

The Warren Commission issued a Report of 868 pages in September 1964 which was hailed on every side as the most massive, meticulous, and scientific investigation in the history of criminalistics. The Commission, after some ten months of work, concluded that President Kennedy had been murdered by a lone assassin--Lee Harvey Oswald. According to the Warren Report, Oswald had acted alone, without help and without motive. He had also shot to death officer J. D. Tippit; and he had made an abortive attempt on the life of General Walker.

Essentially, these were the findings of the Dallas Police when they declared a few hours after Oswald was shot to death that the case was closed. No one was prepared to take the word of the Dallas Police about the assassination; almost everyone was ready to take the word of the Warren Commission, which reached essentially the same conclusions. And for almost two years, any questioning of the Warren Report was, for all practical purposes, taboo.

The situation has changed radically in the last seven or eight months. Respected writers, scholars, and public servants have spoken out in favor of a new investigation; and some, like Harrison Salisbury, Max Lerner, and Alistair Cooke, have had the courage to admit publicly that their initial confidence in the Warren Report had given way to grave doubt and misgivings.

Perhaps the single most important factor which led to the reopening of national debate on the assassination was the uncovering of three FBI reports which had been omitted from the Warren Report and from the 26 volumes of Hearings and Exhibits, which were in conflict with the autopsy report on which the Warren Commission had relied. The autopsy report described a bullet entrance wound in the back of the President's neck; the FBI reports described the same wound as situated well below the neck. The autopsy report and the Warren Report

said that the bullet that had entered the back of the neck had exited at the Adam's apple and proceeded to strike Governor Connally, inflicting all of his wounds. But the FBI reports said that the bullet had penetrated the back only to the depth of two or three inches and had not exited from the body at all.

The FBI reports were supported by the position of the bullet holes in the back of the President's coat and shirt, and by an autopsy diagram, as well as by eyewitness testimony which placed that wound as much as six inches below the neck. The conflict created a crucial problem--if the FBI reports were correct, Governor Connally was not hit by the same bullet that had hit the President in the back but by a different bullet or bullets; yet the time lapse between the wounding of the two men was too short for a marksman firing the Carcano rifle to fire two separate shots. Consequently, the FBI reports presented the clear possibility that at least two riflemen were involved in the assassination.

The conflicting evidence about the position of the wound might have been resolved by photographs and x-rays taken during the autopsy; but the Warren Commission had never examined those photographs and their whereabouts were unknown until November 1966, when they were suddenly deposited in the National Archives by the Kennedy family, under certain stringent prohibitions. The photographs and x-rays are not accessible for examination by forensic experts or other responsible persons; and even a request from a member of Congress, Representative Theodore R. Kupferman, who asked permission to view the photographs accompanied by two forensic pathologists and a researcher, has been turned down. Representative Kupferman is one of several members of Congress who believes that the case is not closed, and that outstanding questions remain to be answered.

Preoccupation with the autopsy photographs has tended to obscure other elements in the Warren Report which present equal cause for misgivings. For example, the stretcher bullet: this bullet, which supposedly passed through the President's neck and proceeded to shatter the Governor's rib and fracture

His right wrist-bone, shedding metal fragments on its path, was found on a stretcher in Parkland Hospital. After the feats ascribed to it, the bullet should have been grossly deformed, with blood, tissue, and fibers on its surface. Instead, it was virtually pristine--unmutilated, undeformed, clean-surfaced, and virtually intact.

The doctors and expert witnesses testified that they could not conceive how this bullet could have done so much damage and emerged in such excellent condition, or that they had strong doubt about the proposition. But what does the Warren Report say? The Report says that "all the evidence" indicated that this bullet could have caused all the wounds sustained by Governor Connally.

And this contradiction between the testimony published by the Warren Commission in its 26 volumes of Hearings and Exhibits and the corresponding assertions in the Warren Report is one of many such contradictions which have astonished and outraged students of the official record--contradictions, omissions, misrepresentation, and other deformities, all of which have the effect of buttressing the insupportable fiction of a lone assassin.

As a result of the debate on the Warren Report which began some seven months ago with the uncovering of the FBI reports, it is now permissible to suggest that the Warren Commission's work was compromised by haste, carelessness, and error; and that there may have been two Lee Harvey Oswalds--two random unmotivated alienated misfits--who teamed up to assassinate the President. Still taboo is any charge that the Warren Report is deliberately dishonest; the suggestion that Oswald may have been completely innocent; and the very thought that the assassination was the product of a political conspiracy reaching up into the Government itself.

My personal impression, after unremitting study of the Warren Report and the 26 volumes of testimony and exhibits and compiling a subject index to this material, is that Oswald may well be entirely innocent. He had no motive, no means, and no opportunity; and the so-called hard evidence against him, when it is scrutinized with searching care, is greatly diminished.

