An Inquest: Skeptical Postscript to Warren Group's

By Richard Harwood
Washington Post Staff Writer

On Sept. 24, 1964, the President's Commission on the Assassination of President John F. Kennedy reported to the world that it had "ascertained the truth."

Said the Commission: "The shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald."

This report, issued under the imprimatur of Chief Justice Earl Warren and six other distinguished Americans, is now under attack by scholars and writers who believe the Commission's findings are marred by conjecture and by inconsistencies which the Commission was unable to resolve.

They have unearthed, for example, a five-volume report from the Federal Bureau of Investigation, dated Dec. 9, 1963, that contains a "finding" which—had it been true—would almost certainly have led to the conclusion that Oswald had an accomplice in the assassination.

This "finding" which now appears to have been completely erroneous was the product of an impulsive report by FBI agents a few hours after the President was killed. Although it was apparently based on little more than hearsay, it found its way into the Dec. 9 document.

It has given ammunition to the Commission's critics and contributed to a serious disagreement within the Commission itself over the manner in which Gov. Connally was

The Weather

Today—Partly sunny, high in upper 70s. Tonight—Fair and cooler, low in the 50s. Monday—Fair and cooler. Saturday's temperatures — High, 79 at 4:33 p.m.; low, 68 at 4:15 a.m.

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Report on Assassination

wounded and over the ultimate explanation given by the Commission of the events of Nov. 22.

For these reasons and others, grave doubts about the competence of the Commission's work are raised in two new books on the assassination—"Whitewash," by Harold Weisberg of Hyattstown, Md., and "Inquest," by Edward Jay Epstein. Weisberg is a former Government worker who now operates a poultry farm. Epstein is a Ph.D. candidate at Harvard.

Epstein's book—written as a master's thesis at Cornell—carries an introduction by the New Yorker magazine's Washington correspondent, Richard Rovere, who writes:

"Nothing Mr. Epstein reveals is quite so shocking as the fact that

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this great investigation was carried out by men who could not give their full attention to it and who, because of their own needs and also because of certain political circumstances, were in a desperate hurry to get it over with . . . The day the Warren Commission Report was issued, the American press should have begun to do what Mr. Epstein has done; it should have cast a very cool eye on the Report and sought to learn from those who prepared it how it was prepared . . ."

Weisberg charges: "The superficial and immature manner in which the Report deals with the possibility of a conspiracy or of a different assassin is only one of the ways in which the Commission may have crippled itself."

The Epstein book, based in large part on interviews with members of the Commission and its staff, gives a picture of the investigation at sharp variance with the common conception of how it was conducted.

It reveals that no single member of the Commission heard all the testimony and that "most of the Commissioners were present for only a minor portion of the hearings. Senator (Richard) Russell (D-Ga.) who attended the fewest, heard only about 6 per cent of the testimony; whereas Allen Dulles, who attended the largest number of hearings, heard about 71 per cent. Only three Commissioners heard more than half the testimony, and the average Commissioner heard 45 per cent . . ."

Lawyers' Comment

"Opinions differ," Epstein writes, "as to what the Commission actually did. Joseph Ball (one of the Commission's staff lawyers) commented that the Commission 'had no idea of what was happening; we did all the investigating, lined up the witnesses, solved the problems and wrote the Report.' Wesley Liebeler (another Commission lawyer) when asked what the Commission did, replied, 'In one word, nothing.'"

(Others connected with the investigation dispute these harsh judgments. "The Commissioners," said one staff lawyer, "contributed significantly to the final Report.")

The actual work of the Commission fell, in any event, on a few younger members of the staff who were able to devote full time to the job. Many of the eminent private lawyers brought in to help continued their private professional activities and gave little time to the inquiry.

Among the working staff, Epstein reveals, there were bitter disagreements about the credibility of witnesses, about the quality of the evidence compiled by Government agencies, and about the ultimate wording and conclusions of the Report.

FBI's Unpublished Report

Perhaps the greatest source of controversy and doubt over the integrity of the Report—at least in the minds of Epstein and Weisberg—was the unpublished

FBI document, which is now in the National Archives.

It states categorically that "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."

