

New Doubts Are Cast on Lone Kennedy Slayer

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Did a second killer join Lee Harvey Oswald in the assassination of John F. Kennedy?

The total body of evidence seemingly substantiates an answer of "no." But the question has been freshly — and quite responsibly — raised by a 30-year-old Harvard graduate student who has dug into the voluminous files of the Warren Commission to uncover facts and hypotheses either missed or glossed over by the distinguished commissioners.



—UPI Telephoto

PRESIDENT KENNEDY IN DALLAS
A Wave . . . and a Prelude to Death

The new researcher into the assassination records is Edward Jay Epstein, now a candidate for a Ph.D. in government and author of "Inquest — The Warren Commission and the Establishment of Truth," to be published June 29 by Viking Press.

Epstein raises anew questions about:

- The "dominant purpose" of the Warren Commission — was it established primarily to determine the truth, or to settle doubts and suspicions?
- The possibility of the "second assassin" — does available evidence question the conclusion that Oswald did all the shooting?
- The competence of the Federal Bureau of Investigation — did its activity as the investigating arm of the Warren Commission produce confusion and contradiction?

Epstein's is one of a series of recently published, or about-to-be-released, independent restudies of the Kennedy assassination. But Epstein's contradiction of the general praise for the thoroughness and logical persuasion of the Warren Commission has peculiar power.

Epstein has no apparent axes to grind. He advocates no pet thesis of his own as to the crime.

All his source material is from the Warren Commission itself — its published reports, its unpublished papers now in the National Archives and interviews with its members and staffers.

Originally, Epstein approached the matter as an academic preparing a master's degree thesis on the technical operations of a federal commission.

His research, now published in book form, left him unimpressed by the argument that the seven men President Johnson named to the commission were of such high ability and unquestioned integrity that their findings must be accepted as the final word.

Finds Weak Points

Nor does he accept the view, commonly held in Europe and elsewhere as the commission was completing its work, that the commissioners conspired to suppress evidence.

But, by a careful study of the commission's own voluminous records and heretofore unpublished FBI reports, and by detailed interviews with many commissioners and staff members, he exposes a

number of weak points in the inquiry. These, in turn, lead him to conclude:

FIRST, that while truth was certainly a basic objective of the investigation, the commission let the political concerns of a troubled nation force it to settle for "political truth."

SECOND, that the commission's conclusion that one of three bullets known to be fired injured both President Kennedy and Gov. John B. Connally of Texas was so seriously flawed that a very real possibility of a "second assassin" exists.

'Superficial' Probe

THIRD, that the staff's investigation was unnecessarily

limited, making it a "relatively superficial one which never pursued answers to many important problems."

While it was clear to all from the very beginning what the commission was supposed to do (that is, gather all necessary facts, evaluate them and report the findings to the President and public), the "why" of its mission was less obvious.

Epstein assigns major significance to this "why" factor and explains how important the President and various commissioners felt it was to settle all damaging rumors, eliminate doubts about such things as Oswald's possible Communist connections, and protect the national interest.

Tackle Rumors

As he puts it:
"If the explicit purpose of the commission was to ascertain and expose the facts, the implicit purpose was to

Continued from Page One

protect the national interest by dispelling rumors.

"These two purposes were compatible so long as the damaging rumors proved untrue. But what if a rumor damaging to the national interest proved to be true?"

"The commission's explicit purpose would dictate that the information be exposed regardless of the consequences, while the commission's implicit purpose would dictate that the rumor be dispelled regardless of the fact that it was true. In a conflict of this sort, one of the commission's purposes would emerge as dominant."

Epstein writes that very early in its investigation the commission faced just such a conflict.

A rumor circulating in Texas had it that Oswald was actually a paid informant of the FBI. If true, this would seriously damage the FBI's reputation, to say the very least.

Put Before Hoover

Epstein reports that following a dispute within the commission on how best to proceed, it was agreed to confront FBI Director J. Edgar Hoover

Magazine Page

22-A—DETROIT NEWS

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with the allegation directly, but also to investigate its accuracy independently.

