

PART II

THE CRITICS AND THE CULTISTS

The "cult" is sustained by the mutual desire on the part of the Philadelphia lawyer, the Maryland waterfowl breeder, and the geographically dispersed housewives to cut through the fog which presently enshrouds the truth about how and why President Kennedy was murdered. Just for the record, what Mr. Weaver has neglected to mention, in his poorly-conceived attempt to denigrate the Warren Report critics, is that the waterfowl breeder is, more pertinently, a former Senate investigator and political analyst - and that one of the housewives is an official of a specialized agency of the United Nations, a position she has held for some twenty years.

One hardly needs to comb the Warren Report and its 26 volumes for "fresh evidence of concealment and corruption". Familiarity with the Report and the volumes reveals the travesty that is the Warren Commission's case. Indeed, the Commission has much to answer for, to the American people. What the cultists, the critics and 63% of the nation are now demanding is an examination of the evidence already available. Obviously, the Commission has failed to satisfy them as to the plausibility of its conclusions, which do not reflect the evidence.

Mr. Weaver, in a rare burst of enlightenment, is quite correct when he says that we "live with an abiding faith that truth will someday rise again". Although Mark Lane is the particular bête noir of the Commission and its defenders, there are considerable numbers of other serious and effective critics who persevere in their determination to refute Chief Justice Warren's famous statement that "we may not know all the facts in our lifetime". Their ranks are increasing daily. Among the cultists and critics are individuals who not only have no way of profiting financially or otherwise from the fruits of their labors, but who, because of their persistence that the truth must be uncovered, have been subjected to constant slander and insults.

After more than two years of encountering a stone wall of silence from news media, editors, and the Commission itself (which disbanded as soon as the Report was released), the cultists and critics have finally succeeded in knocking the wall down, in sounding the call to this nation to question the inequities and to demand satisfactory answers to the serious discrepancies. To say that the Commission was "sloppy" about its task is to understate the case to such proportions as to insult the intelligence of those for whom that explanation was intended. The press and the news media have,

at last, been shaken out of their complacency. A few reputable periodicals and publications have even assigned their own staffs of researchers to investigate the circumstances of November 22, 1963 (LIFE magazine and THE NEW YORK TIMES, for example)

Thus, much as Mr. Weaver would like to confine the mountain of doubts and the responsible criticism to a few, seemingly inconsequential individuals, he will not be successful. Disposing of them by ridicule will not dispell the doubts nor stem the swelling chorus of those who are calling for a new investigation. Inasmuch as the defenders of the Warren Report attribute only such base motives as the commercial benefits inherent in the writing of books which attack the case, one is constrained to recall that Mr. Weaver, too, has written a book - one, incidently, which lauds the Chief Justice; one must wonder, therefore, if his fierce defense of the Commission is not, somehow, related!

To disprove the many misstatements and misrepresentations made by Mr. Weaver in his second article in WEST magazine would be both simple and gratifying. There is, however, such a plethora that time and space preclude a step-by-step refutation. Several are too challengeable to resist:

- 1) The photo of Lt. Day holding up the alleged murder weapon is interesting. Which weapon is it? The 36-inch, 5½ pound rifle requested by and shipped to A. Hidell - or is it the 40.2-inch, 8 pound rifle which the Warren Commission identifies as the murder weapon?
- 2) The photo of Oswald posing with a rifle and pistol is equally interesting. If the shadow under Oswald's nose is consistent with the one to the left of his right shoe, then an impressive number of local, professional photographers don't know their business. Out of 45 who studied this photograph, the ^{large} majority concluded that it is a composite. They refer specifically to the relationship of the head with the body. Lyndal Shaneyfelt, FBI firearms expert, says, "I cannot eliminate an extremely expert composite". (WR, p. 596)
- 3) If the acknowledged unreliability of eyewitness testimony continues to bolster the case for the Warren Report defenders, then what is good for the goose... is also good for the cultists and critics. Of all of the people interviewed by the Commission there are no two more unreliable witnesses than Howard Leslie Brennan and Helen Louise Markham.

When a "reconstruction" of the assassination was staged by members of the Commission staff, in March of 1964, Joseph Ball, Assistant Counsel for the Warren Commission, "found that Brennan had difficulty seeing a figure in the window, and thus it seemed doubtful that Brennan could have positively identified a man in the partially opened sixth-floor window 120 feet away".*1 Brennan could not identify Oswald as the figure he claims to have seen in that window when he attended a police lineup on November 22, '63. Yet, Brennan is the only eyewitness to give a description of anyone who may have been at the alleged sniper's nest; it was Brennan's description of a suspect which resulted in Oswald's apprehension (despite a 30 to 40 pound weight difference between the man Brennan thinks he saw and Oswald), but Brennan's dubious claims are credible enough to satisfy the Commission sufficiently for him to be the star witness insofar as establishing Oswald's presence at the window is concerned.

