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Storm Over Secret Files On Kennedy

By Anthony Howard
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Washington

Somewhere in Washington—though no one will say where—a collection of photographs and X-ray plates has lain hidden for almost three years.

They were taken in the morgue of Bethesda Naval Hospital on the night of Nov. 22, 1963, the day on which President Kennedy was killed in Dallas, and were immediately handed over to the White House Secret Service. No one has seen them from that day to this.

What the photographs are known to show is the dead President's mutilated body together with detailed X-ray examinations of his heart, his brain and parts of his abdomen.

DEMANDS

For two years and more out of understandable feelings of respect and deference towards the Kennedy family, both the actual photographs and the X-ray pictures have been allowed to lie in peace. Now suddenly insistent, and in some cases strident, demands are being made for them to be submitted to outside independent examination, if not actually to be shown in public.

Curiously, the clamor comes both from those who uphold the Warren Commission findings and from those who have relentlessly attacked them since the day

they were published. Only direct, hard evidence, both sides today claim, can now put doubts at rest.

How has it all happened?

IRRITATION

Earlier this year, when it became known that a new flood of books on the Dallas assassination was due to come on the market, most Americans seemed to feel merely a sense of irritation.

It was certainly understandable. The United States had, after all, been through all this before with the first wave of critics, many of whom (like Bertrand Russell) rushed into print without even waiting to read the Warren Commission's report.

The alleged shots from the overpass, the confusion over whether the President's wounds were in the front or the back, the downward or

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upward trajectory of one of the bullets—the whole argument had become as stale and unappetizing as a rehash of the Profumo case would be for most people in Britain today.

For the bulk of American public opinion it was enough that a distinguished and patently unsubornable seven-man commission had deliberated on all the issues at stake for a period of more than eight months and at the end had come up with a clear-cut answer rejecting any conspiracy theory and naming Lee Harvey Oswald as the lone assassin.

EPSTEIN

Today, however, it is the majestic Warren Commission itself that is in the dock, rather than the lonely Oswald.

The change has come about largely as a result of one book that wastes little time on melodramatic theories (such as the present fashionable one of an Oswald double) and instead settles down to a painstaking examination of the way in which the commission worked, the approach its members and legal staff brought to their tasks, together with the con-

fusion over objectives that seems from the beginning to have dogged the whole inquiry's footsteps.

The indictment—and this is what it turns out to be—is made not by any sensational journalist nor even by a committed political campaigner: It comes instead from the pen of a young academic, Edward Jay Epstein, who two years ago started on a Master's thesis at Cornell University. His project was the problem of how a government organization functions in an extraordinary situation without rules or precedents to guide it.

TERRIFYING TALE

For obvious reasons, Epstein, who is now a doctoral student at Harvard, decided to take the Warren Commission as his case history without apparently realizing for a moment what he would stumble onto. The tale that he ends up by unfolding is a terrifying one—not, of course, of dishonesty or deceit but of superficiality and haste.

In one sense, Epstein was clearly fortunate. Approaching Commission members as a serious student—and one, what is more, with the full backing of Professor Andrew Hacker, one of the most distinguished political scientists in America—he was plainly given much freer access to information than would ever have been granted to a newspaperman.

It is fair to say, too, that there is claimed to be some question whether all those who talked to him realized that the end-product would eventually turn out to be not a complex thesis left mouldering in some university library but rather a terse, tautly argued book that is already beginning its climb up the American best-seller lists.

INTERVIEWS

Yet talk the commission and its staff certainly did—two or three of the lawyers seemed scarcely able to wait to get their bottled-up complaints off their chests. One of the commission's senior counsel even supplied Epstein with a full set of work-

ing papers, thus enabling him to give a complete chronological plan of the commission's work and the way it was done.

In addition, five of the seven commission members (though not Chief Justice Earl Warren himself) granted him interviews.

Naturally, Epstein's book has to give some attention to what actually happened in Dallas that Friday morning 33 months ago — and one in-

cident in particular is central to his thesis. His main concern throughout, however, is the adequacy of the investigation which followed — an investigation that he ends up by branding "extremely superficial."

That is scarcely the most disturbing charge he makes. Time and again the reader is brought back to the commission's dual purpose. Was the aim to ascertain and publish the facts or was it to protect America's national interest by dispelling rumors?

