

the Warrenneers ride again

by Joseph W. Masi
(Second of a Series)

The role of the advocate never has been an attractive one, but defenders of the Warren Commission's enormous—and enormously confusing—masterwork have committed errors of excess so unattractive that the Establishment may one day be forced to draft 18-year olds into the "advocacy" just as it now sends them off to Da Nang.

Why this should have come about may be explained by the example of Mr. John Roche, a former professional Liberal, but now a special consultant to the President. Writing in The Times Literary Supplement of January 4, Roche compliments the author of an article supporting the conclusions of the Warrenneers and labels the mob of doubters (some 60 per cent of the population of the United States) "marginal paranoids."

Now that's saying something! Roche has struck a pose that will become a barometer for separating the chaff from the holy wheat of the official line for years to come. The day a special consultant compliments the critics of the Report (how long, oh Lord!) throw away your annotated Harold Weisberg, your coffee-stained Mark Lane, your underlined, explicated and well-thumbed Sylvia Meagher or Josiah Thompson, and start working on the Hiss case, for there will be nothing of importance in the critics' lamentations. On that day the Report will have been sealed in its bottle of piety and truth.

But that day is not yet here. The bottle has arrived and the Report deposited inside, yet the formaldehyde has been leaking right along and who will stick his finger in it to save America?

John Sparrow, Warden of All Souls College, Oxford, England, that's who! Sparrow was the author Mr. Roche praised so fully in his letter to the Times Literary Supplement. In an 18,000 word article last December, Sparrow lashed out hard at the critics calling them "demonologists," calling them "cavalier" (a cavalier demonologist?) and defending the Warren Commission all the while.

Sparrow delves into several of the books written since the assassination and the Report and finds nothing of real merit in them; at least nothing to jeopardize the Commission's findings that Oswald killed everybody. Ruby killed Oswald, the FBI and CIA are all right, etc. . . . Oh well, count your blessings. But Sparrow's faith in the Report leads him into some interesting paradoxes that are all the more interesting because the solutions to them were so near at hand.

In dealing with Epstein, for example, he says: "The Commissioners themselves, Mr. Epstein alleges, were desultory in attendance at the hearings; (and) . . . both Commission and staff had to conform to an impossibly restricted time schedule . . ." Sparrow does not pursue this point but his use of the term "alleges" tells us more than that he just doubts what Epstein is saying, but that the good Warden hasn't bothered to read the 26 volumes that make up the Report. If he had he might have noticed this bit of dialogue which is also quoted in Sylvia Meagher's "Accessories After The Fact: The Warren Commission, The Authorities and The Report." (Bobbs-Merrill).

Chairman (Justice Warren): Senator Cooper, at this time I am obliged to leave for our all-day conference on Friday at the Supreme Court and I may

Supreme Court, and I may be back later in the day, but if I don't, you continue of course.

Cooper: I will this morning. If I can't be here this afternoon whom do you want to preside?

Chairman: Congressman Ford, would you be here this afternoon at all?

Ford: Unfortunately, Mr. McCloy and I have to go to a conference out of town.

Chairman: You are both going out of town, aren't you?

Cooper: I can go and come back if it is necessary.

Chairman: I will try to be here myself. Will Mr. Dulles be here?

McCloy: He is out of Town.

— Hearings and Exhibits Vol. 3, pg. 55

Mrs. Meagher's study shows that of the 94 witnesses to appear before the Commission, few were heard by the entire body. Justice Warren heard all, but Senator Russell was present on just six of the 94 occasions, McCloy on 35, and Hale Boggs on 20. Ford had a fair attendance hearing 70 of the 94. Yet some 400 other people testified by deposition to the Commission staff and were

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not asked to come in for questioning at all. Some of these individuals might have had something of importance to say—or reveal—under questioning, but the opportunity was lost.

Sparrow is correct to point out the difficulties in evaluating the testimony of witnesses to a sudden and unexpected event but then he adds: "Every lawyer knows that honest and truthful witnesses—called, say, to identify a suspect—while wrong on a number of points may yet be right on others."

Logical enough in the abstract; but, what happens, say, when we accept the difficulties of the witnesses role, make our allowances for emotion and confusion on their part, and are thrust against the testimony of William Whaley, the cab driver who allegedly drove Oswald to his room after the assassination, and who identified Oswald in the police lineup?

Here is how Whaley concluded that Oswald was his man: "The police (at the lineup) brought in six men, young teenagers . . . At that time he (Oswald) had on a pair of black pants and a white T-shirt . . . But you could have picked him out without identifying him by just listening to him because he was bawling out the policemen, telling them it wasn't right to put him in line with these teenagers and all that and they asked me which one and I told them." (Hearings and Exhibits Vol. 2 page 261). If the Dallas police can put the 24-year old Oswald in a group of juvenile delinquents whose hands were probably still covered with grease from the hubcaps or whatever it was they heisted, then positive identifications would appear to be given a nudge that might enable even Mr. Sparrow to make one.

But Sparrow isn't bothered by major problems so why should such a minor point as the "positive identification" disturb him?

Tippit's murder? "To believe Oswald innocent of it," says Sparrow, "you must not only reject a mass of eyewitness and circumstantial evidence . . . but cumulatively overwhelming (evidence) the revolver, the bullets, the cartridge cases . . ."

Overwhelming? When four bullets are recovered from Patrolman Tippit's body, and when three of those bullets are found to be Western-Winchester and one Remington-Peters, how overwhelming is it when we also consider that of the four empty cartridge cases found near the scene of the murder two were Remington-Peters and two Western Winchesters? There is no satisfactory explanation for this discrepancy and Sparrow, not having read the full report, adds to his much-hailed genius with the rosy tint of blissful ignorance he uses like a good fairy wand. He hails the Commission for including the autopsy report on some individuals but does not comment on the omission of any autopsy performed on Tippit, a report that might have done more to solve his murder than the Commission did.

Sparrow's was a light-headed piece of advocacy and so we make light of it. But though our outrage may take the form of laughter, we know too well who the joke is on and who is paying most dearly for a government report that might be acceptable as a first novel but never as literal truth. If we are "marginal paranoids" as Commission fathers, sons, and the Holy Roche tell us, they must remember we were not born to the office and that the only non-variable we share is that since we were born we have listened to Roche and his peers hooting at us to follow, and demanding we do not question them when the darkest part of the forest is before us and the supply of bread crumbs perilously low. So we laugh. We laugh like Mississippi Negroes after a funeral. In the words of the Delta blues: "when you see me laughin', I'm laughin' just to keep from cryin'."