The Warren Commission could not come up with any motive for Oswald's alleged crime. Putting aside motive, did he have the means? The Commission claims that he owned and possessed the assassination rifle, but has not established that beyond reasonable doubt, and--more important--that Oswald carried the rifle into the Depository building on the morning of the assassination. That accusation flies in the face of the unshaken testimony of two disinterested witnesses, who testified that Oswald carried a package that was too short to contain the rifle, even in disassembled state. Their testimony is not only credible but, to many, it is conclusive. But even if we grant for the sake of argument that Oswald brought the rifle into the building, other obstacles remain: (1) there is little or no evidence to place Oswald in the sixth-floor window at the time of the shooting, as has been admitted publicly by a former Commission lawyer; (2) there is evidence, not adequately reflected in the Report, that Oswald was on the first floor when a man with a rifle was seen at a sixth-floor window; and (3) Oswald was a very poor rifleman who, according to every normal yardstick, was totally incapable of the miraculous skill attributed to him by the Commission.

On the question of opportunity, I have mentioned already the lack of evidence to place Oswald at the sixth-floor window. In addition to that evidence there is his encounter within a minute and a half of the shooting with a policeman and the Depository superintendent on the second floor--an encounter which would have constituted a strong alibi, had Oswald lived to come to trial. The Commission's reenactment tests in fact combine to give Oswald a margin of one second in which to reach the second floor ahead of the policeman; in another combination, they give him a three-second alibi, that is, the policeman reached the second floor three seconds sooner than Oswald could have reached the same floor had he run down from the sixth floor.

Can we, who are the de facto jury, convict a man of so heinous a crime when the gravest doubts attach to the claim that he brought the rifle into the building, that he had the rifle capability, and that he was at the sixth-floor window? I think we cannot disregard the alibi provided by a Dallas motorcycle officer and the Depository superintendent—in itself, raising a compelling "reasonable doubt."

Those who nevertheless accept Oswald's guilt, and his lone guilt, may do so largely out of the confidence and deep respect they entertain for the Chief Justice of the U. S. Supreme Court, Earl Warren. In the Dreyfus case, the highest figures in France framed or accused an innocent man. History has demonstrated that it is not enough to have assurances from above—we must have unassailable independent evidence. The chief witness against the dead Oswald was his widow, Marina Oswald. The Commission's lawyers begged for permission to cross-examine her, pointing out that she had lied repeatedly to the FBI, the Secret Service, and the Commission itself. Chief Justice Warren refused to permit cross-examination, on the ground that he was a good judge of character, and he believed her. Such was the Commission's complacency towards this self-confessed liar that the lawyers nicknamed them "Snow White and the Seven Dwarfs."

Others are ready to put aside questions of evidence and fact and to rest on the fact that the Kennedy family accepts the Warren Report. May I point out that they acknowledge that they have not read it. Nor, to my knowledge, have they seen the Zapruder film. This is an ^{amateur} motion picture filmed by ~~an amateur~~ a spectator at the motorcade. On this film is what I regard as indisputable evidence of conspiracy—for the fatal shot to the President's head slammed his body back against the seat and to his left. According to the laws of physics, a bullet that had such an impact had to come from the right and the front and could not have come from the sixth-floor window of the Depository. Yet some shots did come from behind. Therefore, the evidence points to a cross-fire in which at least two

gunmen were involved, firing in synchronization, by prearrangement. The Warren Commission viewed this film early in 1964, as many of its critics have now viewed it since it became available for screening in the National Archives in the fall of 1965. To the critics, few things are more damning to the Commission than its failure to acknowledge anywhere in its Report or its published records that the film presents prima facie evidence of crossfire and thus of conspiracy, and its failure to question any of its expert witnesses as to how a supposed bullet in the back of the head could have thrust the victim backward instead of forward, in violation of the law of conservation of momentum--the law that governs the movement of an object hit by a projectile, giving the object motion in the same direction as the direction of the missile.

Time does not permit any ^{detailed} review of the evidence in the Tippit murder nor discussion of the murder of Oswald by Jack Ruby. The researchers and critics consider that the gravest doubt attaches to the Warren Commission's finding that Oswald shot Tippit--and many of us are convinced that he was completely innocent of that crime. The eyewitness identifications are grotesque and ludicrous; the facts have been incompletely and inaccurately reflected in the Warren Report; and, as was true in the assassination, time constraints virtually eliminate Oswald as the perpetrator of this murder. According to the Commission, the shooting of Tippit took place at 1:15 or 1:16 p.m. There is evidence on the record which suggests that the shooting actually took place no later than 1:10 p.m. But even if we accept the outside limit of 1:16, the Commission itself proved that Oswald could not have reached the scene in time to commit the murder of Tippit. Oswald left his rooming house a few minutes after 1 p.m. and was seen standing motionless at the bus stop. A Commission lawyer reenacted Oswald's alleged 18-block walk from the rooming house to the scene of the Tippit shooting; it took 17 minutes 45 seconds. Clearly, Oswald could not have arrived at the scene until at least five minutes after Tippit was shot, under the narrowest constraints, unless he ran or went in a motor vehicle. But several witnesses said that the man who shot Tippit was walking along Tenth Street at a normal pace.

