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Sylvan Fox

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THE WARREN REPORT

On December 17 the Department of State made public the correspondence that was exchanged between Secretary of State Rusk and Amintore Fanfani, President of the United Nations General Assembly. The correspondence related to alleged peace-feelers from Hanoi. When asked why the US was making the correspondence public, UN Ambassador Arthur Goldberg said that "the credibility of our government has been assailed... We have a great problem here," he said, "maintaining our credibility with our own people."

I think that Mr. Goldberg is correct. The government does have a great problem in maintaining the confidence of the American people. There is a growing awareness that on foreign affairs in general and on the Vietnam war and the Dominican intervention in particular, the government has been frequently guilty of suppressing and distorting the facts if not of outright lying. I suspect that there is a relationship between the increasing distrust of the government and the decline in President Johnson's popularity. The latest Gallup Poll shows that the President's rating has dropped twice since early November -- a total of 6 percentage points.

But the crisis of confidence in the government goes much farther than awareness of misinformation on foreign affairs or the president's popularity. It has penetrated deeply into the intellectual community -- among students, professors, writers, artists, lawyers and other professionals. It is rooted in a widespread feeling that our foreign policy, the war in Vietnam, and the distortions that are used to justify them, are all symptoms of a basic sickness that is eating away at our whole system of government. On some occasions we get a good glimpse of this process and it leaves us with an impression of a condition that is so extensive, and so malevolent as to activate all of our psychological defenses and cause us to turn away from the evidence rather than grapple with the conclusions it leads us to. The best example of this is the Warren Commission's Report on the assassination of President Kennedy.

A new book on the Warren Report has just been published. The author is Sylvan Fox, a Pulitzer Prize-winning newspaperman who is currently the city editor of the New York World Telegram and Sun, and the holder of a Master's Degree in History from the University of California. The book is entitled The Unanswered Questions About President Kennedy's Assassination, and it is published in paperback by Award Books.

There have been several books on the Kennedy assassination, but as far as I know, this is the first one in English to have been written in its entirety after the full 26 volumes of testimony given to the Warren Commission were made available to the public. Fox bases his analysis primarily on that voluminous record, and carefully compares the Warren Report with the testimony on which it is based. One of the great strengths of the book is that it focuses on evaluating the report rather than on the assassination itself. Obviously in doing this it is

impossible to refrain from some analysis of the events, but the task Fox set for himself was a much more realistic one than to attempt to compete with the Warren Report. In essence he examines the report and the evidence upon which it is based in order to determine whether the evidence justifies the conclusions reached in the report. It is a manageable task of scholarship, and he does it well. His conclusions constitute a staggering indictment of the Warren Report, and by implication, of everyone who had anything to do with it.

But there is another fact which makes this book more interesting. It contains a foreword by Mr. Edwyn Silberling. "The time has come," writes Mr. Silberling, "for a dispassionate examination of the murder in Dallas... We should be prepared to exercise our critical faculties...." And he adds that Fox's book "changed my mind about comfortably accepting the Warren Commission's findings.... Most of all," he concludes, "it raises questions that deserve to be answered concerning the possibility that a conspiracy existed to destroy President Kennedy." Edwyn Silberling was the Chief of the Section on Organized Crime and Racketeering of the US Department of Justice under Attorney General Robert Kennedy.

The main conclusions of the Warren Report are that President Kennedy and the Dallas police officer J. D. Tippit were killed by Lee Harvey Oswald, that Oswald was killed by Jack Ruby, and that each acted alone. The Commission found no evidence of any conspiracy.

Sylvan Fox agrees with this in part. He says that Oswald participated in the assassination of the President, but he does not accept the thesis that he acted alone. He agrees that Oswald killed Tippit, but says that the "circumstances remain unclear." He raises serious doubts about the Warren contention that Ruby acted alone. "By ignoring testimony that did not fit, by overlooking witnesses, by withholding evidence and leaving dozens of questions unanswered," says Fox, the Warren Commission failed to prove that Oswald and Ruby acted without accomplices. He accuses the Commission of having fallen into "a mire of haphazard methods that obscured the truth behind a fog of unsubstantiated distortions and outright lies."

After reading Fox's book, I went back and re-read sections of the Warren Report. There is no doubt in my mind that the methods used by the Commission were indeed extraordinary. They were unworthy of a third rate Alabama police force, let alone the Chief Justice of the US Supreme Court. The most striking example concerns the Commission's investigation of the wounds in the body of the President in order to determine the source of the shooting. The Commission claimed that Oswald fired three shots in a remarkable 7 seconds, that one of the shots missed the target altogether and struck the pavement, that one struck the president in the head, and that the third entered the President's back. But Governor Connally was also hit by a bullet, which suggests that there were four. If there were four bullets then there had to be two riflemen.

"The Commission solves this problem in an imaginative and skillful way," says Fox. "It tells us that one of the bullets must have struck President Kennedy in the back, gone through his neck, come out the front, hit Governor John Connally in the back, gone through his chest, breaking a rib on the way, come out just below his right nipple, slammed through his right wrist, breaking another bone there, and lodged in his left thigh."

There are two major defects in this theory. The first is that it is directly contradicted in precise testimony by Governor Connally and his wife who both insist he was hit by a separate bullet after the President was seen clutching his throat.