Hoover and everyone contacted at the FBI swore that they never had any ties with Oswald.

But the commission did not, as it had agreed to do, pursue the matter independently.

The sources of the rumor, Texas newsman Alonzo Hudkins and Allan Sweatt, chief of the criminal division of the Dallas sheriff's office, were not even questioned by

the commission or its staff.

Hudkins was interviewed by Texas authorities, who said the story was "sheer speculation based on nothing but Hudkins' imagination." The commission's report does not mention the rumor, despite the major attention given it by the members, and despite narration of many other rumors.

Secrecy Prevails

Interestingly enough however, Epstein states that information developed on this point by the Secret Service was kept secret from the commission staff. For unexplained reasons, it is also being withheld from the National Archives.

The only reasonable explanation for this, Epstein believes, is that "the surest and safest way to dispel the rumor was NOT to investigate it, but to keep secret the allegation and publish only the affidavits of denial."

There is, of course, the distinct possibility — not discussed by Epstein—that the commissioners themselves did personally delve into this and other aspects of the case completely "off the record."

It could be that they satisfied themselves, both about the facts and about any action those facts might suggest be taken.

It could be that the commissioners felt any public revelations about these secret inquiries would damage public confidence in our government to a degree not worth the risk.

It could be . . . a lot of things. But certainly the public hasn't been told everything on this point yet.

More to Be Told

What Epstein may have done, in fact, is to pinpoint one of the items that Supreme Court Chief Justice Earl Warren, commission chairman, had in mind when he spoke to reporters Feb. 4, 1964. He said that while the full report would be made public, . . . it may not be in your lifetime. I am not referring to anything especially, but there may be some things that would involve security."

Some of the most complex and yet intriguing questions being raised about the investigation center on the moment of the assassination itself. More specifically, the focus is on the timing of the three

known shots and the paths of the bullets.

By analyzing the amazing photographic record of the event made by a amateur cameraman along the parade route, the commission was able to conclude that only 5.6 seconds elapsed during which an assassin in the Texas School Book Depository could have seen Mr. Kennedy in the area in which he was killed and Connally was injured.

Could Oswald have fired all three shots? Was he that good a shot? Without question he

could have and was, the commission concluded.

A Good Marksman?

But to Epstein, the evidence is "very dubious." He notes that in many tests, expert riflemen failed to duplicate what the report said was Oswald's act of firing three bolt-action shots within the 5.6-second time span and hit the moving target twice. And what little evidence there was suggested Oswald was a fair to poor shot, not an expert, Epstein says.

However, had the experts attempted what Oswald actually did (fire two good shots and one wild one) rather than what he apparently tried to do (fire three good shots), there is little doubt their performance would have been far better.

More serious, however, is the revelation that there are conflicting reports of the autopsy on Mr. Kennedy.

There are three published reports of the Nov. 22, 1963, autopsy, conducted at Bethesda Naval Hospital outside the capital.

One is that reported by the commission and directed by Commander James J. Humes of the hospital staff. The second is an FBI summary report dated Dec. 9, 1963, and the third is an FBI summary report dated Jan. 13, 1964. The latter two are not included in the commission's 26 volumes of testimony and exhibits, but are in the National Archives.

Versions Differ

The two FBI reports state flatly that one of the bullets which struck Mr. Kennedy hit him in the back, about six inches below the collar, left no exit mark, penetrated only less than finger length and was not found in the body.

The commission report, on

are true, Humes' report cannot be. Further, if the bullet did not go through Mr. Kennedy, Connally had to be wounded by another bullet. This other bullet would have to be fired from some weapon other than Oswald's, for the bolt action of his rifle could not have worked fast enough to fire both shots in the time known to be available.

According to Epstein, the commission found itself seriously divided over the source of Connally's wounds. Senator Richard Russell, Georgia Democrat, reportedly refused to sign a report which said that Mr. Kennedy and Connally were hit by the same bullet. He was supported, in general, by Senator John Sherman Cooper, Kentucky Republican, and Rep. Hale Goggs, Louisiana Democrat.