This statement is in direct contradiction to the official autopsy report from the Bethesda Naval Hospital, written the last week in November, that the bullet which struck the President in the lower neck passed through his body and came out his throat. The autopsy report said:

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

The discrepancy between the FBI report and the autopsy report is crucial, for the Commission's conclusion that Oswald acted alone is right only if the autopsy report is right, and wrong if the FBI report is right.

If a bullet did not pass through President Kennedy's neck and cause Gov. Connally's wounds, a second assassin must have been involved.

This is so because films of the assassination proved conclusively that Mr. Kennedy and Mr. Connally were wounded within a period of one-half second, at the minimum, and less than two seconds at the maximum.

It was physically impossible for a sniper to fire two rounds in that flash of time from a bolt-action rifle of the type Oswald used. Thus, either Mr. Kennedy and Mr. Connally were struck by the same bullet or two men fired two nearly simultaneous bullets.

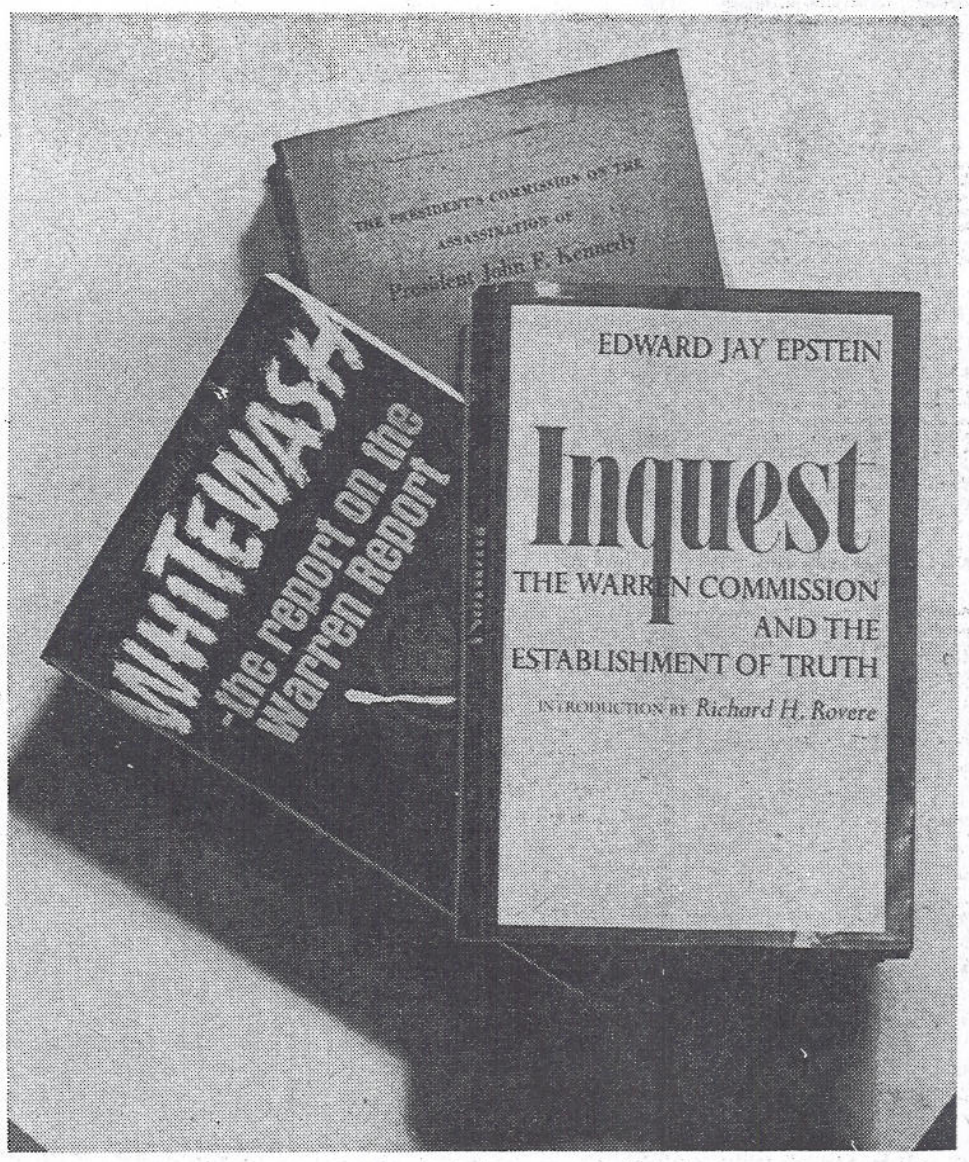
Both Epstein and Weisberg argue that the first possibility—two wounds from a single shot—is disproved by the evidence itself and that a second assassin was involved who remains free.

