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BOOK WEEK

JULY 24, 1966

The Washington Post

THE QUESTION OF THE WARREN REPORT

A scrupulous appraisal of a book that raises 'monumental doubts' about the work of the Commission

By Richard N. Goodwin

Inquest: The Warren Commission and the Establishment of Truth. By Edward Jay Epstein. Viking. 224 pp. $5.

During the blurred, unsleeping days after the assassination, the White House planning of the funeral and ceremonies of mourning was constantly interrupted by reports from Dallas. A man called Oswald had been arrested. A police chief claimed Oswald was the assassin. Ruby had shot Oswald. None of it stirred discussion or pause in the frantic labor which was diverting the contemplation of grief. Oswald, Ruby, Dallas were meaningless trivialities whose unfelt pronunciation could neither deepen nor relieve the web of anguish which bound us. In all the world there was only one fact: Kennedy was dead.

More than anything else this explains why those who worked with President Kennedy, even those in the outer rings of relationship such as myself, welcomed with such swift acceptance the conclusions of the Warren Report; even though few had read it thoroughly and almost no one had examined the evidence on which it was based. There was, of course, the fact that the integrity and purpose of the Commission were beyond question and its members were men of skill and intelligence. There was the almost unanimous praise of newspapers and commentators who we assumed, if we thought about it at all, had followed the course of investigation and studied the answers. This would not ordinarily have been enough for those who had learned the lesson of the Bay of Pigs: that neither position, conviction, sincerity, nor expert knowledge precluded the need for independent judgment of the evidence. This time, though, there was only room for grief; and a lone madman compelled neither hatred nor effort nor calculation.

In the months that followed the demonologists, charlatans, and self-promoters—with their unprovable theories of conspiracy and plot—only deepened conviction. The ease of refutation and the often obvious motives made the Warren Report more certain. Still, few read the report and fewer examined the evidence.

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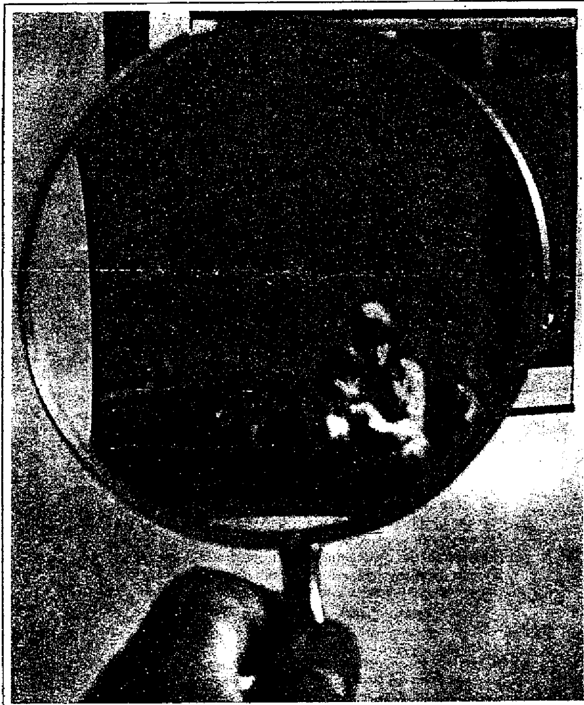

Mr. Edward Jay Epstein has now written a book which, after the passage of three half-healing years, not only raises questions but demands exploration and answers. It calls upon us to look at the assassination without horror or wish and with the clearness of a passion for sure retribution.

Let us be clear what this book does not do. It does not show that anyone besides Lee Harvey Oswald was even remotely involved in the assassination. Therefore it does not prove that the basic conclusion of the Commission was wrong. It does not demonstrate or even contend that the Warren Commission tried to conceal or mask important evidence. Nor is there any doubt that the purpose of the Commission was to discover and disclose the vital facts. Rather than the assassination or the integrity of the Commission, the concern of this book is with the adequacy of the investigation. On that the author concludes, "Rather than being 'exhaustive' . . . [it] was actually an extremely superficial investigation limited in terms of both time and manpower, and consequently limited to the more prominent evidence."