Rep. Gerald R. Ford, Michigan Republican, accepted the single-bullet theory and wanted the report to say there was "compelling" evidence to sustain it.

Reach Compromise

Tending to agree with him were Allen W. Dulles, former Central Intelligence Agency director, and John J. McCloy, former president of the World Bank. Eventually they settled



Edward Jay Epstein

on a compromise offered by McCloy and agreed that the evidence was "persuasive."

Nevertheless, the findings left wide open the possibility that Connally was hit by another bullet. This second-bullet possibility should have compelled — at least as Epstein saw it — a commission decision to "step over the threshold" and vigorously pursue the possibility of a "second

assassin."

While the commission report claimed that it was "not necessary to any essential findings" to decide which shot hit Connally, Epstein argues otherwise. If it was NOT the same shot, it had to be another.

And at this point Epstein quotes Norman Redlich, a key staff lawyer who wrote much of the report, as stating: "To say they were hit by separate bullets is synonymous with saying there were two assassins."

After all, there were other factors to consider also:

- Connally himself found it inconceivable that he could have been hit by the same bullet. He claims to have heard the various shots and believes Mr. Kennedy was hit first.

Other Factors

Both Humes and Lt. Col. Pierre Finck, the pathologists who did the autopsy, testified they believed it "impossible" or "unlikely" that the two sets of wounds could have been the product of one bullet.

- Robert Frazier, an FBI ballistics expert, said it was "entirely possible" for both men to have been hit by the same bullet, but that he had no technical evidence to prove or disprove the theory. (Somehow this very clear disclaimer was ignored in the report, and Frazier was erroneously quoted as saying Connally had "probably" been struck by the same bullet.) Nevertheless, there are plenty of solid arguments for the commission's belief that one bullet hit both men.

The contradiction between the FBI report of the autopsy, and the commission report can be at least partly explained by the ineptness of the FBI.

Quick Phone Call

Epstein quotes Arlen Specter, the staff lawyer who developed the single-bullet theory, as saying that part way through the autopsy the two FBI witnesses "rushed out" to make a report by telephone.

They did so, it is said, after the doctors had been unable at first to track the first bullet through Mr. Kennedy's body or find it inside. But it was

only later in the autopsy that the two doctors learned that a presumed bullet exit hole in the front of Mr. Kennedy's neck had been obliterated when doctors in Dallas cut into his throat trying to save his life.

With that information, Humes and Finck were able to determine the bullet's path.

The FBI, however, never caught up with that conclusion, which raises two questions: First, how could these professional crime fighters have failed so badly on such a basic element of the inquest; second, were there two autopsy reports — the second one being a later version designed to support the single-bullet hypothesis?

The FBI, however, is not going to support Epstein's contention that their report was the correct one.

'Preliminary' Data

The FBI now is saying, through its official spokesmen, that their own reports of Dec. 9 and Jan. 13 were "preliminary, interim" documents, and that the overwhelming weight of the evi-

dence is against the possibility of any Oswald accomplice.

Likewise, Specter, Humes and Finck were contacted by The Detroit News last week. All declined comment on Epstein's specific criticisms and all observed that it would be improper to go beyond what the commission report already said.

Still, Epstein offers new arguments to contradict the one-bullet idea. The original autopsy sketch by Humes shows an entrance wound on Mr. Kennedy's back below the exit wound on his throat.

This location is much lower than Humes' later description, but it is supported by the position of the bullet holes in Mr. Kennedy's coat and shirt. This positioning is consistent with the supposedly erroneous FBI reports and would therefore substantiate the Epstein inference that they may have been the correct ones.

Notes Burned

But this line of reasoning has its counter-argument as well. Humes was no particular advocate of the one-shot theory in his later testimony and while some preliminary notes were burned, there is no evidence of later revisions in

his original autopsy report.

