

13 March 1967

Mr. Michael J. Berlin
The New York Post-
75 West Street
New York, N.Y.

Dear Mr. Berlin,

Naturally I read your series on the Warren Report and the critics with special interest, not to say suspense. Your presentation of the issues of evidence seemed quite objective. Perhaps you were not equally objective in your description of the critics, or some of them; but no doubt they will speak for themselves quite effectively. Personally, I have no real complaint about your references to me, but I do regret that you seem to misinterpret my position (and that of other critics) when you suggest that we are unwilling to consider evidence indicating the feasibility of the hypothesis that Oswald, acting alone and without accomplices, committed the assassination.

Indeed, I am not willing to weigh the evidence on the basis of that theory or any other preconception. Like the critics as a whole, I am seeking for the truth--whatever it may be--and not merely evidence to implicate any specific person or persons. Most unfortunately, the Warren Commission devoted itself almost single-mindedly to an attempt to prove that Oswald was the lone assassin and that it was feasible for him to commit the crime unaided. In fact, the evidence it gathered suggested--on the contrary--that the assassination was the work of more than one assassin, and that Oswald had no motive, means, or opportunity to commit the crime. This very conflict between fixed hypothesis and actual evidence led to the distortions, omissions, and misrepresentations in the Warren Report which discredited the findings and caused demands from many quarters for a new investigation--a demand now joined by The New York Post.

In your series, you quoted me as expressing my hope that you did not expect me to pay attention to every crackpot theory, or words to that effect. I recall that I made that remark during your interview of me when you claimed that the minimum time for operating the bolt of the Carcano rifle had been reduced by some experimenter below the 2.3 seconds stipulated in the Warren Report (I can understand that limitations of space prevented you from placing my remark into context). My position was, and is, that the Commission consistently exaggerated the evidence against Oswald and deprived him of the benefit of doubt. It was therefore in the Commission's own interest to reduce to a minimum the time required to operate the rifle bolt. Since the Commission stated the minimum time as 2.3 seconds, I tend to regard that as valid--although there may be freak exceptions, in the form of rare individuals gifted with extraordinary physical dexterity. Oswald, in fact, seemed to lack such dexterity, if I recall correctly the testimony on his

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performance in learning to drive a car and in his work at Jaggars-Chiles-Stovall, where he was said to be clumsy.


Furthermore, even if one accepted for the sake of argument that the 2.3 seconds time limitation was excessive, this would dispose only of one aspect of the marksmanship problem, which involves speed but also accuracy. It would leave entirely unresolved the other major evidentiary mysteries and defects, many of which you treated in your articles (the autopsy findings, the stretcher bullet, etc.). Therefore, to argue the merits of the minimum time required to operate the rifle bolt, at this time, would not seem to me to advance the position. If that were the only obstacle to accepting the Commission's conclusions, it would of course need to be reevaluated and I am sure that the critics would join wholeheartedly in that reevaluation.

I must comment also on the editorial which accompanied the final installment of your series, suggesting that J. Lee Rankin should be charged with a review or reexamination of the Warren Report. I greatly regret that proposal, which seems to me to be wholly inappropriate and completely inadequate. The American people may or may not vest their faith in Mr. Rankin, as the editorial suggests--that is irrelevant. Criminal investigation cannot be carried out on the basis of faith, as the Warren Report surely has demonstrated. Our system of jurisprudence relies on strict rules of evidence; the methodology of criminalistics rests on the foundation of science and objective fact.

What is needed is not a renewed investigation on the basis of faith in persons of eminence (especially on those who produced the defective Report which is now under so great a cloud) but one that will conform strictly to the rules of evidence, utilize independent expertise, and above all the adversary procedure which remains indispensable to the elucidation of fact and the guarantee that justice will be done.

I sincerely hope that the editors of the Post will reconsider their position and speak out in favor of a new investigation that will satisfy the fundamental requirements of the American system of law and the principle that we are a nation of laws, not of men.

Yours sincerely,


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cc: The Editors,
The New York Post