I cannot finally judge the truth of this conclusion. It rests not simply on the force of reason or style, but the reliability of Mr. Epstein's evidence and his own truthfulness, detachment, and reliability in its interpretation. Some of the most damaging evidence, for example, comes from oral interviews with staff members, who are not known to us and whose criticism of the Commission may well be colored by the normal frustrations and grievances of those whose ideas are not always accepted by their superiors. Nor, since this book began as a master's thesis, are we sure that those interviewed realized that their opinions might be published; a knowledge which would have warned them against the hyperbole natural to a casual conversation destined for burial in a university library. Also, it is unfortunate that, as far as appears, the final manuscript was not submitted to General Counsel J. Lee Rankin for comment and the chance to offer alternative views of specific evidence since, as the sole important contact between the Commission and its staff, he had different insights into motivations and reasoning. After all, we are not merely admiring an impressive work, which this is. We are assessing the deadly serious issue of a charge against the adequacy of the investigation of the murder of John F. Kennedy. On this issue, as Mr. Epstein asks us to do on the findings of the Commission itself, we must make an independent judgment of the facts and their proper interpretation.

Yet this is not, as so many earlier books clearly were, an obviously self-seeking work with glaring gaps of reason and evidence. And with all these caveats, Mr. Epstein makes his case in so logical and detached a manner that it demands equally serious exploration and refutation to satisfy us that we have established the lone guilt of Oswald to the limit of human possibility. If we cannot deny this book, then the investigation must be reopened if we wish to approach the truth more closely.

The story behind the book adds to its weight. As a student at Cornell University Mr. Epstein began, at the suggestion of Professor Andrew Hacker, a master's thesis on the problem of how a government organization functions in an extraordinary situation without rules or precedents. When he began his study, he tells us in his preface, "I thought the problem far less complicated and intriguing than it proved to be." And it seems that throughout his research, he was not trying to prove a case of his own, nor trying to support a theory, nor attempting to discredit the Com- *(Continued on page 10)*

ally useless. As a result, some matters were inevitably left uninvestigated. For example, in January the Texas Attorney General transmitted an allegation that Oswald had been a paid informer of the FBI while living in Dallas. The Commission was summoned into secret session and hold by Rankin, "We do have a dirty rumor that . . . must be wiped out." It is probably this incident that the Chief Justice referred to when he made his famous statement about matters that might not be disclosed "in your lifetime." Although this problem consumed the Commission in its early days, it was resolved solely on the basis of an FBI denial without independent investigation, and was not even mentioned in the "Rumor" section of the final report. It is highly unlikely that Oswald was a paid informer, but the incident illuminates the way in which some important questions were resolved.

Mr. Epstein recounts many other flaws in the process of investigation. The large and sometimes unclear mass of technical, medical, and scientific evidence was not examined by an independent panel of experts nor were other experts called to refute it—the customary procedure in an adversary proceeding. Witnesses were protected from the rough cross-examination usual to criminal proceedings. One investigator was reproved for accusing a Dallas police sergeant of lying when he found several inconsistencies in his testimony about Ruby's entrance into the Dallas city jail. The Chief Justice said that "no member of our staff has any right to tell any witness he is lying or that he is testifying falsely. That is not his business. It is the business of this Commission to appraise the testimony of all the witnesses. . . ." This was a considerable constraint since only 94 of the 552 witnesses testified at the hearings; fewer than one-third of the hearings (81 hours out of 244) dealt with the facts of the assassination; and most of the Commissioners were absent more than half the time. At one point, in a stormy meeting, an important senior counsel threatened to resign and others protested loudly, when Rankin informed them that no further examination of Marina Oswald would be allowed. A Rankin deputy wrote an impassioned memorandum saying that "Marina Oswald has lied to the Secret Service, the FBI, and this Commission repeatedly on matters which are of vital concern to the people of this country and the world." Finally another examination was held. With the help of forceful questioning by Senator Russell, glaring inconsistencies were exposed, many of which were never resolved. Denied the right to vigorous cross-examination, some of the lawyers felt that "they were reduced to deposition takers."

