the critics who challenged the Warren Report made little or no impact on the public, it was not because their arguments lacked force. The American people---paying obeisance to the very name "Warren," hammered-at with Oswald's "sole guilt" by the full propaganda apparatus of the Government and the mass media---allowed its common sense to be paralyzed. The indoctrination of the public, including the left-of-center, was easily accomplished, and with the complicity of I. F. Stone, Max Lerner, and many of their co-"liberals." Indeed, the liberals were among the most reckless and emotional ^{advocates} of the Report (which, one may assume, they had neither read fully nor tested critically)---perhaps because the Chief Justice had dignified it with his revered name---although it was transparently a work of cheap chicanery.

Epstein's voice, that of the reporter rather than the "demonologist," cannot be ignored. As Richard Rovere points out in his introduction to Inquest, the scholar has done the job that the fourth estate had the duty to do but which it abdicated. Where the "demonologists" have deduced from the outside that the Report is stuffed with falsehood and absurdity, Epstein has proved, from the inside, that it is indeed untrustworthy. His study relies heavily on personal interviews conducted over a period of six months with all the members of the Commission except the Chairman and Senator Russell (presumably they were not willing to discuss the investigation) and most of the fifteen lawyers on the staff, including general counsel J. Lee Rankin and his special assistant Norman Redlich.

The other sources on which Epstein relied were the Report and the twenty-six volumes of the Hearings and Exhibits; those investigative reports which have been declassified and made available in the National Archives; and the working papers of the Commission, "supplied by a member of its staff."

Epstein has limited himself to the official documents and the information obtained in the personal interviews. Thus, the Commission

has been hoist high by its own petard, and its shrilly-proclaimed "probity" lies in ruins. Epstein, let me hasten to say, does not state anything like that in his book; but the irrefutable facts which he has uncovered, presented as they are with extraordinary lucidity and almost superhuman detachment, can lead only to that conclusion.

Inquest examines four central questions: (1) how the Commission initiated, organized, and directed a full-scale investigation into events virtually without parallel in American history; (2) what problems arise when truth-finding is carried out in a political environment; (3) what was the scope and depth of the investigation, and its limits; and (4) how was the Report written.

The answer to the first central question, as it emerges from Inquest, is that the investigation was organized and executed in such a deficient way that even if the Warren Commission wholeheartedly had desired to determine the truth about the assassination, it would have been a miracle if it had succeeded. The work was parcelled out among "teams," each consisting of a senior counsel and an assistant counsel. In most cases the sheer mass and complexity of evidence in the area to be investigated was vastly beyond the capacity of the assigned manpower. There was no continuous liaison among the teams and no effective over-all supervision. Facts brought to light in one sector of the investigation which might have assumed a different value in the light of facts brought to light in other sectors remained largely uncorrelated. The pressures and handicaps under which the teams worked were such that even within a single sector information elicited from witnesses or experts could not be properly evaluated or tested.

Consequently an elementary mathematical error by Army experts who conducted and drew conclusions from wound-penetration tests (simulating the wounds sustained by Governor Connally) went undetected. Although the opinions stated by those experts were based on what was at best a dubious extrapolation, their opinions were cited in the Warren Report in support of a weird hypothesis--the only virtue of which was that it salvaged the lone-assassin-thesis to which the Commission irreversibly was committed, in contravention of the objective evidence.

General counsel J. Lee Rankin was supposed to keep an over-all view of the investigation as it progressed, to insure the correlation of findings in the separate areas of inquiry. He was assisted by Norman Redlich, who provided symbolic "liberalism" on the staff side, as Warren himself provided the semblance of political balance among the Commission members. Rankin and Redlich placed themselves completely at the service of Chairman Warren and, through him, at the service of the lone-assassin thesis to which Warren and some or most of the members of the Commission were determined from the beginning to "prove." That thesis was to prevail, despite the fact that the investigation--chaotic and full of shortcomings as it was--produced forceful evidence of conspiracy.

Epstein discloses that the Commission was confronted by FBI reports on the President's back wound which were in complete conflict with the official autopsy findings. The Commission's solution was to suppress the FBI reports (one has now been declassified and made available in the National Archives) and to legitimize the suspect autopsy report (which, Epstein shows, is contested by an outstanding forensic expert as internally inconsistent with established scientific knowledge). The Warren Report does not contain even a whisper of the radical differences between the FBI findings and the autopsy report.

Another scandal which Epstein brings to light is that the Commission received forceful evidence, revealed for the first time in Inquest, that Oswald had been on the payroll of the FBI. The Commission suppressed the document, not from the public alone but even from its legal staff, and discounted the allegations merely on the basis of FBI disclaimers. (Epstein's account of the kind of "cooperation" given the Commission by the FBI and the CIA is another piece of illumination which those agencies are not likely to appreciate.)

