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'Assassination Flaws' Called Hokum, Theory

It is three years this month since President Kennedy was assassinated, but controversy over the circumstances of the assassination, and the investigative conclusions reached, still rages. On Nov. 4, President Johnson declared he knew of "no evidence" that would cast doubt on the official findings in the wake of the Dallas tragedy, yet the questions go on. In this dispatch UPI White House reporter Merriman Smith, who won the 1964 Pulitzer Prize for his eyewitness reporting of the murder, gives his own forthright opinion of the claims that the "full story" of the assassination has not yet been told.

BY MERRIMAN SMITH

WASHINGTON (UPI)—Many Americans and apparently even more foreigners persist in the almost-mystic belief there is much more to be told about the assassination of President John F. Kennedy.

This belief has been fed by a steadily increasing list of books, magazine articles, statements and lectures which challenge proceedings of the Warren Commission set up by President Johnson to investigate the slaying which took place in Dallas Nov. 22, 1963.

From this torrent of words spread tributaries of rumor—that Kennedy really is alive and the man shot in Dallas was a double; Lee Harvey Oswald had conspirators, even one or more riflemen who fired at the same time he did; Oswald was an FBI man, a CIA man, a Russian spy, a Castro agent; Jack Ruby was a triggerman who with the bumbling help of the Dallas police silenced Oswald, and so on, into even wilder flights of speculation.

NONE OF THIS assorted theory and hokum appears to have any basis of provable fact, but this has not stopped the clamor.

Some critics of the commission, its procedures and findings are quite serious scholars who have dredged the voluminous evidence to assemble minor flaws into what would appear to be one or more larger errors.

Other self-appointed authorities on the case seem to be outright entrepreneurs bent on profit from a sad situation. And there seems to be profit of a sort for just about everybody who tackles the subject between book covers or from the lecture platform. Part of this profitable public acceptance comes from the fact that Kennedy continues to be a fascinating subject to millions of Americans and many more overseas. Some publishers estimate that more than 20,000 Americans will buy any book relating to the late president.

CONTINUING DEEP INTEREST in and grief for the fallen young leader and shock over the manner of his death have combined to create a culture medium ideal for rumor-breeding; an atmosphere of support for challenging questions aimed at the Warren Commission, almost as if discrediting the investigation might somehow undo the tragedy of Dallas.

Many questions about the assassination and investigation thereof are, according to U.S. News & World Report, "nagging doubts raised by enterprising authors (which) seem to find an especially receptive audience abroad."

Major Parision newspapers assigned top men and many columns of space to the subject. The Times of London has called for reopening of the commission investigation to examine recently raised points of criticism. At least one congressman, Republican Theodore R. Kupferman of New York, wants Congress to set up a joint committee to determine whether a full-scale legislative investigation of the commission is warranted. There is doubt that this will be done.

CRITICS OF THE Warren Commission incline generally to the theory that it erred seriously in concluding that Oswald acted alone in killing Kennedy; there was insufficient probing of the possibility that others were involved in a conspiracy; that Oswald even in the brief period between the Kennedy slaying and his own death was deprived of proper counsel; that reports from doctors who performed the autopsy on Kennedy were changed and preliminary notes, in one case, destroyed; FBI reports were altered.

(Editor's note: Questioning of the official autopsy findings was renewed this

month when 65 photographs and Xrays of the autopsy on the slain president's body were turned over to the National Archives by the Kennedy family. Critics objected to the conditions attached, which were that the photos and Xray records could be made available for the first five years only to federal agencies and then only to qualified pathologists.

(In his news conference Nov. 4, President Johnson said he knew of no "new evidence" in this material or elsewhere to challenge the Warren Commission findings. He thought it was right that the material turned over to the National Archives should not be displayed in "every sewing circle by people with no serious purpose. Prior to the President's comment, the Justice Department had announced that the pictures and Xrays were examined by the two Navy doctors who participated in the autopsy, and these physicians said they corroborated their testimony to the Warren Commission.)

THE COMMISSION, set up under Mr. Johnson's executive order Nov. 29, 1963, under Chief Justice Earl Warren, was intended to avoid overlapping inquiries by state and local authorities while arriving at the truth of the murder of a president. Composed of men of unassailable integrity and with the government's entire investigative resources at its command, the commission on Sept. 27, 1964, submitted a 900-page report backed up by 6 million words of supporting testimony and exhibits contained in 26 volumes.

The commission came to the conclusion that Kennedy was killed by shots fired by Oswald from the Texas School Book Depository Building in Dallas—and by these shots alone.

The commission in 10 months of work and after taking voluminous evidence from the FBI, the Secret Service, CIA and other investigative personnel of varying jurisdiction, could find no evidence of any conspiracy "foreign or domestic."

After reviewing the evidence, the commission said, "Oswald acted alone." Furthermore, the federal inquiry, despite rumors to the contrary, could find no evidence of a link between Oswald and his killer Jack Ruby.