The pressure of time, Epstein asserts, "limited not only the quantity of the investigation but also its quality." One Commission Member said he was concerned with the "ugly rumors" circulating in Europe and feared a delay in publishing would "cause them to spread like wildfire." Some of the Congressional Members, from both political parties, told Epstein they felt it was necessary to release the Report well before the election. There were constant deadlines, reluctantly extended, to complete the investigation and write the Report. Undoubtedly, there was a national interest in making the findings of the Commission available as soon as the investigation had been completed, but certainly not before the most thorough possible inquiry had been ended, reflected upon, and adjudged convincing to the reasonable skeptic.

Although nearly all important witnesses were examined, and all available evidence was studied, the question remains whether the pressure of time made it difficult to uncover evidence which had been concealed or pursue lines of investigation still incomplete. We cannot know if evidence has been concealed, but Mr. Epstein gives several examples of aborted inquiry. One staff member who was trying to determine how Ruby entered the Dallas City Jail on his way to murder Oswald was ordered to proceed with other problems—presumably because he had already spent too much time on this question—"despite his protests that the question of Ruby's entrance was of prime importance." The Commission Report concluded "Ruby entered the basement, unaided, *probably* via the Main Street Ramp. . . ." (italics mine). An immediate uninformed reaction is to question how we can be certain he was unaided if we are not certain how he entered; but perhaps other evidence is conclusive on that problem. When another staff member submitted a memorandum attacking an earlier analysis which denied the possible veracity of testimony by a Mrs. Odio that Oswald had stopped at her apartment with two associates on his way to Mexico, he was told "At this stage we are supposed to be closing doors, not opening them." This particular memorandum was, in fact, read and then rejected, although the FBI investigation into the matter was still in progress when the Report went to press. In any event, the attitude, and not the particular incident, is most relevant.

An important part of the Epstein criticism is that crucial sections of the Report were drafted so as to obscure unresolved difficulties, paper over differences of opinion among the staff, or to eliminate factual interpretations which might detract from the forcefulness of the Commission's conclusions. As far as it appears, this process took place almost entirely within the staff, and did not involve the Commission itself except in one stated and important case. Much of the basis for this criticism is rooted in the history of the vital Chapter IV which "identified the assassin as Lee Harvey Oswald." The original draft was written by senior attorney Joseph Ball. The redraft had a substantially different emphasis: for example, it gave important weight to eyewitness testimony of the Tippitt murder and of Oswald's presence in the Book Depository window, both of which Ball had dis- *(Continued on page 12)*

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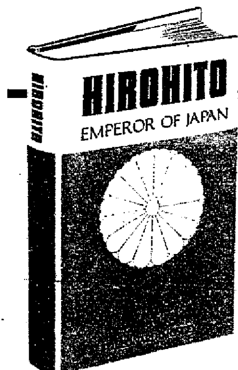

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The question of the Warren Report

(Continued from page 11)
carded as highly unreliable. The Commission itself was careful not to give decisive weight to the testimony of the man who claimed to have seen Oswald. When the redraft was completed one of the most active junior attorneys, Wesley J. Liebeler, wrote a 26-page memorandum attacking the chapter point by point, concluding that "this sort of selection from the record could seriously affect the integrity and credibility of the entire report." The chapter read, he later told Epstein, "like a brief for the prosecution." The initial reaction was "No more memorandums! The Report has to be published." According to Liebeler, the author of the redraft defended his work with the claim he had written the chapter exactly the way the Commission wanted it written. Finally the dispute was settled by Rankin, who accepted some of the criticisms, glossed over a few, and rejected most of them.