The Commission also found itself saddled with unsolicited new evidence that Oswald was a hopelessly ineffectual marksman. It extricated itself from still another dilemma by suppressing the unsolicited evidence and by soliciting additional testimony (which was irrelevant, if not incompetent) to back up the insupportable claim that Oswald was an expert rifleman.

Inquest documents disgraceful facts like those, one after the other, like a sobering series of electric shocks. That Epstein maintains a completely unemotional and courteous attitude toward the Commission while exposing secret after unsavory secret is a marvel. He shows that the Commission was in possession of arresting evidence that Oswald was not a lone assassin when it accused him as bearing the sole guilt for the murder of the President--indeed, the Commission had some indications that there had been a calculated long-term effort to impersonate and incriminate him. The unwelcome evidence was manipulated, misrepresented, ignored, or suppressed and the Commission proceeded undeviatingly with its mission of establishing what Epstein calls "political truth." Less charitably, I would say that its mission was to confer respectability on essentially the same spurious case against Oswald that the Dallas Police improvised, heralded, and then "closed" in indecent haste as soon as the accused assassin was silenced.

Three of the principal witnesses against Oswald were Marina Oswald, Howard Brennan, and Helen Louise Markham. Epstein discloses that the Commission's own lawyers regarded them as outright liars or hopelessly unreliable. The lawyers were aghast at the news, handed down from above by Rankin (there was no communication between the Commission and the legal staff except through Rankin), that the Commission intended to accept the testimony of Marina, Brennan, and Markham as serious evidence against Oswald in the two shootings of which he was accused. The news produced a near-insurrection. One lawyer protested in writing against the use of Marina's testimony, pointing out that she had lied consistently to federal agents and to the Commission itself. Another lawyer threatened to resign. There was a de facto resignation by a third lawyer (his name was not removed from the roster of counsel), although it is not clear which of the Commission's travesties of "fact-finding" provoked his departure.

Despite the protests of the lawyers, the Commission, or its Chairman at least, decided to "believe" all three witnesses. Warren brushed aside cogent arguments with the pompous reminder that he was a good judge of human nature--and that was that. Whether Rankin adequately presented to Warren the position taken by the lawyers is a moot question. At another stage of the investigation important new evidence inconsistent with the lone-assassin-theory was brought to him by one of the staff lawyers. Rankin's irritated reaction was that "we are supposed to be closing doors, not opening them."

The lawyers experienced another shock when one of their number, Arlen Specter, came forward with an astonishing single-missile theory. Specter, acting alone, conducted the investigation of the medical and autopsy evidence after the defection of the senior member of his team. Specter's problem was to reconcile the medical, ballistics, film, and photographic evidence with the "working hypothesis" that all the shots had been fired by Lee Harvey Oswald from the sixth floor of the Depository in about five and a half seconds. The evidence was inconsistent or in conflict with that hypothesis.

Specter solved the problem by suggesting that both the President and the Governor had been struck by a single bullet, despite the fact that films taken by a spectator showed that the Governor seemed unhurt when the President was already reacting markedly to a shot at the Adam's apple and the Governor's firm recollection that he had been struck by a second shot after the President. Specter announced in advance that he would produce evidence that a bullet found at Parkland Hospital, first thought to have come from the President's stretcher, had actually come from the Governor's. When he later went to Dallas and tried to elicit the promised evidence, he failed; but he maintained the single-missile theory just as if he had succeeded.

The lawyers were incredulous when they first heard Specter's idea but gradually they grew to accept it. It had the virtue of "explaining" how Oswald acting alone had managed to kill the President and shoot the Governor full of holes--even if that was the only virtue it had.

The casual reader of the Warren Report may take away the impression that the Commission concluded that one bullet had struck both men and that the expert witnesses had supported that finding. Neither one is true. The Report is worded cunningly so as to create such an impression, distorting or omitting what the experts actually had said. Not one of them endorsed the single-missile hypothesis. The most that could be wrung from them was that it was conceivable, or possible; some said outright that it was inconceivable. But the Report so skillfully employs half-truths, or even literal truths, in order to mislead that the public has been completely bamboozled about the evidence for the single bullet. Inquest corrects and clarifies the record so that the complicated technical data becomes easily understandable, as does the process by which it was misused to make it "support" a contrived and untenable claim.

As Epstein reveals, some members of the Commission refused to buy the single-missile hypothesis. A "battle of adjectives" ensued which ended in a compromise agreement to state in the Report that there was "very persuasive evidence from the experts" that the bullet which had exited from the President's throat had struck the Governor and inflicted all his wounds.

