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The Editors
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New York, N.Y. 10017

Dear Sirs,

Judge Arnold L. Fein asks (JFK In Dallas, SR Oct.22) "Is it naive to suggest that the truth is the best way to dispel a rumor?" In the context of his question, the "rumor" was that Oswald was on the FBI payroll at \$200 a month, under the informant number "SI72." The allegation originated with Dallas Deputy Sheriff Allan Sweatt, who was not called before the Warren Commission to testify to its truth or lack of truth. The possibility thus remains open that the rumor was founded in truth. If so, the truth would not be damaging to the nation—but it would be damaging to the FBI and to J. Edgar Hoover ("all kneel!" as Norman Mailer says).

Judge Fein acknowledges that the Commission failed to make an independent investigation, as it had decided to do, and that it relied "largely" ("solely" is more accurate) on FBI disclaimers. But, he says, that does not support a conclusion that the Commission intended to dispel the rumor whether it was or was not true. Perhaps Judge Fein would venture to suggest some other reason why the Commission disregarded its own decision and relied upon denials which its members had recognized as inadequate, if not meaningless (according to Gerald Ford's book, "Portrait of the Assassin," which was not reviewed by the Judge)—and why, to boot, it withheld from the Warren Report and from the Hearings and Exhibits the information subsequently disclosed by Ford and by Edward Jay Epstein in their respective books? (Imagine what self-righteous outpourings of reproach might follow had a governmental commission in the Soviet Union suppressed such facts in such an investigation!)

Dealing with the bullet wound in the President's back—or the back of his neck—Judge Fein concedes that the autopsy report is in conflict with the FBI reports and press stories founded on FBI leaks, and with a diagram made by Dr. Humes at or right after the autopsy. He omits to mention that it is also in apparent conflict with the bullet holes in the back of the President's shirt and coat, as illustrated in photographs published in Epstein's book (but not in the Warren Report or the Exhibits). And—a fact not mentioned in any of the books reviewed by Judge Fein—the Commission itself inadvertently seems to have proved that the FBI description rather than the autopsy report was correct: Judge Fein might examine photograph no. 3 on the inside cover of the Bantam edition of the Warren Report showing the stand-in for the President during the May 24, 1964 on-site reenactment tests, in the light of the statement on page 100 of the same edition—"The back of the stand-in for the President was marked with chalk at the point where the bullet had entered." (The on-site tests were supervised by J. Lee Rankin and Arlen Specter.)

According to Judge Fein, Dr. Humes reached the conclusion that a bullet had exited from the throat after a telephone conversation with Dr. Perry on Saturday morning. Had Judge Fein acquired closer familiarity with the Warren Report, he would realize that his account is inconsistent with the official account (Warren Report, pages 88-89, Government Printing Office edition). Had he familiarized himself with the Hearings and Exhibits, he might have found several more unresolved contradictions—for example, Dr. Humes' question to Dr. Perry, asking if the Parkland doctors had made any hole in the President's back, which suggests that the wound was not immediately identifiable as a bullet wound of entrance.

The fact that the autopsy report was completed 48 hours after the assassination is seen by Judge Fein as removing any ground for suspicion of the autopsy surgeons because, he reasons, that was before any clear theories of how the assassination had occurred had been formulated. Again, if the Judge was familiar with the Exhibits, he would know that the Dallas police had been announcing to the world repeatedly via television and other media from Friday night onwards that Oswald was guilty and had acted alone. Indeed, memory alone should illuminate that fact for him.

True, the autopsy report form does not provide space for the date of the report. Nor does the supplemental report form, which has nevertheless been dated "12/6/63," as Judge Fein will see if he examines the appendices to the Warren Report.

Why, Judge Fein asks, can we not accept Dr. Humes' explanation as the truth? Because a large body of evidence indicates that it is not the truth; because the evidence that might have resolved the conflict between the autopsy report, on the one hand, and the testimony of at least five federal agents as well as physical evidence, on the other hand—that is, the autopsy photographs—have been suppressed; and because the Warren Commission concealed the existence of the conflict between the autopsy report and the three FBI reports, which it fell to Vincent J. Salandria and Epstein to reveal to the public for the first time.

Judge Fein is dubious about the single-missile theory but he grants the existence of a time bind (two shots in 1.8 seconds versus 2.3 seconds to operate the bolt of the Carcano rifle, not counting aiming time) which makes the single-missile explanation the sole alternative to more than one rifleman. Therefore, as even Lord Devlin has come to recognize, it is dishonest (rather than "fair" as Judge Fein would have it) for the Commission to say that it is not necessary to any of its essential findings to determine just which shot hit Connally.

There is physical evidence that at least some of the shots came from a source other than the Depository, in the Zapruder film and in the Moorman photograph (not included in the Exhibits but widely published in the press and various memorial editions). Judge Fein should visit the National Archives and view the Zapruder film, to see for himself that the President's body was thrown violently back and to his left by the head shot.

Since the Judge acknowledges many defects in the Commission's procedures and in its Report, and grants that the autopsy report may be inaccurate, one can only suppose that he continues to adhere to the Commission's main conclusions as an act of faith. Personally, I must insist on facts, when they are ascertainable, and on a faithful account of the evidence. A comparison between the

Warren Report and the testimony or documents published by the Commission brings to light repeated misrepresentation or omission of plain fact in the Report. Almost invariably, the misrepresentation or omission serves to make inconsistent evidence appear consistent with the immutable lone-assassin theory.

When he discusses the credibility of witnesses, Judge Fein seems almost deliberately to avoid the evidence which clearly incriminates the Commission—its methods, judgment, and purposes. Instead of dwelling on Helen Markham—termed an "utter screwball" by counsel Joseph Ball on a public platform and clearly a non-credible witness, not because of the Lane tape but because she testified that she was alone for 20 minutes with the dying Tippit, who in fact died instantly and was quickly removed by ambulance—Judge Fein should have confronted the case of Marina Oswald.

Epstein's book reveals that the Commission's own lawyers warned that Marina Oswald had lied repeatedly to the Secret Service, the FBI, and the Commission itself. Norman Redlich, the no.2 man on the legal staff, put that opinion in writing. The lawyers requested the opportunity of cross-examining this witness but the request was denied and the Commission elected to "believe" a self-confessed liar who justified old lies by new falsehoods. Thus, the Commission denied its own counsel the necessary means for fact-finding.

That Judge Fein chose to ignore the credibility of Marina Oswald, the star witness for the prosecution, suggests that he found himself totally unable to justify the Commission.

Judge Fein seems more anxious that the boat not be rocked than that we should be fully satisfied as to the truth about the assassination. His attempt to resuscitate the skewered cadaver of the Warren Report leaves me with the impression that even he himself is not convinced by his apologia. JFK In Dallas is somewhat less approximate to the truth than the Flier on the cover, which advertises seven new books when only six are delivered. The "seventh" book is scarcely "new" and might best be classified under fiction.

Yours sincerely,

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