A report had been received that Oswald had been a paid informant of the FBI. Describing the report as "a very dirty rumor," the commission's special counsel urged that "it must be wiped out in so far as it is possible to do so."

The seven commission members clearly agreed. Neither then nor later did they themselves make any effort to investigate it, beyond asking the FBI itself to deny it. This throughout seems all too often to have been the approach to evidence (however fragile) that threatened to upset preconceived notions.

Yet this attitude was not confined just to the commission. Two years ago, when the Warren report was published, the New York Times hailed it as "an exhaustive inquiry into every particle of evidence," leaving "no material question unresolved so far as the death of President Kennedy is concerned." Nor was this thirst to be reassured limited to merely American newspapers.

LANE'S VISIT

Even in the offices of the

normally suspicious New Statesman (there was, as I recall it, a distinct reluctance to question the seemingly definitive official explanation of what had occurred. I can vividly remember a visit to the New Statesman made that summer by Mark Lane, the indefatigable campaigner on the subject of the assassination who has his own book, "Rush to Judgment," coming out in America next week.

Lane's avowed purpose was to try to persuade us not to accept uncritically the commission's findings. We listened to him for an hour and more but when eventually he had left collectively shook our heads. What we had heard, we decided, was at best fantastic and at worst neurotic.

Would we, I now wonder, have thought that if we had known then what today, two years later, is in the public domain? That, for example, the commission itself was split down the middle on a central and vital issue. That it wavered between the two-shot and single-bullet theory. That one of its own major conclusions drew a 26-page memorandum of protest from one of its staff members. And, finally, that the men whose names were more than any other factor responsible for the confidence of the outside world had on an average attended only 45 percent of the hearings.

EXPLOSIVE

Technically these no doubt still have to be treated as mere allegations — though, significantly, they have not been rebutted. Already the fact that they have been made has been enough to persuade one close associate of the Kennedy family, Richard Goodwin, a former white house aide, to call for an impartial investigation to discover whether a fresh full-scale inquiry may not be necessary.

It is at this point, of course, that the discussion ceases to be legalistic or even forensic and becomes instead politically explosive. For if one thing is clear, it is that the commission was every inch President Johnson's own creation.

He virtually hijacked a very reluctant U.S. Chief Justice, Earl Warren, into presiding over it. He worked night and day to persuade his old friend, Senator Richard Russell, of Georgia, to serve — who then attended to hear only 6 percent of the testimony. And all the time his was the pressure in the background to get the report out well before the 1964 election.

TIME FACTOR

Probably the most alarming single revelation to have come out is the degree to which the commission—at least in its crucial writing period—was hounded and harried by the time factor.

Originally the deadline set for staff members to submit their respective chapters in the report to the commissioners was June 1. After three senior lawyers had made representations to the Chief Justice—and had pointed out that only two out of eight chapters were anything like completed—this was reluctantly extended to June 14. Again there had to be a deputation to the Chief Justice. This time the absolutely final date set was August 1, which itself gradually got eroded well into September.

It is naturally possible to argue that the very fact of these constant postponements gave the commission what it most needed—time to do a thorough job. To claim that, however, is to ignore the atmosphere in which by then the commission's staff was having to work.

REBUKES

One young staff member trying to open up a new line of inquiry was brusquely told by the chief counsel: "At this stage we are trying to close doors, not open them."

Another was ordered to give up study of a particular piece of evidence as it was felt that he was spending altogether too much time on it.

A third even went to the length of preparing a protest memorandum warning that "eight months of work is in serious danger of being nullified because of the present impatience to publish."

It is not, therefore, surpris-

ing that among the people who did not join in the chorus of praise for the commission's report were some of those who actually worked on it. Why, then, did they keep silence for so long?

Admittedly it is not an easy question to answer—matters of human motivation rarely are, but what plainly has affected some of those who accept broadly the commission's conclusions—while remaining appalled at its methods—is the belief that the evidence must, in fact, exist to settle the doubts once and for all. That evidence—which will clearly now be got only by heavy pressure on the administration—lies in the post-death photographs of John Kennedy as well as the X-ray plates taken at the autopsy.

