

The New York Times Book Review

By **GEORGE and PRISCILLA JOHNSON McMILLAN**

Here on the 10th anniversary of President John F. Kennedy's assassination, David Belin has come forward to try to restore sanity and reason to the morbid atmosphere of suspicion that still hovers over the tragedy in Dallas.

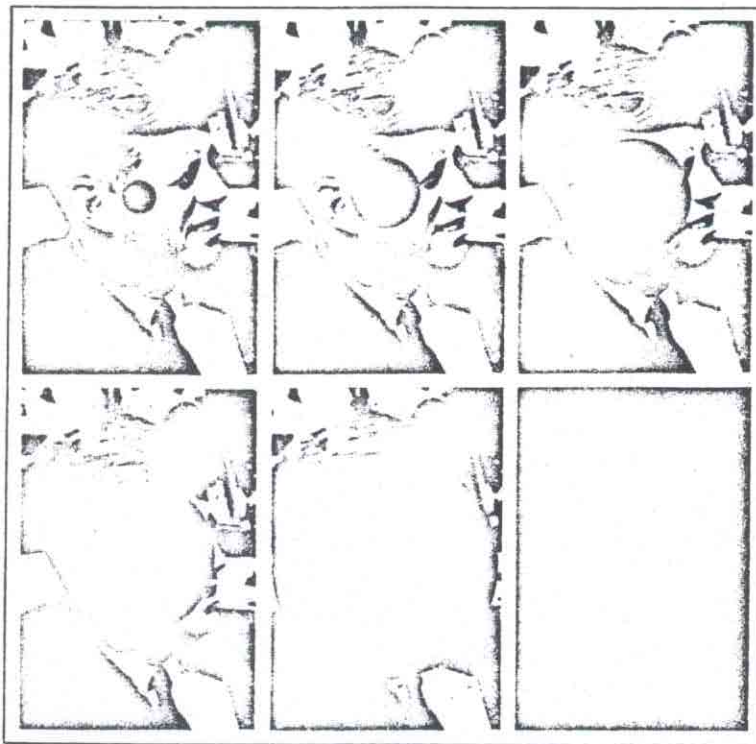
Mr. Belin is one of a host of capable young law-school graduates who were brought together to form the staff of the Warren Commission. His particular job was to sift the "hard" evidence on the crime. He has now returned to his evidence. Using only testimony originally heard and published by the Warren Commission, he has allowed the witnesses to speak again and has skillfully marshaled the testimony around the most contentious questions about the assassination, pulling together much that had remained for a decade raw, unorganized material. It is as if Lee Harvey Oswald had lived and there had been a trial.

The verdict is overwhelmingly clear that Oswald, and Oswald alone, killed President Kennedy. Mr. Belin has done a better job of putting the evidence together than the one-volume Warren Commission Report, which was probably the most completely-documented story of a crime ever published.

It is a little discouraging to think of Mr. Belin's chances, readable and fascinating though his book is, of convincing people of the Warren Report's finding that Oswald did it alone when the Report itself has done so badly. The temptation is to predict that Mr. Belin's message doesn't stand a chance.

The extraordinary vitality of the rumors about the Dallas assassination is one of the astonishing phenomena of American life in the past decade. These rumors and conspiracy theories have engaged the full-time

Priscilla McMillan is writing a book on the Kennedy assassination with Marina Oswald. George McMillan is writing a biography of James Earl Ray.



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You Are the Jury.

By *Daniel W. Belin, Esq.* Introduction by *Harrison E. Salisbury.*
544 pp. New York: Quadrangle/New York Times Book Company.
\$10 until Dec. 31, \$12.50 thereafter.

energies of a host of private, self-appointed investigators whose work has attracted the curiosity and support of some of our leading intellectuals, including Bertrand Russell, Hugh Trevor-Roper and Norman Mailer.

The investigators have produced a shelf of books, many of them best sellers, which now form a part of our cultural landscape. Their theories have become a permanent enclave of irrationality in our national consciousness.

