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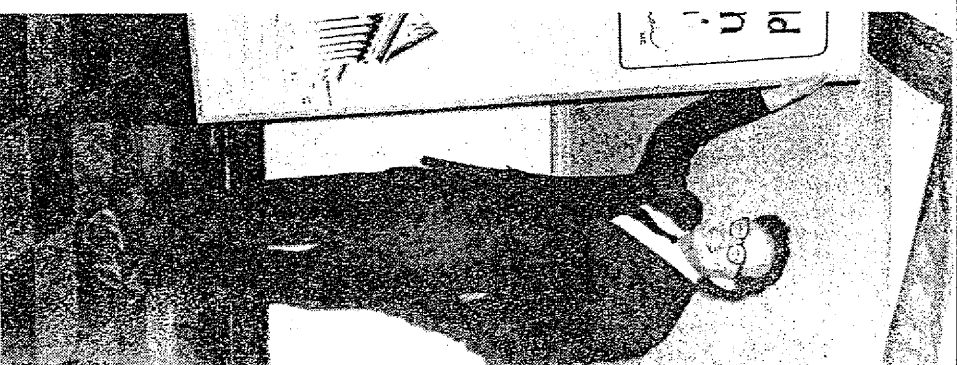
Kupferman Urges New JFK Inquiry

By John Watts

On June 30th, *Manhattan East* ran a background story on Penn Jones, editor of the *Millothian* (Texas) *Mirror* and one of the first on-the-scene private investigators of President Kennedy's assassination. What he saw with his own eyes in Dallas at the time of the assassination and what the Warren Commission Report later informed him he should have seen didn't jibe, and his investigations led to a book, *Forgive My Grief*, Volume I of a series highly critical of the Warren Commission Report and devoted to the theme: *Reopen the Warren Commission*.

Other critics (an ever-growing number), who run the political gamut from British historian Hugh Trevor-Roper to

New York attorney Mark Lane, attack the Report on a number of grounds which, too, run the gamut — from attempting to prove conspiracy (or conspiracies) in the assassination to a



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wrist-slapping of the Commission for procedural sloppiness and hasty, incomplete deliberations on the evidence.

Conspiracy theories go in three directions: 1) Was there a conspiracy to kill President Kennedy? And for whom, if more than one person were involved, was Oswald the patsy (as he insisted he was)? 2) Has there been a conspiracy on the part of any agencies (the Dallas Police, the FBI, the Secret Service, among others) to distort and/or suppress evidence pointing to some of the most bungled police work of modern times, and were members of these agencies part of the assassination plot? 3) Has the Warren Commission been an inadvertent party to both conspiracies by producing a pressure-ridden election-year report that sought to detail a simplistic "official theory" (counter to several lines of investigation that were never pursued—at least as far as the

Report itself is concerned) as an expediency and a means of reassuring a nation torn by a deep tragedy?

Even if the record ultimately shows no conspiracy to assassinate the president, it would be important for a new commission to examine one question: What significance is there to the deaths, some mysterious, of so many persons connected with the case (at least 14, some of whom are described in the current issue of *Ramparts* magazine)? Many of them were not questioned by the Commission. Penn Jones' remark is particularly appropriate in reference to these deaths: "I would like to see all the fantastic coincidences that have happened fed into a computer to figure the odds." So would a lot of people.

In the past few months, there has been a mounting number of books, magazine articles and reviews, and published poll results critical of the Warren Report. (A recent Harris Poll, for example, indicates that 3 out of

5 people do not accept the Commission findings that Oswald was the lone assassin and that a higher percentage of those interviewed have lingering doubts that the record is not yet complete.)

Recently, at the same time, the defenders of the Report have taken to the press. The October 10th issue of *U.S. News & World Report*, for example, contains a long interview with Arlen Specter, formerly Assistant Counsel for the Warren Commission and now district attorney of Philadelphia, who defends the Report down the line and says, "The evidence is overwhelming that Lee Harvey Oswald was the assassin of President Kennedy."

About a week ago there was a national story about two teams of researchers working at the UCLA Law School under the direction of Professor Wesley J. Liebeler, who also served as Assistant Counsel for the Warren Commission, to analyze the Warren Report and, more particularly, the criticisms raised in Mark Lane's *Rush to Judgment* and Edward Jay Epstein's *Inquest*. As Mr. Liebeler said, "What is needed at this point is one piece of work which sets forth both sides objectively. Lane doesn't. Epstein doesn't."

I, for one, eagerly await this purported "objectivity." Unless many dangling questions are answered conclusively by a body empowered to examine ALL the evidence and follow it no matter where it leads (as with a Congressional Commission), the lingering doubts may linger larger.