Turning to Oswald's alleged attack on General Walker, the Commission's case is so contrived as scarcely to merit serious consideration. General Walker's right-hand-man Robert Surrey reported to the Dallas police two nights before the attempt that two men were lurking around the house; on the night of the shooting, a young boy next-door saw two men run from the scene to a car and drive away. Moreover, the newspapers of the time (April 1963) in reporting

that someone had shot at General Walker and missed, quoted a Dallas policeman, Detective Ira Van Cleave, as saying that the recovered bullet was a 30.30 missile--that is, it came from a rifle other than the rifle said to belong to Oswald. The Warren Report, on the other hand, says merely that the bullet was too mangled for identification but that it could have come from Oswald's 6.5 Carcano rifle, never mentioning the fact that there was a contemporaneous identification that ruled out that weapon. It is possible, of course, that the policeman was mistaken. That is not the point. The point is that the Commission pretended that no such identification had been reported, and that the police officer was not questioned about it. In the absence of any effort to determine the legitimacy of the contemporaneous report that the bullet was a 30.30, and in the failure to question the boy next door who saw two men flee the scene by car, there is overwhelming reason to doubt the Commission's finding, and also its competence and impartiality as a fact-finding body.

As for the murder of Oswald, Ruby's crime is shrouded in considerable mystery, as to its motive and its method. The Warren Commission concluded that Ruby entered the police basement by way of the Main Street Ramp; but there is strong evidence against that conclusion. The Commission concluded that Ruby acted alone, without complicity on the part of the Dallas police. But the Commission's own lawyer accused two police officers of falsehood and perjury, and those charges stand still unresolved on the official record, in the transcripts of testimony.

Apologists for the Warren Report, including at least one former member of the Warren Commission, have said that the critics have not produced one iota of new evidence. That is not true. Amateur investigators have turned up important witnesses to the Tippit shooting who were never questioned nor taken into account by the Warren Commission. Apologists for the Report have also challenged the critics to name those who are guilty, if Oswald is not. This is a specious and contemptible demand. When the Commission, after working for almost a year with unlimited manpower, money, and subpoena power at its disposal, left even the autopsy findings covered by uncertainty and wrapped in mystery, how can the critics, using only their own feeble resources, and deprived of all official co-operation, solve these terrible crimes? In my own study of the official evidence I encountered very grave contradictions and in a good number of cases I wrote to the lawyers or the members of the Commission, or both, appealing courteously and in good faith for clarification. Those letters were written in the spring and summer of 1965. I have not received

a single responsive reply; and in most cases, the letters went without reply of any kind whatever.

A year after those unanswered letters were written, many of the same contradictions were posed in the newspapers, magazines, and a number of major books repudiating the Warren Report. Those questions, too, have gone unanswered, or unanswered in substance or with accuracy. Indeed, it is only very recently that the Commission's members and lawyers have broken what was a prolonged and conspicuous silence. But this new readiness to discuss the evidence has not resolved a single outstanding question. Only last night there was a two-hour discussion of the Warren Report on a local television station. Those of you who watched the program will have noticed that Mr. Albert E. Jenner, Jr., was challenged to defend or retract his statement on an earlier television program that he and the other lawyers and the members of the Commission had personally examined the notorious autopsy photographs. That allegation completely contradicts the statements of other Commission lawyers and members that they had not viewed those photographs, as the published record itself indicates. Mr. Jenner, confronted by that gross conflict with his confreres, failed to make a reply of any kind--and that is surely a scandalous abdication of responsibility.

The critics, in contrast to the Commission's members and lawyers, welcome every opportunity for serious discussion of the facts and the evidence, and I will be happy now to answer any questions from the audience on such questions of evidence and fact.

Sylvia Meagher (pronounced "Marr")

Articles critical of the Warren Report in
Esquire, The Minority of One, and other
periodicals

Author of the Subject Index to the Warren
Report & Hearings and Exhibits, published
in 1966 by Scarecrow Press of NY and London

Author of a book on the Warren Report
"Accessories After The Fact," to be published
in the fall of 1967 by Bobbs-Merrill and Co.