After a moderately detailed analysis of some of the objections to the chapter, Mr. Epstein concludes that Chapter IV is "not an impartial presentation of the facts." It is possible, perhaps even likely, however, that the final draft of the Chapter was a complete and accurate presentation, that Liebeler's objections were erroneous, and his later comments to Epstein self-serving. (He appears to be a principal source for the material in the book.) However, such important staff differences about the reliability of evidence and the selection of material might have better been the subject of intense and detailed examination by the Members of the Commission. Again it is the process of investigation, and not the specific conclusions, which are under attack.

At the heart of Epstein's analysis is what he rightly calls the threshold question: Was Oswald the only assassin? If he was, then the matter is ended. If he was not, then we must move into long, twisting, and complicated paths of investigation and analysis. We all know, and have been told many times since the Report, that it is impossible to prove a negative: it can never be established to the limits of certainty that no other person had a hand in the assassination. Mr. Epstein, as he must, grants that limitation. He says, however, that the conclusion Oswald acted alone rests on two assumptions. The first is that all relevant evidence was brought before the Commission. The second is that all evidence was exhaustively analyzed, all alternatives were thoroughly explored, and all possibilities were investigated and tested to the limit of human capacity. He claims that neither of these assumptions is true. Possibly relevant evidence was not brought before the Commission, including individuals who claimed to be eyewitnesses to a very different scene from the version most of us have accepted. Other possibilities were left unexplored, such as the statements of witnesses that they had heard shots and seen smoke from a "grassy knoll" between the overpass and the Texas Book Depository. Epstein concludes, and supports his conclusion with specific examples, that "the staff [did not] conduct an exhaustive investigation into the basic facts of the assassination. In fact, only the most prominent problems were investigated, and many of the crucial, albeit less salient, problems were left unresolved. . . ."

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 of possibility that Lee Harvey Oswald acted alone to kill John F. Kennedy.

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

Passage from India

(Continued from page 3)
later Hannah, and always the gatekeeper, Guru, attended us everywhere we went, the difference between us and the milling thousands of Indians round us, all added up to a princess quality. . . ." It was a shock, after five years of richness and taboo, ritual and protocol, to return to an "ordinary middle-class house; one maid of all work; buses; a sensible dark blue uniform for a sensible workaday Anglo-Catholic school."

In their exotic garden, they were schooled by their Aunt Mary who, though untutored herself, put them through arithmetic and Scripture, English grammar and embroidery, and did so with authority even while she was obliged to play second fiddle to the beguiling side-shows put on by birds in the mango trees, and gardeners in dispute, and the washerman and his whole family spreading out the clothes on the grass to bleach. The classics (Shakespeare and Dickens) were read to them, and to themselves they read trash (Gene Stratton Porter, Ethel M. Dell); they wrote unceasingly—Rumer wrote hymns at the age of five and Jon wrote her autobiography when she was eight.

In their preface, the sisters call their book "an evocation" of that handful of pressingly important years of childhood when flying kites and picnicking on the river and celebrating Christmas (a Church of England priest came to the Masonic Lodge wearing a white cassock and a khaki topee) and caring for animals and violently fighting with one another—when these made up the world. They had no way of knowing then that it was a more amazing world (they took monkeys in their own trees as a matter of course) than most of their countrymen knew. With remarkable grace and tranquility, the Misses Godden have jointly recollected without commentary, not eliding deformity and madness and filth but putting them in the proper perspective of a child's vision: ". . . we found the Kashmir we had been told about: beauty and squalor and dirt, but most of all beauty." Later on when they were grown and went back to India, they would be dismayed and apprehensive for the future of their adopted land and would see the sores with sophisticated eyes but at that time they saw only wonder, mixed with pure and splendid terror and with jokes.

The ignoble savage

(Continued from page 3)
solving "was . . . one of the few remaining heirs to a far older tragedy. . . . The face, the fixed expression of the eyes and the impassivity he often exhibited were the last vestiges and relics of his Indian blood. . . . Deeply buried in an up-to-date Anglo-Saxon Country Day School Army Air Force slang-speaking football-playing Cleet was that aboriginal American, bound and affronted." No, it just doesn't work.