Further, the fact that Mr. Kennedy was constantly changing his position in the car prior to the shooting, waving his arms and turning about, suggests that his coat and shirt may well have been lifted out of normal position. In at least one photograph there is some evidence of this.

Among Epstein's more disturbing conclusions was his observation that many of the uncertainties about which he complains might have been resolved had the staff not been unnecessarily limited.

Political considerations — the 1964 elections, the possible loss of international prestige occasioned by the shame of an assassination and the continued uncertainty of Oswald's Communist connections — all these demanded quick action.

But the tremendous amount of material to be digested, evaluated and checked demanded just the opposite. It was a serious problem, and Epstein reports several instances of speedup instructions from Warren and the White House.

Speedup Asked

The selection of men like Ford, Boggs, Russell and Warren, all busy with their regular responsibilities, made it impossible for the commissioners to be anything more than part-time supervisors.

Russell, for example, attended only 6 percent of the hearings. McCloy was the most regular of all, with 71 percent. Average attendance was 45 percent.

Epstein found the same true of the senior staff lawyers. Chosen for their high standing in various geographi-

cal areas, they gave the commission stature, but little work. The junior staffers, all lawyers, felt that the pressure of limited time was a significant problem.

Nicknames Arise

The relationship between staff and commission was not the best. Epstein quotes staff lawyer Joseph Ball as saying the commission "had no idea what was happening; we did all the investigating, lined up the witnesses, solved the problems and wrote the report."

The staff was so disturbed by the commission's timid handling of Marina Oswald's first appearance that the nickname of "Snow White" was given to Marina Oswald and the commission was called the "Seven Dwarfs."

Other limitations on the staff investigation included a ban on the use of lie detectors and "forensic interrogation."

The former was excluded even as an interrogation tool by Warren because he felt that, since the courts had not accepted lie detector evidence, his commission should make no use of it. Ford explained this further last week, saying, "We felt all the facts

could be determined without using them."

Similarly, staff lawyers were prevented from using such customary methods of getting to the core of the truth as sharp cross-examination trap questions and occasional badgering. The reason given was that this was done to avoid the adversary atmosphere of a courtroom and still be a "model of judicial fairness."

In any event, some of the staff lawyers told Epstein they were handicapped by these rulings and the investigation suffered accordingly.

Recalled to Testify

The testimony of Marina Oswald provided a good example. At first the commissioners (particularly Warren) believed her and opposed calling her back for intensive, "trapping" interrogation. Under constant staff pressure, they relented, and got an entirely new picture of the widow and of Oswald's motives. In this case, apparently, Warren was proven to be a poor judge of character.

Congressman Ford, Michigan's man on the commission, disputes Epstein's entire

thesis. Ford found no conflict between the commission's dual purpose of determining the truth and removing doubts, felt no undue pressure of time and was perfectly satisfied that the best job possible had been done.

'Lot of Money'