By the standards of sanity (or lunacy) set by later rumors, the earliest conspiracy theories seemed positively sensible. One of these was laid out by Thomas Buchanan who wrote his, "Who Killed Kennedy?" in Europe, alleging that Kennedy was killed by a right-wing group in Dallas. Dallas was, at the time, in a trauma of reactionary paranoia, created by some of the oil millionaires, and fanned

by former Maj. Gen. Edwin Walker, who lived there.

There were the later rumors that grew out of the divisive conflicts over Vietnam—that President Lyndon Johnson had arranged for Kennedy to be killed so that he could move into the White House. Or, that a right-wing cold war group had killed Kennedy because he seemed to be at the point of pulling the United States out of Vietnam.

District Attorney Jim Garrison in New Orleans brought the national media running to his city with his allegations that he could prove that a team of C.I.A. agents (eventually he was to say there were 14 of them) planned the assassination and executed Kennedy.

There is a host of other theories. You can read that Oswald was a Cuban agent, a Russian agent, an F.B.I. agent, an agent working for a private syndicate financed by Howard

Hughes. Or you can read that he was a patsy, that he didn't do it at all. One of the most popular theories in 1973 is that there was "a second Oswald."

Not that any of these theories are dead. A conference at which most or all of them will be reviewed is to be held in the last week of November at Georgetown University in Washington by the Committee to Investigate Assassinations, headed by Bernard Fensterwald, James McCord's lawyer, and with such names as Fred Cook, the exposé author, on its letterhead. In fact, this group is conducting investigations on the assumption that the assassinations of President Kennedy, Robert F. Kennedy, Dr. Martin Luther King, and the shooting of Governor George Wallace, are all linked.

But to dwell on their theories is to miss the main point about the theorists. There is a curious negative quality in almost all the books and articles about conspiracies. The authors seem more eager to prove that Oswald didn't do it, couldn't possibly have done it, than they care about proving any particular theory. It is as if Oswald stood in some deep intimate relationship to them, stood for something deep within them, as if these theorists did not dare believe that Oswald did it for fear they would have to face something in themselves. To accept Oswald as the sole assassin, to accept the event as it really happened, is to face the killer within ourselves, or so might go a psychological explanation. What is important to the conspiracy theorists — and the millions who have been led to believe their theories—is to lay the blame on something that seems to be rational and that is, above all, *outside* themselves. That is the enduring appeal of a conspiracy.

The strategy of these books is to ignore the mountain of positive evidence that Oswald did it and did it alone. They assume that no one has read or is likely to read the Warren Report, whose main fault, it now appears, is its neglect. Charges are repeated ad nauseam which were carefully refuted nine years ago in the Report. Hundreds of thousands if not millions of copies of the books containing these charges have been sold while the Report itself has sold some 122,000, and only about 1,000 in the past five years.

The prototype of all the conspiracy books is Mark Lane's best seller, "Rush to Judgment." Lane, a New York attorney, had started his at-

tacks by early 1964, long before the Report was issued. He literally hired a hall, a small theater on the West Side, and presented what he described as his "evidence." Even then Lane had pretty much assembled the package; it is surprising how quickly the theology of a conspiracy came into being. Lane later appeared in a night club and before the Warren Commission itself, as counsel for Marguerite Oswald, Lee's mother.

Mr. Belin takes on Lane with evident pleasure. He says that Lane knew what he was doing, that Lane was making a "lifetime meal ticket" of the Kennedy assassination. After all, as Belin says, the Warren Commission never had a chance to defend itself. Its work ended with the publication of its report, and its staff was then disbanded.

Mr. Belin refutes Lane time and again, taking up one of his myths after another, and knocking them down by showing Lane's shabby and often dishonest investigative methods, as well as citing the positive

evidence Lane simply does not allow his readers to see or weigh.

A good example of the way Belin works Lane over is his handling of the murder of patrolman J. D. Tippit, who was killed on a Dallas street shortly after Kennedy was shot. It's not surprising that Lane devoted a great deal of energy trying to prove that Oswald was innocent of this crime, for if Oswald was guilty of killing Tippit, all other conspiracy theories are hard to sustain. Belin calls the Tippit murder the Rosetta stone of all the alleged conspiracy mysteries.