To go along with this implausibility for a moment, I should guess that it would be fairly easy to argue quite the opposite by appealing to Indian customs. There is the tradition of accepting the verdict of a chief (in this case, the elder Mr. Reardon, who has always acted as a father to Cleet and is, figuratively, the head of the tribe). It seems likely, too, that the tradition of loyalty to one's best friend is at least as strong among Indians as the impulse to commit violence against White society. And, further, "White society" is hardly very well symbolized by a defenseless young wife who has had almost as hard a time making a go of her life as Cleet has had with his own.

By any moral view, then, the personable young hero of *Indian Summer* turns out to be a monster—disloyal, ungrateful, and vicious in his attack on an innocent person. Worst of all, he ends up perfectly unconcerned about any wrongdoing. To create an attractive character, inspire confidence in his good will, and then to show him acting as an ignoble savage is, certainly, an interesting fictional risk. But the novelist's problem lies in the fact that he seems never to have understood quite why the risk was worth taking, or quite what he means by it. In sensitive tune with his protagonist through the first three-quarters of the book, he is about as far from understanding Cleet Kinsolving at the end as General Custer was from understanding Crazy Horse.

To put aside the stubborn problem of meaning for a moment and to do justice to Mr. Knowles, I ought to note that he is a generally attractive and ingratiating writer. A great deal of the earlier part of the book deals with trivialities—with significant actions fairly widely spaced. Yet Mr. Knowles has good quirks of observation, a way of giving pleasure to commonplace moments. Kinsolving's experiences at the scrub airfield in Kansas, his tours around the Reardons' Victorian mansion ("The property seemed to have a generative life of its own, one small wing requiring two larger ones, a little kitchen garden needing a large flower garden to screen it, and that needed piped-in water, which logically produced a small, and then a large fountain. . . ."), an episode in the swimming pool—all have a spontaneous life of their own. The gift of making present things, however ordinary, affect the feelings with a fresh sense keeps up an unusual interest in the book from sentence to sentence.

The same quality is perhaps the most striking thing about Mr. Knowles' first novel, *A Separate Peace*. I think that it's necessary, however, to recall that book in a more important way, for its bearing on the dilemma of meaning I've attempted to suggest about *Indian Summer*. The crisis-event in the earlier story is the hero's unpremeditated treachery against his best friend. Here it is very simple in outline—one student bounces on a tree limb and causes his athlete friend to fall and break a leg. The injury cripples him and, eventually, results in his death.

This same pattern is present in *Indian Summer*, though in a rather more complicated psychic and dramatic form. This basic parallel of theme indicates that what Mr. Knowles is preoccupied with is the idea of a friendship viciously betrayed. If this is true, then Georgia Reardon in *Indian Summer* is only a kind of surrogate, or a tree from which Kinsolving can destroy his friend. The only interesting thing about her as a means is that she is a sexual means. This is the most shrewdly-chosen and most agonizing kind of attack—even more painful than the shattered leg to the athlete—because Reardon is so much a good Catholic and so devoted to the idea of his family and his son-to-be.

Thus, Mr. Knowles writes about two attractive heroes who become, in a teleological sense, murderers. Gene Forrester (in *A Separate Peace*) kills his friend; Cleet Kinsolving kills his best friend's unborn son. Forrester feels deep remorse but finally absorbs it into a nostalgia about his generation and his old school. Kinsolving feels no remorse whatsoever and heads off for a new life. Both stories seem to say that it is necessary and inevitable to kill the rival-friend before a boy can become a man. But the squalid thing about this proposition—and the problem that the author has never thought through to a resolution—lies in the fact that both symbolic killings take the form of a shabby kind of treachery. They are not combat, they are murder. Is this the way to become a man? Or a monster?