Connally's version is supported by doctors at Parkland Hospital who treated him, one of whom believed that the bullet which lodged in the Governor's thigh did not cause the wound in his chest.

Regarding the trajectory of this remarkable bullet that the Warren Commission says passed through the bodies of both President Kennedy and Governor Connally, Sylvan Fox invites his readers to try a little experiment. "Get a jacket and measure 5 and 3/8 inches from the top of the collar along the mid-seam in the back. Now move 1 and 3/4 inches to the right. That spot is precisely where Frazier [an FBI agent] said Kennedy was shot. Now try to figure out how a bullet entering at that point could travel downward and exit from a spot just below the President's Adam's apple. As you will discover, it is an impossibility."

An autopsy was performed on the President's body in Washington. During the autopsy notes were taken and photographs and X-rays were made. Given the conflict between the testimony of Governor and Mrs. Connally and the theory advanced by the Commission, one would assume that these notes and the photographs and X-rays would play a key role. Yet incredible as it may seem, the Commission did not look at the photographs or the X-rays, but instead relied on a drawing made by a medical illustrator. One can understand a reluctance to publish such photographs out of consideration for the family of the deceased, but a refusal of the Commission itself to consult them is beyond comprehension. To top it off, the notes made by the doctor at the autopsy were burned, and when Mrs. Kennedy testified about her knowledge of her husband's wounds, that part of her testimony was censored from the public record. "By deleting the testimony," says Sylvan Fox, "the Commission leaves itself vulnerable to the charge that it was intentionally hiding something." Fox suggests the possibility that the President was struck by three bullets, one in the front, two in the back, and that two of the bullets remained in the President's body. Could this explain the Commission's refusal to look at the X-rays?

There are many other nagging questions and problems. Why was no stenographic record of Oswald's interrogation made, and why did the head of the Dallas police's homicide bureau destroy the notes he made? Here was a prisoner suspected of committing the most sensational crime of the century and no record was made of his testimony, even though FBI and secret servicemen participated in the interrogation. Was it only coincidence that Officer Tippit was killed just two blocks from Jack Ruby's home? Why doesn't the Warren Report mention this? And is there no significance in Jack Ruby's strange testimony to the Commission that waited 7 months to hear him? Ruby was questioned by the Commission in Dallas and he asked that Sheriff Decker and all local law enforcement officials leave the room. After they had left he said: "Gentlemen, if you want to hear any further testimony, you will have to get me to Washington soon, because it has something to do with you, Chief Warren." A moment later he said, "I want to tell the truth, and I can't tell it here. I can't tell it here. Does that make sense to you." And again later he said: "But this isn't the place for me to tell what I want to tell... Chief Warren, your life is in danger in this city, you know that?" And again, Ruby said: "I am being victimized as part of a plot in the world's worst tragedy and crime at this moment.... At this moment Lee Harvey Oswald isn't guilty of committing the crime of assassinating President Kennedy. Jack Ruby is.... There is an organization here, Chief Justice Warren, if it takes my life at this moment to say it.... take that for what it is worth Chief Justice Warren. Unfortunately for me, for me giving the people the opportunity to get in power, because of the act I committed, has put a lot of people in jeopardy with their lives." And later Ruby said that his whole family was in danger.

Perhaps all of this is the raving of a madman. But Sylvan Fox believes that the Warren Commission dismissed it all too easily, especially given the long period of time that Ruby was in the custody of Texas authorities.

Sylvan Fox is not the only person to criticize the Warren Commission in a recently published book. Another is Leo Sauvage, the New York correspondent of the French paper, Le Figaro. The Sauvage book is entitled L'Affaire Oswald, and as far as I know, is not available in English. I have not seen this book, but a review of it appeared in the French paper Le Monde, and a translation of that review can be found in the October 1965 issue of Atlas magazine. According to the review, Sauvage suggests that there may have been a fake Oswald, that is, somebody posing as Oswald. Some person or persons by that name had a telescopic sight mounted on a rifle, another drew attention to himself at a Dallas rifle range, a third tried out an automobile at a Dallas car dealer's. According to Sauvage, the Commission decided that this man or these men were not the Oswald they were interested in and made no effort to find out who he or they were. The Le Monde reviewer says, "The entire management of the investigation proves that they were preoccupied with proving that Oswald could have killed John Kennedy and not with finding out who killed him."

There are two deeply disturbing thoughts that emerge from reading the book by Sylvan Fox. The first is that there was a conspiracy to kill President Kennedy, and that some of the plotters are still at large. The second is even more disturbing. It is that there is another conspiracy, a conspiracy to cover up, to hide the facts, to prevent the American people from knowing the truth. If this is the case, then it is a far-reaching conspiracy, involving as knowing or unknowing accomplices hundreds of people, high ranking government officials, the secret service, the FBI, and even the Chief Justice of the US Supreme Court. It is this possibility that makes us want to reject the critics of the Warren Commission, for if they are right then the American government is suffering from a deep and dangerous sickness.

But journalists like Sylvan Fox and Leo Sauvage are responsible men from established and respectable newspapers. Like Emile Zola in a France troubled by the Dreyfus case, they force us to look at the facts. And the facts, no matter how long we refuse to recognize them, will not go away. Sooner or later this nation will have to take a good look at itself and find out what it has become.

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