As for Helen Markham, the Commission's only eyewitness to the Tippit murder, although "the Commission considers her testimony reliable" (WR, p.168), Mr. Ball is on record as having stated publicly that he considered Mrs. Markham "an utter screwball"!*2

Thus, the question of the unreliability of eyewitnesses does not appear to trouble Mr. Weaver and the other defenders, when the eyewitnesses in question support the Commission's case. Mr. Weaver never takes up the question of the numerous witnesses, who have every reason to be considered at least as reliable as Brennan and Mrs. Markham, whose testimonies were either ignored or completely discredited simply because what they swore to, under oath, did not support the Commission's case. (Linnie Mae Randle, Buell Wesley Frazier, Seth Kantor, etc., etc. The list is long!)

Had the Commission been genuinely concerned with the validity of eyewitness testimony, whether it supported the premise that Oswald was the assassin or not, then it would be difficult to imagine a greater distortion of evidence than that with which the Commission must be charged, insofar as eyewitness testimony at the assassination site is concerned.

Out of 121 eyewitnesses to the assassination questioned by the Commission and/or its agencies, 38 had no resolute opinion as

*1. INQUEST - Edward J. Epstein, Bantam Books, New York, 1966, p.110

*2. Debate at Beverly Hills High School, December 1964

to the source of the shots, 32 said they came from the Book Depository (less than 1/4), and 51 said they came from the area of the grassy knoll. Among the latter were scores of police, sheriffs, and Secret Service agents (many of whom are trained to detect the direction of shots). The Warren Report (p.71), with what passes for seeming objectivity, says, "...many people near the Depository believed that the shots came from the railroad bridge..or from the area to the west of the Depository". "Many people" turns out to represent the preponderance of the witnesses! Yet the Commission prefers to cast its lot with the minority, for the minority best reflects the Commission's predisposition.

- 4) Mr. Weaver calls the FBI agents' 2 reports of the President's autopsy "a preliminary hypothesis" despite the fact that both Sibert and O'Neill were present at the autopsy during the entire proceedings (with the exception of time out for a telephone call), and there is no question, judging from their report, that "during the latter stages of the autopsy" Dr. Humes pronounced that the pattern was clear, "one bullet had entered the President's back and had worked its way out of the body". They report that they carried certain bullet fragments by hand to the FBI laboratory "immediately following the autopsy".* The indication is clear, therefore, that Sibert and O'Neill were present to observe and listen to and note any and all findings and pronouncements made by the performing pathologists up until the very last moments of their examination. How, then, do the FBI reports become reduced to "a preliminary hypothesis"?
- 5) Again, it must be pointed out to the Warren Report defenders that:
- a) there is no substantial "documentary proof that Oswald purchased the rifle found at the Book Depository".
 - b) one lone, partial palmprint on the underside of the disassembled barrel of a rifle hardly constitutes proof of murder. If Oswald had to assemble the rifle, handle the clip, the cartridges, the sight and the trigger, which he most certainly would have had to do, how do the defenders and the Commission explain that there are no finger or palmprints anywhere else on the rifle? (No gloves or rags were found on or near the premises). As for the Commission, it offers no such explanation.

*FBI report of Nov.26/63 by agents Sibert & O'Neill
in Special Appendix, p.170 from INQUEST by E.J.Epstein
Bantam Books N.Y. Oct.1966

Finally, there is the following statement made by Mr. Weaver, which must be corrected for the record:

"cotton fibers on the rifle matched the colors, shades and twist of the fibers in the shirt Oswald was wearing when he was arrested".

I submit from Commission Exhibit # 2003 (133), p.263, the following paragraph from an FBI report:

A small tuft of textile fibers was found adhering to a jagged area, on the left side of the metal butt plate on the K1 gun. Included in this tuft of fibers were gray-black, dark blue and orange-yellow cotton fibers which match in microscopic characteristics the gray-black, dark blue and orange-yellow cotton fibers composing the Q11 shirt of the suspect. These fibers could have originated from this shirt.

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Inasmuch as Mr. Weaver is a professional writer, it hardly seems necessary to remind him that "matched...the shirt" is not synonymous with "could have originated from this shirt".

Recently, as a direct result of the cultists' and critics' success in finally breaking down the wall of official silence about the assassination, the Commission and its defenders have been unified in their cries of "let them produce new evidence!" Allen Dulles has said: "If they have found another assassin, let them name names and produce the evidence".* Mr. Weaver says, "the cultists and critics must come up with a provable alternative".

Obviously, not having the force, power, and availability of the governmental agencies necessary to any concerted search for the assassin or assassins, we are seriously handicapped in such a challenge. Conceivably, the assassins are not waiting around to be exposed.

As for producing new evidence or "a provable alternative," although neither is beyond the realm of possibility in the future, the critics and cultists need not suffer any sense of frustration or set-back over such irrelevant challenges. They need produce absolutely nothing in the way

*L.A. TIMES, Oct. 13, 1966, "Warren Report Under Fire". Clauton Fritchou

of new evidence or "provable alternatives!" All that is required of them is to prove that the Commission's case does not stand up - that there is not sufficient or credible proof that Lee Harvey Oswald murdered the President or Officer Tippit. This they have already done to the satisfaction, at least, of the majority of the American people. Not even a scrap of new evidence is necessary in order to make that charge. The burden of proof that the official case is correct rests with the Warren Commission and its defenders - not with the cultists and the critics.

Marjorie C. Field
1115 No. Beverly Drive
Beverly Hills, Calif. 90210
Tel.: CR 6 9861