The utter dishonesty of the agreed formulation can be measured by the fact that the Commission had in its hands an FBI Summary Report of December 9, 1963, and an FBI Supplemental Report of January 13, 1964, both of which asserted categorically that the bullet that struck the President in the back did not exit from his body. According to Epstein, the FBI had received the autopsy report from Bethesda Naval Hospital before the Summary and Supplemental Reports were submitted to the Commission. As he concludes with flawless logic, if the FBI's description of the President's wound is accurate, then the undated autopsy report published by the Warren Commission is a fabrication; but if the FBI is inaccurate, the whole investigation becomes subject to the gravest doubt because it rests almost exclusively on FBI investigative and scientific findings.

If the FBI Summary and Supplemental Reports are valid, they prove not only that the autopsy findings and the single-missile hypothesis are phony but that there were more than three shots fired and therefore more than one assassin (no more than three shots could have been fired from the rifle in the Depository in the available time span). If the bullet in the President's back penetrated only to the depth of a few inches and did not exit from his body, then the wound at the Adam's apple had to be inflicted by a second missile, and the wound in the head by a third one. The Governor's wounds accounted for a fourth bullet, and perhaps even a fifth (there is no certainty that all his injuries were produced by a single bullet), and that does not even take into account a bullet mark on a curb for which the Warren Report has no explicit explanation.

The FBI description of the President's wound must have presented an agonizing dilemma. The Commission had to give up the ghost of the lone assassin, or it had to suppress the FBI findings. It chose suppression. The Warren Report says nothing about the FBI Reports except that they were received. We are therefore all the more indebted to Edward Jay Epstein

for including extensive excerpts from both the FBI Summary Report and the FBI Supplemental Report in his book.

In answering his fourth central question--how the Warren Report was written--Epstein draws a vivid picture of the difficulties that attended the effort to compose a record in which the evidence constantly had to be harmonized with a fixed theory, to which the evidence was contradictory rather than supportive. The drafting and redrafting continued to the brink of the final deadline (earlier deadlines had been abandoned one after the other, to the Chairman's displeasure, because the "case" simply was not ready). When it seemed that the job was finished at last, a new crisis arose.

Wesley J. Liebeler, the lawyer charged with elucidating Oswald's background and character, wrote a twenty-eight-page critique attacking the chapter ~~on the~~ on "the assassin" drafted by Norman Redlich. Liebeler challenged the chapter point by point, warning that Redlich's kind of "selection" from the record jeopardized the integrity and credibility of the entire Report.

Liebeler argued in his long memorandum that there was no evidence that the rifle was in the Paine garage before the assassination or that Oswald had carried the rifle to Dallas on the fatal morning. He charged that inconclusive scientific testimony had been quoted out of context and presented as conclusive. He discredited the fiber and fingerprint evidence and, above all, the evidence dealing with Oswald's rifle capability. He made the accusation that in fact "the chapter glossed over the evidence that Oswald was a poor shot and had accomplished a difficult feat, and created a 'fairy tale' that Oswald was a good shot and had accomplished an 'easy shot'."

Redlich's retort was that he had written the chapter exactly the way the Commission wanted it written--"The Commission judged it an easy shot, and I work for the Commission."

If I take issue with Epstein at all, it is on his attempt to justify Redlich's performance. Epstein writes,

"In the final analysis, Redlich did 'work for the Commission.' That he is a man of high personal integrity only adds to the poignancy of the situation. In his role as editor, he had to select evidence that supported the Commission's judgments.

As contradictory evidence and inconsistent details therefore tended to be omitted, the selection process tended to make the Commission's judgments self-reinforcing."

I quarrel with the view that Redlich or anyone else "had to" select evidence that supported the Commission's "judgments." Redlich agreed to do a job of work, not to prostitute himself. The same applies to the others.

Liebeler tried at least to protect the integrity of the Report but in the last analysis he endorsed it, keeping to himself any misgivings he may have continued to feel about the way in which the evidence was slanted.

There are no heroes in the piece, only greater and lesser villains --men who collaborated actively or passively in dirty work which does violence to all concepts of justice and insults the intelligence of the people. The lawyers who protested the promiscuous and dishonest "selection" of evidence eventually submitted in silence; the one lawyer who withdrew did not take the further step of warning the public that it had been "had;" even the experts and eyewitnesses, who must have noticed the misleading or false accounts of their testimony which appeared in the Warren Report, remained mute.

Although Epstein summons up sympathy for Redlich and his colleagues, the fact remains that all those who collaborated in producing the Warren Report are morally compromised--above all, the man who gave it his name. Epstein never suggests it, but it seems clear that Warren is the Dorian Gray of this sordid affair and its moving spirit. The Warren Report is Warren's work, make no mistake.

Yes, friends--God is dead, Warren is impure, and Oswald is not the lone assassin. Thanks to Epstein's book, it should be clear to everyone at last that the Warren Report is a fraud--an affront to the living, and a mockery of the dead.

Almost three years have been lost. It seems high time that we begin in earnest to search for the real assassins.

Sylvia Meagher

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