

12 March 1967

Mr. Michael J. Berlin
165 West End Avenue
New York, N.Y.

Not sent

Dear Mr. Berlin,

Naturally, I read your series "The Warren Report and the Critics" with very great interest. It seemed to me a generally objective account of the issues of evidence involved and while you may have tried to be equally objective about the critics, perhaps some subjectivity on the part of the writer and the critic who reads his "portrait" is inevitable. I have no special complaint about your references to me, although I do regret that you seem to misinterpret my position (and that of most of the other critics) when you say that we are not willing to consider evidence which may indicate the feasibility of Oswald's commission of the crime without accomplices.

The position as I see it, and again I think I may reflect also the views of many of the critics, is that there are major defects in the evidence presented by the Warren Commission in support of its finding of a lone assassin—the autopsy findings, the stretcher bullet, the level of marksmanship required, and other major evidentiary questions on which you expounded in your series. There are, in addition, numerous gaps, contradictions, omissions, and misstatements in the evidence as presented in the Warren Report—sometimes on peripheral matters but often on primary ones—which the critics regard as virtually nullifying the case against Oswald, and moreover as constituting prima facie evidence, ^{against} the local and federal authorities, as to their probity and motivation.

During your interview of me you suggested that an unnamed person had carried out tests with a Carcano rifle and had demonstrated that the bolt could be operated in less than the 2.3 seconds stipulated by the Warren Commission; and you were apparently disappointed by my lack of interest in those "findings." Let me explain the two main reasons for disregarding this claim: (1) The Warren Commission consistently deprived Oswald of the benefit of doubt and consistently overstated the evidence against him. It was therefore in the Commission's own interest to reduce to the minimum the time required for operation of the rifle bolt. Since the Commission itself established the time required as 2.3 seconds (not including aiming time), it seems to me that on balance 2.3 seconds is the valid minimum time, even though there may be freak exceptions in the case of a rare individual with exceptional powers of physical coordination or similar aptitude. Oswald, however, displayed average or even sub-standard manipulative physical aptitude. For example, Ruth Paine testified that Oswald showed poor ability to perform certain coordinative actions at the wheel of a car (she was teaching him how to drive) in the beginning; and as I recall

Oswald's supervisors at the Jaggars-Chiles-Stovall Company complained of his lack of dexterity and even clumsiness.

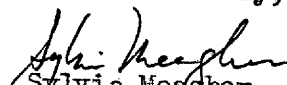
(2) Even if one accepted for the sake of argument that Oswald could have fired the Carcano rifle two times in less than 2.3 seconds, this would dispose only of one aspect of the marksmanship problem, which involves accuracy as well as speed; but it would leave still unresolved the other major evidentiary questions as well as the various defects which I have mentioned in the second paragraph of this letter. Therefore, it would not advance the position to argue the merits, at this time, of minimum time required for working the rifle bolt.

At such time as the main problems of evidence are resolved, and resolved in favor of the Commission's findings, it might be useful and necessary to reexamine the timing of bolt operation and similar questions. But first things first. I assure you that I will be quite willing to confront evidence against Oswald at the appropriate time, when the so-called evidence against him has been validated where it is now subject to the gravest doubt.

I am sure that your articles, insofar as they deal with evidentiary issues, have contributed to public knowledge. (I am sorry that you took so negative a view of certain of the critics, but no doubt they will speak for themselves quite effectively.) Presumably, you also influenced the editorial which accompanied the final installment of your series and the proposal that J. Lee Rankin should be charged with a review or reexamination of the Warren Report.

I feel obliged to say that I greatly regret this suggestion, which I regard as wholly inappropriate and entirely unsatisfactory. The American people may or may not vest in Chief Justice Warren and Mr. Rankin the faith stipulated in the editorial—that is irrelevant. Criminal investigation cannot be carried out on the basis of faith. Indeed, our whole system of jurisprudence relies on strict rules of evidence and in practice on the scientific method, and obliges the State to support its charges against any individual, without distinction as to his station or beliefs, with objective evidence which can be sustained after it is tested by the adversary procedure. Since "faith" in eminent persons did not lead to acceptable results in the first instance, in the investigation of the assassination, a renewed investigation on the basis of faith in any individual or group of individuals is the very worst method that can be contemplated. What is needed, and what the Warren Commission tragically rejected, is a new investigation which will conform to the maximum degree possible to strict rules of evidence, the utilization of independent scientific expertise, and the indispensable adversary procedure. I sincerely hope that the editors of The New York Post, and you personally, will reconsider this editorial position, and throw the paper's influence behind a new investigation that will fully satisfy the fundamental requirements of the American system of law, and that will renew and strengthen the principle and the reality—that we are a nation of laws and not of men.

Yours sincerely,


Sylvia Meagher
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cc: The Editor,
The New York Post