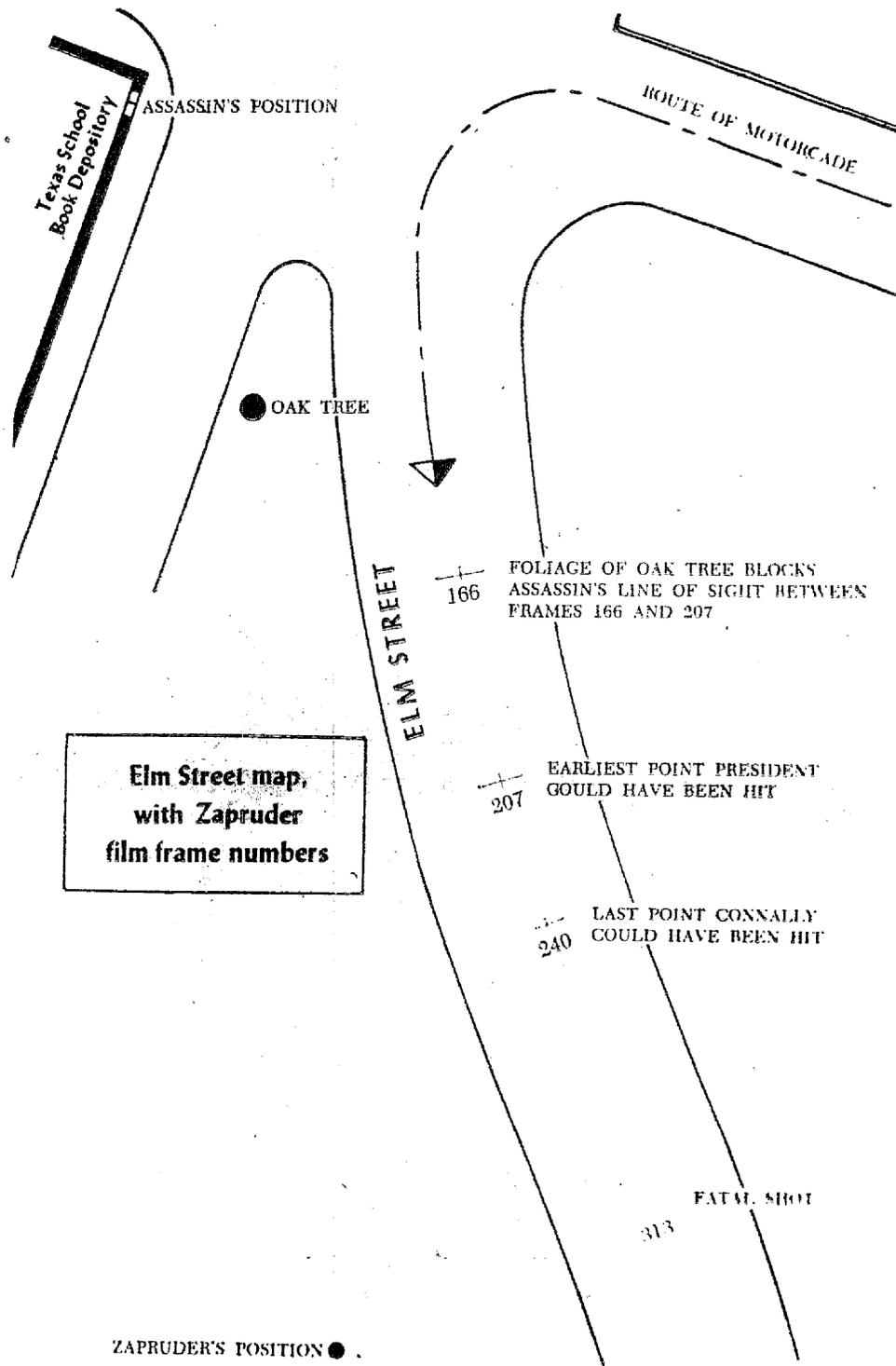
Perhaps Specter last week expressed the view of many of those now undergoing criticism from Epstein and others. He commented that, with as massive and historic an inquiry as this was, any reasonably bright person should be able to find a score of intriguing, unanswered questions.

"It may sell books, and make a lot of money," he observed.

