

WARREN REPORT CHALLENGED

Question of Second Kennedy Assassin Again Being Asked

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WASHINGTON — Nearly 19 months after publication of the Warren Commission Report, the question of whether a second assassin may have been involved in the murder of President John F. Kennedy is again being asked.

No new evidence has come to light. Rather the issue is being resurrected in new challenges to the findings of the Warren Commission and in new interpretations being placed on the evidence.

These challenges are abetted by what appear to be errors in the early Federal Bureau of Investigation report on the President's wound. If the FBI statements are not errors, they could un hinge the central conclusion of the commission report: that Lee Harvey Oswald was probably the sole assassin. An FBI spokesman

Sunday said, however, that the statements are in error.

The possibility Oswald had an accomplice staggers the imagination at this late date. Who could such a person be? If he exists, where is he? What is he doing? Is he still a potential menace? Such a question has a fantastic ring to it. Yet it is diligently put forth in a new book to be published this week by Viking Press—a book that is but the first of many

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THE WEATHER

U.S. Weather Bureau forecast: Night and morning clouds becoming sunny in afternoons today and Tuesday. Little temperature change. High today 72. Sunday's high, 70; low, 60.

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that will challenge the Warren Commission findings.

The Viking book is called "Inquest: The Warren Commission and the Establishment of Truth." It was written originally as a thesis for a master's degree at Cornell University by Edward Jay Epstein, who is now working for a Ph.D. degree at Harvard.

It carried a highly laudatory foreword by Richard H. Rovere, Washington correspondent for the New Yorker magazine, who writes that Epstein's case "is as impressive as it is disturbing."

Contains Criticism

The book contains some of the most pointed criticism and surprising revelations about the internal controversies in the Warren Commission yet to appear.

It reports, for example,

that Chief Justice Earl Warren, the chairman, lost his temper over delays in getting out the report. It says staff lawyers called the commission's hearings a "joke" and it charges that much of the investigation was "superficial" and overly hasty.

According to Epstein, the White House through McGeorge Bundy, former special assistant to the President, exerted pressure to get the report out before the 1964 Presidential election to prevent the assassination from becoming a campaign issue.

The book also indicates a serious division within the commission on whether the President and Texas Gov. John B. Connally were struck by the same bullet — a crucially important point in establishing whether Oswald was alone.

According to Epstein, Sen. Richard B. Russell (D-Ga.) a commission

member, "reportedly said he would not sign a report which concluded both men were hit by the same bullet."

Agree With Russell

Two other members, Sen. John Sherman Cooper (R-Ky.) and Rep. Hale Boggs (D-La.) "tended to agree with Russell's position," Epstein says.

Yet the report appeared a unanimous one and the conclusion was that the same bullet had struck Mr. Kennedy and Connally—the bullet, that is, that wounded the two men.

Another bullet, the fatal one, hit Mr. Kennedy only. It struck his head. The commission concluded that three bullets were fired, one of which went astray.

The two senators were unavailable for comment Sunday. The Washington Post, however, quoted Boggs as having said that an implication the commission was divided in its conclusions is wrong. There were, he said, many discussions involving many points of evidence. But the findings were unanimous.

No Proof

While the Epstein book challenges the commission's methods and its findings, it does not prove the case of a second assassin any more than the Warren Commission proved beyond all doubt that Oswald was the sole assassin. The commission concluded simply that "Lee Harvey Oswald was the assassin of President Kennedy." But it said:

"Because of the difficulty of proving a negative to a certainty, the possibility of others being involved with either Oswald or Ruby cannot be rejected categorically. But if there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this commission."

In other words, while not excluding the possibility of an accomplice, the commission leaned heavily toward the belief Oswald

was alone.

Complex Question

The question of what happened to the bullets fired at the Presidential limousine in Dallas Nov. 22, 1963, is unbelievably complex. Yet on its resolution depends the answer to

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whether one or two gunmen were involved.

Motion pictures taken by a bystander show clearly the reactions of Mr. Kennedy and Connally when they were first struck. Mr. Kennedy clutched his throat; Connally slumped forward. These reactions occurred less than two seconds apart.

It was, however, demonstrably impossible for Oswald's bolt-action rifle to have been fired twice in that brief interval. Therefore, one of two things must have happened: either Mr. Kennedy and Connally were shot almost simultaneously by two different gunmen, or, as the commission concluded, the bullet that struck Mr. Kennedy in the shoulder must have passed through his body first and then through the chest of Connally, who was seated in front of him.

Epstein attacks this conclusion forcefully, beginning with citations from FBI reports, which had not been made public at the time the commission submitted its finding.