HAD OSWALD LIVED instead of being gunned down by an unstable tenderloin character who slipped into the police station during an excited, disorganized period, most of the current books probably could or would not have existed.

In a variety of books and articles, authors have concentrated chiefly on what they regarded as two major areas of doubt:

—Credibility of the commission's conduct of the investigation and validity of its findings.

—Commission failure to disprove the possibility of one or more confederates having been associated with Oswald, even to the point of firing some of the shots credited by ballistics experts to Oswald's 6.5 Mannlicher-Carcano rifle purchased under an assumed name from a Chicago mail order house.

Woven around and through these main branches of criticism are peripheral questions and allegations based to great extent on doubts that Oswald, a former U.S. Marine with a rifle rating of sharpshooter, could have been as accurate as he was with an inexpensive mail order rifle and a telescopic sight described variously by the critics as having been either defective or distorted at the time of the assassination.

AUTHOR HAS FOLLOWED author in citing certain tests made during the commission investigation to "prove" that the 4-power telescopic sight on Oswald's rifle was badly out of line.

To a serious amateur target shooter, many of the questions raised about the ease or difficulty of making the shots attributed to Oswald are ignorant, even silly. Even sillier to thousands of serious shooters in this country is the matter of the sight being defective. It would have been an optical miracle if the sight had been truly accurate at the time it was tested—many days after the assassination. Even then, government testers had to repair the sight.

While the sight to begin with was not of the best quality, there is evidence that Oswald sighted it in prior to the killing. This

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means he went out on a practice range and checked the variabilities of the sight under actual firing conditions.

After the assassination, the weapon presumably was thrown to the floor of the book depository and Oswald fled. In subsequent investigation, the rifle bounced around in automobiles of police investigators, was handed around by dozens of men on the case. Few high-quality sights could have survived this same treatment and maintained their pinpoint accuracy.

OSWALD WAS an experienced rifleman from his days in the U.S. Marine Corps. The distance of the shots — from the sixth-floor window of the building to the Kennedy top-down touring car — would be almost point-blank range for many competent shooters armed with a 6.5 rifle and a telescopic sight. Small boys at summer camps can do equally well on their target ranges, using .22 rifles (much less powerful than a 6.5) and no telescopic sights whatever.

Therefore, much of the literary furore over whether Oswald could have made the shots and whether his weapon had the capability is, to put it charitably, uninformed.

To believe some of the theories put forth in the current wave of anticommission writings would be to believe that somehow the chief justice of the United States, the FBI, Secret Service, leading members of Congress, to say nothing of President Johnson himself, entered into a monstrous plot to keep the truth from the public. Or that their collective efforts to investigate the assassination amounted to so much stupidity and lack of concern.

IT ISN'T POSSIBLE to deal with every-

thing that has been said and written about the Kennedy assassination and the investigations of it, but some specifics can be commented on.

"Inquest" by Edward Jay Epstein, 31-year-old New Yorker now working on his doctorate in American government at Harvard, is one of the more temperature books of the current crop, concerned far more with commission fact-finding procedures than with its conclusions.

"Inquest" is scholarly, but sometimes querulous. The book carries an introduction by magazine writer Richard H. Rovere, a frequently perceptive essayist and critic. He jumps on Harrison Salisbury of the New York Times for having written that in the commission report, "No material question remains unsolved." Then Rovere points out that Epstein says, "At least one large question of incontestable materiality—the number of rifle shots fired at the presidential party—was never resolved, not even, astonishingly, to the satisfaction of the commissioners themselves."

THUS WE HAVE a case within a case: Salisbury vs. Rovere and Epstein vs. the commission. While some witnesses reported as many as six shots, the commission's best judgment was that Oswald fired only three times and one bullet apparently went wide of the target.

I must at this point inject a personal note. In addition to being a professional reporter assigned to the White House for more than 25 years, I have been a hunter and target marksman for many years. I am not the world's greatest shot by any means, but there are some professional experts who regard me as being competently familiar with many weapons and their behavior.

I was only a few hundred feet from John F. Kennedy when he was shot in Dallas. I would swear there were three shots and only three shots fired at his motorcade.

The car in which I rode as a press association reporter was not far from the presidential vehicle itself, and in clear view of it. We were at the point of coming out of an underpass when the first shot was fired. The sound was not entirely crisp and it seemed for a split second like a firecracker, a big one. As we cleared the underpass, then came the second and third shots.

THE SHOTS WERE FIRED smoothly and evenly. There was not the slightest doubt on the front seat of our car that the shots came from a rifle to our rear (and the book depository at this point was directly to our rear). We remarked about rifle fire before we knew what had happened to Kennedy, although we had seen him slide from view in the rear of the open White House car.

Even before Kennedy's body reached the hospital in a chilling, high-speed motorcade, I reported from the car by radiotelephone to the UPI Dallas bureau that three shots had been fired at the Kennedy procession.

Not until we pulled up at the Parkland Hospital emergency entrance in a screaming skid and I ran to the side of the Kennedy car did I know for certain that he was badly hurt.