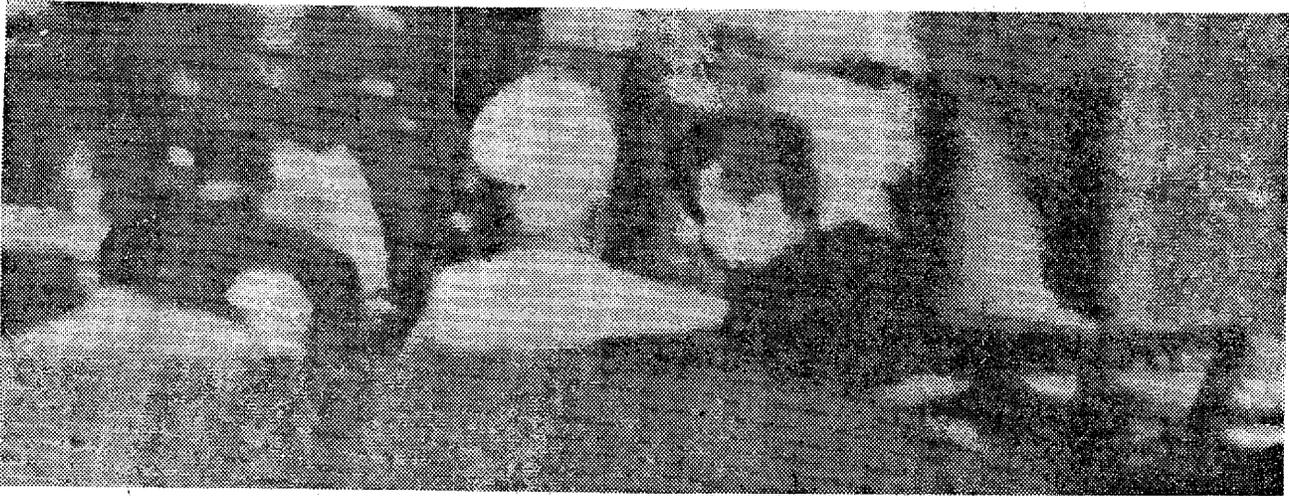
But as investigators, Specter went on, the commissioners had to keep going back to what was shown by the "pre-dominant weight of the evidence; and the evidence Oswald acted alone is very solid."

It was also Specter who said in defense of the commission. "We turned over every stone we could find."

But did they? That is what the critics are asking.



MAP OF AREA—This drawing, taken from Epstein's book, illustrates how a movie film was analyzed to set up certain basic assumptions. Oswald's firing station in the Texas School Book Depository is in the upper left corner. The large black dot represents the oak tree which blocked Oswald's line of fire as the President's car passed the Book Depository. The figures—166 through 313—represent the count of individual panels on the movie film which traced the movements of the President's car from the time it came into Oswald's line of fire until the President received the final head wound which caused his death. By counting the film panels and computing the camera speed it was possible to calculate the maximum number of seconds in which Oswald had to get off all the shots that hit the President and Texas Gov. John B. Connally, who, after being hit, slumped into the lap of his wife and out of the line of fire. Photographer Zapruder took the pictures from the point marked at the lower left of the drawing.