In its first assassination report dated Dec. 9, 1963, the FBI said:

"Medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit and that the bullet was not in the body."

In a supplementary report dated Jan. 13, 1964, the FBI said:

"Medical examination of

the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger.

Notes Small Slit

"There is a slit approximately one-half inch long about one inch below the collar button in the overlap of the shirt the President was wearing. The slit has a characteristic of an exit hole of a projectile."

"The FBI report," Epstein writes, "precluded the possibility that both men were hit by the same bullet. There was thus a prima facie case of two assassins. The fact that Oswald was able to escape from the murder scene suggested a second assassin could also have escaped undetected."

Epstein's case is challenged by the statement Sunday by the FBI spokesman that the FBI report was wrong when it said "there was no point of exit."

Quoting Doctors

The FBI agents were not doctors but were merely quoting doctors, the FBI spokesman said, which of course does not dispose of the question whether the doctors were right or wrong. The FBI spokesman said the ultimate truth about the wound is in the autopsy report, which reads:

"The missile contused the strap muscle of the right side of the neck, damaged the trachea (windpipe) and made its exit through the anterior surface of the neck."

It was on this statement that the Warren Commission relied in concluding that there was "very persuasive evidence" that the same bullet that "made its exit through the anterior surface of the neck" went on to pierce Connally's chest and wound his wrist.

Disagrees

Epstein disagrees with the commission, saying:

"Either both men were hit by the same bullet or there had to be two assassins. Norman Redlich, Arlen Specter and other

members of the staff took the position the report had to conclude that both men were hit by the same bullet. There was, however, no substantial evidence which supported this contention. And there is evidence that all but precluded the possibility that both men had been hit by the same bullet."

Epstein also argues

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there is a question whether the autopsy report published by the commission was the original autopsy report. Before any official word had been released about the autopsy, he notes, certain newspapers carried stories saying the autopsy showed the first bullet had penetrated the President's back by only a couple of inches.

The wound in the front of the throat, according to these newspaper accounts of the autopsy, was caused by a metal fragment from the subsequent fatal shot in the head.

Notes Testimony

Epstein notes for example that Connally testified it was "inconceivable" that he was hit by the same bullet that also hit Mr. Kennedy, although Connally's own surgeon believes the governor could have been mistaken.

Epstein argues that, if the bullet that hit Connally had also damaged Mr. Kennedy's windpipe, the President would not have been able to exclaim: "My God, I am hit." Secret Service agent Roy Kellerman testified he heard Kennedy say that after the first shot.

Epstein's thesis is that the Warren Commission did not want to rock the boat by delving into troublesome matters that might have suggested the facts about the assassination were other than what they appeared to be.

Thus, he says, the commission did not make a

sufficiently exhaustive inquiry into the rumor that Oswald was a paid FBI informer, even though there were some very curious circumstances.

Instead, Epstein says, the commission simply took the word of J. Edgar Hoover and the FBI that Oswald was not an informer.

Quotes Lawyer

Epstein quotes Joseph A. Ball, a Long Beach, (Calif.) lawyer, who was an important member of the commission staff, as complaining that the FBI was "exasperatingly bureaucratic" in its dealings with the commission and that FBI agents collaborated only on "express orders" from Hoover. Epstein also says, however, that "the staff had virtually all its questions answered by the FBI."

On the other hand, he quotes another staff member, Wesley J. Liebeler, that "the most disquieting thing about the FBI investigation was that it was less thorough than it appeared to be." Liebeler also is quoted that "the CIA was so secretive it was virtually useless to the commission."

"Opinions differ as to what the commission actually did," Epstein writes after interviewing many of those connected with it. Ball said the commission had no idea of what was happening; we (the staff) did all the investigating, lined up the witnesses, solved the problems and

wrote the report."

'Nothing'

Liebeler, when asked what the commission did, replied: "In one word, nothing."

These judgments are not compatible with the views of some independent observers here who thought at the time that members of the commission made a substantial contribution to the final report, even though the report may not have broken new ground.

Epstein concludes his book with these words:

"Unless the basic facts and assumption established by the commission are incorrect, there is a strong case that Oswald could not have acted alone. Why did the commission fail to take cognizance in its conclusion of this evidence of a second assassin?"

"Quite clearly, a serious discussion of this problem within itself has undermined the dominant purpose of the commission, namely, the settling of doubts and suspicion. Indeed if the commission had made it clear that very substantial evidence indicated the presence of a second assassin, it would have opened a Pandora's box of doubts and suspicion. In establishing its version of the truth, the Warren Commission acted to reassure the nation and to protect the national interest."