As for dangling questions, how about these for openers:

► Why have so many documents relating to the assassination been classified in the National Archives for 75 years, more than one-third of which are being withheld by "interested agencies"?

► What happened to the 22 color and 18 black-and-white photographs and the X-rays taken at the President's autopsy? (Neither the Commission nor the autopsy doctors saw them; the Commission saw only sketches based on an autopsy doctor's memory of the wounds.)

► Why was the Abraham Zapruder film of the assassination

spliced for the Report (frame 208 is spliced to frame 212 so that almost 4 frames are missing), and why are frames 334 to 434 missing?

► Who cleaned the so-called "found bullet" before the FBI got it, and why did the FBI never (apparently) do a spectrographic analysis of it?

► Why didn't the Warren

Commission "solve" the Tippit killing? (To read only the Report, one would hardly know that Tippit had been murdered.)

► Why were so many witnesses to Tippit's last minutes ignored by the Commission, as was so much circumstantial, if not substantial, evidence indicating that Oswald, Tippit and Jack Ruby were acquainted before the assassination?

► Why have so many witnesses in the Dallas area been harassed because they "know more than they ought to"?

These questions are only a few among thousands that need to be answered. They are not answered in or by the Report. And to read the Report is only to ask more questions. Finally, according to Penn Jones, "The only way you can believe the Warren Report is not to read it."

Sooner or later somebody in Congress had to ask as well as act on the *Ur*-question:

Why shouldn't the facts of the Kennedy assassination be established once and for all?

That somebody was Theodore R. Kupferman, Representative from New York's 17th Congressional District. On the 28th of September, the second anniversary of the release of the Warren Commission Report, he introduced in the House a "Concurrent Resolution to establish a Joint Committee to Determine the necessity of a Congressional Investigation of the assassination of President Kennedy. If the Joint Committee finds, after reviewing all the papers, documents, and reports, including, but not limited to, the Warren Report, that further investigation is necessary, that Committee would proceed to investigate fully all the facts and circumstances relating to the assassination of President Kennedy and

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the subsequent killing of his alleged assassin." Kupferman also called for the immediate declassification of all the papers, documents, and reports relating to the assassination deposited in the National Archives.

Shortly after Congressman Kupferman introduced his Resolution, I interviewed him about his views on this legislation and the assassination:

Q: What made you decide to introduce this proposal?

A: I kept reading more and more of the criticism; I was particularly impressed by Richard N. Goodwin's [a former assistant to President Kennedy] review of Epstein's *Inquest*. There was such a great deal of responsible, informed opinion critical of the Commission, as well as a great deal of doubt throughout the country, I felt somebody had to

do something about it — at the Congressional level.

Q: What did Goodwin say about *Inquest* that was so compelling?

A: Goodwin seemed to put his finger, for me, on the true nature of the doubt. For example, in writing about Epstein's harsh criticism of both the substantive portion of the Commission's findings (and the procedures employed) and the lack of thoroughness of the Warren Commission, he says: ". . . None of this proves or even forcefully indicates that a single disturbed human being was not the cause of President Kennedy's death. Perhaps all the specific examples Epstein uses to strengthen his case will be easily refuted. If there are gaps, further study may swiftly close them. However, the attack on the nature and adequacy of the Commission's work is not easily dismissed. Even if

Mr. Epstein is totally wrong in every discussion of specific evidence, and yet if he is right that the investigation itself was seriously incomplete, then we have not established to the limit the possibility that Lee Harvey Oswald acted alone to kill John F. Kennedy."

And further on in his review, he states: "I find it hard to believe that the investigation was seriously flawed, but here is a book which presents such a case with a logic and a subdued and reasonable tone which have already disturbed the convictions of many responsible men. It may all rest on quicksand, but we will not know that until we make an even more extensive examination than the author has made. An independent group should look at these charges and determine whether the Commission investigation was so defective that another inquiry is necessary. Such a procedure will, perhaps unnecessarily, stimulate rumors and doubts and disturb the political

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scene. Yet there seems to be no other course if we want to be sure that we know as much as we can about what happened on November 22, 1963."

Q: That last sentence seems to be crucial, "to be sure we know as much as we can about what happened . . ." Do you think a Joint Committee investigation could make us that sure?

A: It's a "nitty" question. It's nitty who really killed Abraham Lincoln. But it's not for me personally to play cops and robbers. The Warren Report is a good preliminary investigation, and it is just as likely that the work and conclusions of the Warren Commission will emerge further justified and supported. In this way the confidence of the people may be restored and, once and for all, the majority of doubters should be satisfied that all there

is to be known about the events of November 22, 1963, is known, and the tragedy of that day may be allowed to rest with dignity. The point is, if a *thorough* and *objective* examination should shed new light on the happenings of that day, then we can only benefit by coming closer to the truth.