First of all Mr. Belin reminds us that Lee Oswald was captured a few minutes after the Tippit murder in a Dallas theater *with the Tippit murder weapon in his hand*. Then he shows us that there were seven eyewitnesses to the murder and that six of them identified Oswald in a police lineup that night. The best witness, a mechanic at lunch named Domingo Benavides, who was standing only a few feet away, was *neglected entirely by the FBI*, and the Dallas police, was not taken to the lineup.

Next Mr. Belin takes up the testimony of Mrs. Helen Markham, who identified Oswald in the lineup but later gave a description of the man she saw

that seemed to differ from Oswald's actual physical appearance. The Warren Commission asked Lane for a transcript of his interview with Mrs. Markham which turned out not to have been a face-to-face interview, as Lane had implied, but a telephone conversation. It shows this transcript which convicts clearly that Lane put the falsely descriptive words in Mrs. Markham's mouth, the words that lived to confuse a generation.

Over the years most of the confusion has developed over the famous "single bullet" which, the Commission says, passed through President Kennedy and went on to wound Governor Connally. Belin devotes a good deal of his book to disposing of the countless legends that have sprung up around this bullet and are at the heart of all the theories postulating more than one assassin.

He demonstrates that the bullet which turned up later at Parkland Hospital and was proven by ballistic tests to have come from Oswald's rifle, fell off Connally's stretcher and that, because of the location of the two stretchers at the moment the bullet was found, it cannot have come from that of President Kennedy, as the conspiracy mythology insists. He shows that the nearly intact state of the bullet is consistent with its having passed through President Kennedy at an initial speed of two thousand feet per second and inflicted all of Governor Connally's wounds.

Above all Belin emphasizes the autopsy report which proves, beyond the faintest shadow of a doubt, that President Kennedy was killed by a bullet which struck the right rear portion of the skull. He quotes Comdr. James J. Humes, one of the autopsy physicians, that, "scientifically, it is impossible for it to have been fired from other than behind," a conclusion with which all the autopsy doctors agreed.

Belin is critical of Chief Justice Earl Warren for his decision to withhold the 15 to 20 photographs of President Kennedy's wounds taken at Bethesda Naval Hospital before the autopsy began and the 10 to 12 rolls of exposed X-Ray film taken during the autopsy. Publication of these photographs, grisly though they were, would have made it out of the ques-

tion for the legend to arise that the President was shot from the front.

Warren made his decision to protect the feelings of the Kennedy family. He did not allow the other Commissioners, or even lawyers for the Commission, to examine the X-rays and photographs. Belin calls it a "disastrous decision," adding that the "reverberations will be felt for decades as part of the over-all diminution of the confidence the American people have in the integrity of their elected officials."

A full revelation of the autopsy material could have forestalled the theories that persistently arise out of the so-called Zapruder film, still being shown in 1973. Taken by Abraham Zapruder, an amateur who happened to be at the scene, the movie shows the assassination. At least one book, "Six Seconds in Dallas," by Josiah Thompson, a Haverford philosophy professor, is devoted to a frame-by-frame analysis of the movie with the intent of proving that there must have been a second assassin.

But, for all his pains, Mr. Belin has not filled a major vacuum in the story of the assassination. There is no book about Oswald and his motive and Mr. Belin, although apologetic for not doing more about motive, still leaves us not knowing any more than we knew.

For the story of the crime

is the story of the assassin, no matter how reluctant we may be to accept it. An understanding of Oswald's motive is crucial, not to our conviction that he did it, but to our understanding of the event. The Warren Commission dealt mostly negatively with Oswald's motive. To go into it more deeply, the Commissioners felt, was to get into psychological areas that were too remote and theoretical. And so, although nearly half of the Report's 888 pages are devoted to Oswald's life history, there is nowhere a coherent portrait of him as a man.

We know this much, that for nine of his 24 years, he was torn within himself over the world's problems and whether he should choose the route of peaceful or of violent change. His fluctuations of mood were becoming more and more frequent during the last year of his life, just at the time when he read in the Dallas paper that the President was going to ride in an open car under the very window where he worked.

Or, is this too much for us to accept, that a warehouse clerk living in a seedy boardinghouse in the rundown Oak Cliff section of Dallas could cause us all so much bewilderment and pain? ■