THEORIES

To explain this it is necessary to take a brief excursion into the private world inhab-

ited by the growing number of assassination sleuths. The theories purporting to tell what exactly happened in Dallas on November 22, 1963 between 12:30 p.m. and 1 o'clock are of course, legion. A wealthy California engineer has spent \$50,000 trying to prove that the President was shot from a manhole in the road. An influential group of Texans still maintains that the sniper's nest was in a papier-mache tree specially imported into Texas for the purpose.

Generally, however, and leaving out the lunatic fringe both on the left and the right, the argument has been reduced to a surprisingly simple issue.

If President Kennedy and Governor John Connally, who was riding in front of him in the car, were wounded by



PRESIDENT AND MRS. KENNEDY, GOVERNOR CONNALLY, IN DALLAS
Today, a silent Robert Kennedy amid calls for a new investigation

separate bullets when the shots started, then there must have been two separate assassins.

DIFFICULTIES

If, on the other hand, the same bullet that first hit President Kennedy exited through his throat and went on to wound Governor Connally, then the theory of the lone assassin still stands up. The reason is that there simply was not time for a rifle of the type Lee Oswald is alleged to have used to have been fired twice in the maximum period of 1.8 seconds that a film taken at the time by a bystander shows to have elapsed between the wounding of the President (the shot to the head that killed him came later) and the hitting of the Governor.

The Commission did not

succeed in gaining possession of the original copy of this film (it had been snapped up for \$25,000 by Life magazine immediately after the assassination) until it was well on with its inquiries.

The film caused the one major departure in the Commission's conclusions from those suggested in the initial FBI report. Once the film had been analyzed by frames it became clear, at least to the Commission staff that only a new hypothesis of one shot striking both Mr. Kennedy and Connally could foreclose the possibility of a second assassin.

Of course there were difficulties in the new theory (why, if he was struck by the same bullet, did Governor Connally take well over a second to react? Could a single bullet—especially one that was recovered more or less intact—have done that amount of damage to two men?). But the Commission lawyers decided that they had no alternative but to ride roughshod over them. The reason was obvious. "To say that they were hit by separate bullets," one of them blurted out at the time, "is synonymous with saying that there were two assassins."

THE ISSUE

Incredibly, it was precisely this issue that the Warren Commission failed to confront. Instead, in what was called the "battle of adjectives," it was smoothed over by a compromise in language.

Some Commission members, we now know, remained wedded to the simplest impossible FBI theory that there had been three shots—two of which hit the President and one, Governor Connally. Others who (like Allen Dulles, former head of CIA) saw the significance of the

time factor, insisted that both men must initially have been hit by the same bullet.

In view of the vital importance of a unanimous report it was resolved, apparently in desperation, simply to say that there was "very persuasive evidence" for the single bullet theory, while at the same time freely admitting a "difference of opinion" on the point.

What no one on the Commission seems to have realized is that difference of opinion could have been resolved then and there.

Nothing in the whole story of the Warren Commission seems in retrospect more remarkable than its failure to demand to see the photographic evidence which would have shown not only the full details of the wounds on the President's body, but also presumably the path of the crucial bullet.

FINAL IRONY

The final irony is that the man who is believed originally to have been more than anyone else responsible for this insistence on decency and privacy was none other than the former President's brother, Senator Robert Kennedy. His total silence so far on the entire controversy must be beginning to be a worrying omen for the White House. Senator Edward Kennedy announced the other day that, although he had not read it, he accepted the Warren Commission report as "conclusive." No such blank check endorsement has come from his elder brother.

How long the dead President's political heir can manage to maintain even a non-committal attitude is perhaps the most intriguing question in American politics today.

Next week sees the commercial release of a two and a half hour documen-

tary film made by Emil de Antonio (the producer of the famous Joe McCarthy indictment) attacking the Warren Commission findings point by point.

Early next year, comes the publication of "Death of a President," a book commissioned by Mrs. Jacqueline Kennedy, to tell the whole story of the whole Dallas episode, which has already been bought by Look magazine for \$650,000 the highest sum in serial rights ever paid in America.

In face of all this, will Robert Kennedy be able to avoid taking public position?

Certainly, as all of America is slowly beginning to realize, no man has more to gain simply from the growing public suspicion that the inquiry set up by President Johnson into his predecessor's murder was somehow botched.