Q: Is there any precedent for a Congressional review of a Presidential Commission?

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A: Yes, there is. President Roosevelt created the Roberts Commission in December of 1941 to review the débâcle at Pearl Harbor in order to *tell the people the truth* and to forestall uncertainties and rumors of plots and conspiracies. Subsequently, there were six other inquiries. Even so, serious questions, doubts, and inconsistencies remained. Finally, Congress established a Joint Legislative Committee on the Investigation of the Pearl Harbor Attack. It wasn't until July of 1946 that the credible and exhaustive work of this committee was presented to Congress. And it is against this background that I propose an inquiry to determine whether the events of President Kennedy's assassination should be re-investigated.

Q: What kind of response have you had so far on the proposal?

A: Within the first week I received 300 favorable letters, from all around the country. There was only one unfavorable, along the lines of "Why not let sleeping dogs lie?" or "What good would it do?"

Q: Do you think there would be less criticism if the Warren Commission had had an adequate amount of time?

A: Possibly. As much as I recognize the outstanding backgrounds of the members of the Commission and their capabilities, we can't forget that it *was* a "race against time." It's easy to see how there could be the state of mind that said, "Well, we don't have time to trace down all the little things," so they decided to "fudge it," maybe. As I said, it's a good preliminary investigation, but that's what all the doubts eventually lead to — the conclusion that it is *preliminary*.

Q: In the recent *U.S. News & World Report* interview of former Warren Commission Assistant Counsel Arlen Specter, he states that the Commission did not see any autopsy photographs or X-rays and, further, that they were "not indispensable" to the inquiry. Isn't that a little incredible?

A: It was a surprise to me that a trial attorney could state that the most direct evidence, the actual photographs and X-rays, could be dispensed with, as being, at most, corroborative. I personally think that even if only corroborative, it would have been helpful; especially in view of Governor Connally's feeling about the number of bullets involved, which was contrary to the Commission's findings. But in any event, I've always felt that one picture could be worth a thousand words.

Q: Mr. Specter was asked about new evidence beyond what was developed by the Commission, and he replied: "There has not been a scintilla of new evidence disclosed . . ." If that were the case, what would be the basis for re-opening the investigation?

A: He's describing in a lawyer's language the adversary case which, when closed, will not be re-opened except for *new evidence*. The Warren Commission investigation was not an adversary proceeding, and therefore not conclusive on the parties involved except for the possibility of newly discovered evidence, which here would include *old evidence not properly analyzed or considered*.

Q: What kind of Administration feedback have you had?

A: Cordial; in fact, I had a memo from President Johnson's office about it. As you may know, President Johnson signed the National Freedom of Information Law on July 4th to "make information available to the full extent consistent with individual privacy and the national interest." However, there are 9 exemptions to this Law. With respect to the papers and documents relating to the assassination of President Kennedy which are at the National Archives, the first should be examined: "Section 3 (e): *The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy;*" I feel that this exemption

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should not be applicable to the materials relating to the assassination which are presently classified in the National Archives. To the extent that any doubt remains, the President should be requested to free for scrutiny all documents and evidence of any kind in this area.

Q: Do you personally feel that Oswald did it, unaided?

A: It hasn't been my desire to rush to a verdict concerning the outcome of even the questions I've raised. Maybe he did do it alone and unaided; maybe he didn't. On the Report itself, there's a spectrum of pros and cons. For example, Fletcher Knebel, writing in *Look* magazine in July, "... soon became convinced that Epstein was guilty of the very sins of which he accused the Warren Commission: distortion, ignoring testimony, sifting the evidence, and adroitly selecting it to fit its theories and assumptions," an implied defense of the Report — or at least, a defense against certain allegations. On the other hand, see what is suggested by Harold Weisberg, author of *Whitewash* — the report on the Warren Report: "A crime such as the as-

sassination of the President of the United States cannot be left as the report of the President's Commission has left it, without even the probability of a solution, with assassins and murders free, and free to repeat their crimes and enjoy what benefits they may have expected to derive therefrom. No President is ever safe if Presidential assassins are exculpated. Yet, this is what this Commission has done."

I think it's time for the doubters and the doubters of doubters to be answered absolutely. I do feel that those questions which the critics say were allegedly left unanswered should not be superficially answered, nor should they be left unanswered. Let an independent body make a thoroughly

dispositive and exhaustive evaluation of all that has been said and written to date concerning the events surrounding the assassination and the Report of those events, just as a Joint Committee reviewed Pearl Harbor and the findings of the Roberts Commission.

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Will we in the foreseeable future really be sure that we know as much as we can about what happened that week in Dallas? It's a "nitty" question.