Independent study of the evidence does not necessarily lead to the same conclusion, although there is substantial testimony other than the FBI report that raises grave questions about the manner in which Gov. Connally was wounded.

This evidence is of such weight that Sen. Russell, according to Epstein, "reportedly said that he would not sign a Report which concluded that both men were hit by the same bullet. Sen. (John Sherman) Cooper (R-Ky.) and Rep. (Hale) Boggs (D-La.) tended to agree with Russell's position."

Accordingly, the Commission was forced to hedge its conclusion by saying that the evidence, while not certain, was "very persuasive ... to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds."

(Congressman Boggs said any implication by Epstein that the Commission was divided on its ultimate conclusions is wrong. There were many discussions in-



By Charles Del Vecchio, Staff Photographer

DISAGREEMENT—The Warren Commission's report on the assassination of President Kennedy, for all its detail, still leaves some questions open, with the result that books and articles continue to debate the investigation's findings.

volving many points of evidence, he said, but the findings were unanimous.

(Sens. Russell and Cooper were out of the city and could not be reached for comment.)

The reasons for the Commission's uncertainty on this vital point are well documented:

(1) Gov. Connally, who was conscious when all three shots were fired, told the Commission he could not have been wounded by the bullet that struck Mr. Kennedy in the neck: "It is not conceivable to me that I could have been hit by the first bullet . . . Obviously, at least the major wound that I took in the shoulder through the chest couldn't have been anything but the second shot."

(2) Two of the three pathologists who performed the autopsy on the President—Commander James J. Humes and Lt. Col. Pierre Finck, an authority on gunshot wounds—testified that it was either "unlikely" or "impossible" that the wound in President Kennedy's neck and the wounds Gov. Connally sustained were caused by the same bullet.

(3) The FBI's principal ballistics expert, Robert Frazier, told the Commission: "I myself don't have any evidence which would permit me to say one way or the other, in other words which would support it (the theory that Mr. Kennedy and Mr. Connally were hit by a single shot) as far as my rendering an opinion as an expert. I would certainly say it was possible but I don't say it probably occurred . . ."

(4) After reporting on Dec. 9, 1963, that the bullet that wounded Mr. Kennedy in the shoulder did not exit from his body, the FBI on Jan. 13, 1964, issued a supplemental report on the President's wounds which stated:

"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 length."

(5) On Dec. 18, 1963, The Washington Post and other newspapers reported on the basis of rumors from Dallas, that the first bullet to strike the President "was found deep in his shoulder." This report was confirmed prior to publication by the FBI.

The cumulative effect of these various statements was to raise very considerable doubt about the principal conclusion of the Warren Commission: that "the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald."

They have no bearing on Oswald's involvement but, if true, they point unmistakeably to the involvement of at least one other assassin.

The commission handled this crucial problem, in effect, by rendering a highly misleading verdict:

"Although it is not necessary to any essential findings of the Commission to determine just which shot hit Gov. Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Gov. Connally's wounds. However, Gov. Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Gov. Connally's wounds were fired from the sixth floor window of the Texas School Book Depository."

Contrary to what the Commission reported, it was not only "necessary" but absolutely essential to determine which shot hit the Governor.

"To say that they were hit by separate bullets," Norman Redlich of the Commission staff told Epstein, "is synonymous with saying that there were two assassins."

Specter Had Responsibility

One of the reasons the Commission had difficulty with this problem was that while, on paper, 34 men, including the seven members of the Commission, were engaged in the investigation, "the entire task ascertaining the basic facts of the assassination fell upon one lawyer—Arlen Specter. Specter," according to Epstein, "had the responsibility for determining the sources of the shots, the number of assassins, the exact manner in which the President and Gov. Connally were shot, and the sequence of events—in short, all the facts of the assassination."