When I saw Kennedy pitched over on the rear seat and blood darkening his coat, and Gov. John Connally of Texas slumped face up on the floor with brownish red foam seeping from his chest wound, not one hospital orderly, doctor or nurse had reached the vehicle. Several careless authors would have their readers believe medical attendants were on the scene at this point. They were not. I was there.

CLINT HILL, the Secret Service agent who raced from the follow-up car to the presidential vehicle to shield the fallen leader and his shocked wife, Jacqueline, heard only three shots. Malcolm Kilduff of the White House press staff, who was seated beside me in the front seat of the pool car, heard only three shots. I heard only three shots. Now, who knows more about it —Edward Jay Epstein and Richard H. Rovere or the trained, professional observers who were there?

To disprove that more than three shots were fired would be impossible. Nor would it be possible to prove more than three, beyond a shadow of doubt. Therefore, the

commission had to settle for what the burden of evidence showed—three shots. Yet, here is a point regarded by Messrs Epstein and Rovere as unresolved. It is a classic example of the almost-puckish impossibilities on which some of the current assassination books are built.

There are many other current volumes attacking the commission, its procedures and findings. One of the more widely mentioned is "Whitewash—the Report on the Warren Report." The author is Harold Weisberg, who by his own description is a Hyattstown, Md., "intelligence and political analyst," as well as "an expert on waterfowl."

FOR WEISBERG to be taken seriously by other writers is to demonstrate their quick willingness to seize upon almost any line of reasoning as long as it supports the idea of commission error, omission or cover-up. A sample Weisberg conclusion:

". . . The president was shot from both front and back. Nothing else makes sense. Nothing else is possible. God alone knows how many shots were fired by how many people from how many weapons and from how many directions. But one thing is now beyond question: There was not a single assassin . . ."

Without detracting from his purpose and fierce determination, Weisberg seems to be more of a zealous pamphleteer than a meticulous analyst. It is amazing that his book has received serious consideration by other authors. On the first page, he is wrong about the weather on the day of the assassination and wrong about the makeup of the Kennedy motorcade in Dallas. With this for openers, it becomes difficult to accept some of Weisberg's other material as gospel.

Another widely distributed author who believes there were at least two assassins is Dr. Richard H. Popkin, chairman of the department of philosophy at the University of California branch in San Diego. His book is called "The Second Oswald."

AS MOST OF THESE books do, "The Second Oswald" starts with a long introduction by a cheerleader for the author, this time New York Journal-American columnist Murray Kempton.

Kempton says the commission's investigative and reporting processes have been so discredited that commission findings are "much less plausible than Popkin's theory," which is to say, "Two Oswalds were together at the Texas Book Depository and that each played his part in the assassination."

For Popkin, the philosopher, to challenge the commission report as a document is one thing. For him to surmise certain things contrary to commission conclusions also would seem fair enough. But the professor insists on becoming a ballistics authority: "He (Oswald) had to fire a cheap rifle with a distorted sight and old ammunition, at a moving target in minimal time, and shooting with extraordinary accuracy."

This simply is not fact, but the opinion of a college professor. Fact: A weapon's price does not necessarily indicate its accuracy.

Fact: There is no evidence whatever that the sight was "distorted" when Oswald fired at Kennedy. Fact: Old ammunition. Age of a rifle load does not necessarily control its accuracy or power.

ANOTHER HEAVILY EXPLOITED and apparently widely read book is "Rush to Judgment," by Mark Lane, who, with the encouragement of Oswald's mother, set himself up as "defense counsel" for the accused assassin during the commission proceedings.

Bertrand Russell and Arnold Toynbee read the manuscript and made suggestions, according to the author. Hugh Trever-Roper, a professor whose causes are many in his native England, wrote the introduction in which he maintains the commission case against Oswald was wrongly one-sided and that Lane, a lawyer and lecturer, was to be commended for pressing, in the book, his belief that Oswald's side of the matter also should be heard thoroughly and fairly.

"When both sides have been heard, and not before, posterity may judge," says Trever-Roper.

The Lane book is better than most in that it is not quite as shrill as some of the companion pieces, but again, his technique is to take tiny variations in evidence before the commission and build a monument of doubt. Lane believes that while the commission suppressed "a vast amount of material of paramount importance," there was enough in the published evidence "to question, if not overthrow, the commission's conclusions."

ONE OF THE LATE PRESIDENT'S close friends spoke of the current round of books recently, asking that he not be identified. He did not want to become embroiled in some of the tensions within the Kennedy family concerning still another book about the assassination, a so-called "authorized" version by William Manchester. In any case, this close friend of JFK said:

"Why continue twisting this dagger in the guts of America to satisfy largely the sensationalists of other countries? The president was killed by Lee Harvey Oswald. This is the opinion of the best police experts we have. It would have been interesting historically to have had Oswald on a witness stand, but there really is no evidence of which I am aware that would have changed the basic facts of the matter."