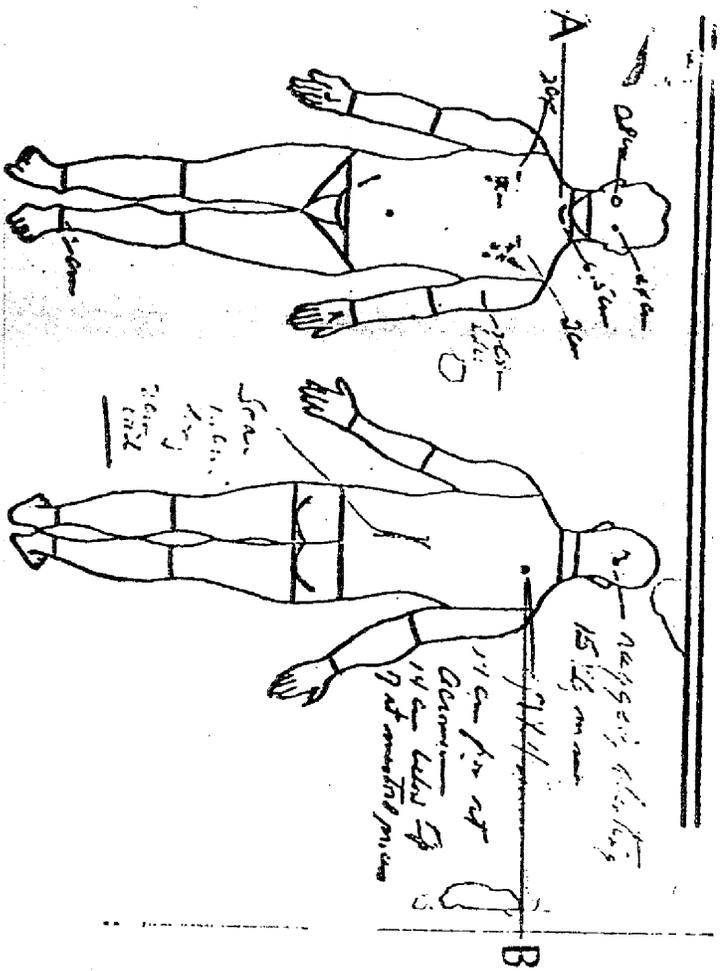


BUNCHED COAT?—This picture is NOT published in Epstein's book. Taken just seconds before the first bullet hit the President, it seems to

show the President's coat bunched at his neck; this could explain the location of the bullet hole as demonstrated in the picture at right above.

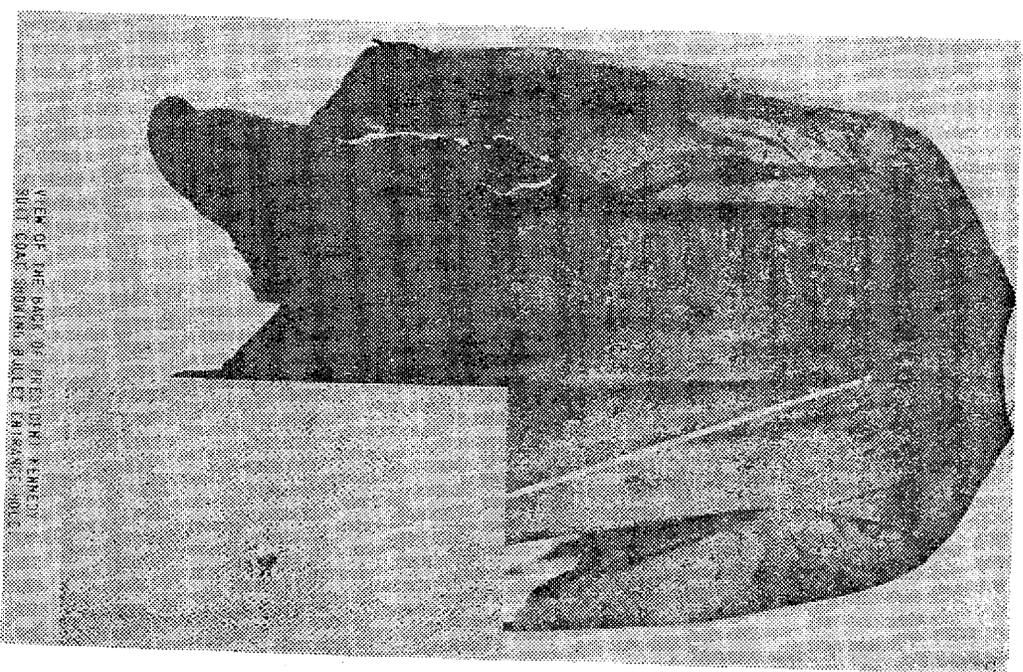


NEW RESEARCH—Three exhibits taken from the Warren Commission report illustrate what author Edward Jay Epstein regards as confusion as to the first shot which hit President Kennedy. At left is a drawing prepared at the direction of the autopsy physicians demonstrating their



Pathologist:

conclusion that the shot in question entered the President's body at the base of the neck and emerged from the throat. In the center are two working drawings used by the doctors in the autopsy room. Here the doctor placed a dot (marked "B") to show where the bullet entered. It is



VIEW OF THE BACK OF PRESIDENT KENNEDY'S SUIT COAT SHOWING BULLET ENTRANCE

several inches below the collar line and seemingly too low to permit bullet exit (from point "A") if, as assumed, the bullet had come from above. At right is a view of the back of the coat President Kennedy was wearing; again the entry hole of the bullet is significantly below the collar.