Specter read mountainous stacks of reports and conducted the examination of key witnesses before the Commission. But Specter's independent investigation, Epstein reports, consisted of nothing more than interviews with 28 doctors and other medical personnel at Parkland Hospital in Dallas, none of whom had any thorough knowledge of the President's wounds. "With one minor exception," says Epstein, "these interviews comprised Specter's entire field investigation of 'the basic facts of the assassination.'"

Specter, moreover, was under constant pressure from the Commission — as were all members of the staff—to complete his work by June 1, which was the arbitrary deadline chosen by the Commission.

Deadline Extended

The deadline was not met and Chief Justice Warren, according to Epstein, "reportedly lost his temper and demanded that (Howard) Willens (the staff director) close down the investigation immediately." The deadline, in the end, was extended to July 15, then to Aug. 1, and then into September, despite Epstein says, pressure from McGeorge Bundy at the White House and members of the Commission to complete the report well in advance of the presidential election.

Specter developed the theory that a single bullet must have wounded both Mr. Kennedy and Mr. Connally and he filled the record with testimony that supports his hypothesis.

He never entirely convinced the Commission that

his theory was correct, in part because of the frequent absence of Commissioners from the hearings. Nor did he convince Epstein and Weisberg, in part because his evidence was so scattered through the 26 volumns that it was hard to piece together.

Thus, it was possible for a reader—or a member of the Warren Commission—to find in the hearings evidence to support almost any conclusion, even contradictory, conclusions. Some of the contradictions are relatively simple to resolve, however.

The first one involves the credibility of the FBI report of Dec. 9, which states that the bullet which struck Mr. Kennedy's shoulder did not leave his body.

This report, the FBI said last week, was based on the medical evidence at that time. But there is other evidence that it was based on nothing more than hearsay.

The autopsy on the President began at Bethesda Naval Hospital at about 8 o'clock the night of Nov. 22.

Wound Confused Doctors.

Two FBI agents who were present overheard Dr. Humes, Dr. Finck and Dr. J. T. Boswell speculate about the President's shoulder wound. The doctors were confused by it because an incision made in the front of the President's throat in Dallas obscured the exit wound.

Before the three doctors at Bethesda had completed the autopsy and before they had traced the path of the bullet from the President's shoulder to his throat, the FBI observers left the room and called in a report that the bullet had not passed through the President's body.

Incredibly, this verbal report became the basis of the erroneous statement that appears in the Dec. 9, five-volume summary submitted to the Warren Commission.

The official autopsy report which contradicts the FBI was in the hands of the Secret Service, not the Bureau, and may never have been supplied to the FBI.

In any case, the basic error was repeated in the Jan. 13 report from the FBI which unaccountably acknowledges that there was an exit wound in the President's throat.

The second contradiction involves the conflicting medical testimony on the likelihood that one bullet wounded both Mr. Kennedy and Mr. Connally.

The bullet which caused these wounds was found and was virtually intact. It weighed about 158 grains, as against an original weight of about 161 grains.

Commander Humes and Lt. Col. Finck, the presidential autopsists, doubted that this bullet could have caused all of Gov. Connally's wounds because they had read a medical report from Dallas describing the presence of fragments in his wrist wound. Thus, they thought the bullet must have been broken into fragments rather than emerging intact.

They were unaware that these fragments were miniscule and that Connally's principal surgeon, Dr. Robert Shaw, was convinced that the intact bullet did cause the wounds. The "fragments" it left in the Governor's body were thin shavings, not much larger than dust particles.

The final problem—Gov. Connally's own recollection of what happened—cannot be dismissed.

But his surgeon, Dr. Shaw, had an explanation for that, too. It is not uncommon, he testified, for people to suffer a wound without knowing it immediately.

This would account for Mr. Connally's belief that he was not hit by the first bullet and this explanation is consistent to hear the Governor's failure to hear the second shot" which he believed caused his wound and his recollection of the final shot which smashed the President's skull.

The "single-shot" theory developed by Specter and the Commission, in other words, is not refuted by the apparent inconsistencies in the record which Weisberg and Epstein recite.

And so long as that theory holds up, assumptions that there was a second assassin in Dallas on Nov. 22 can only be assumptions.