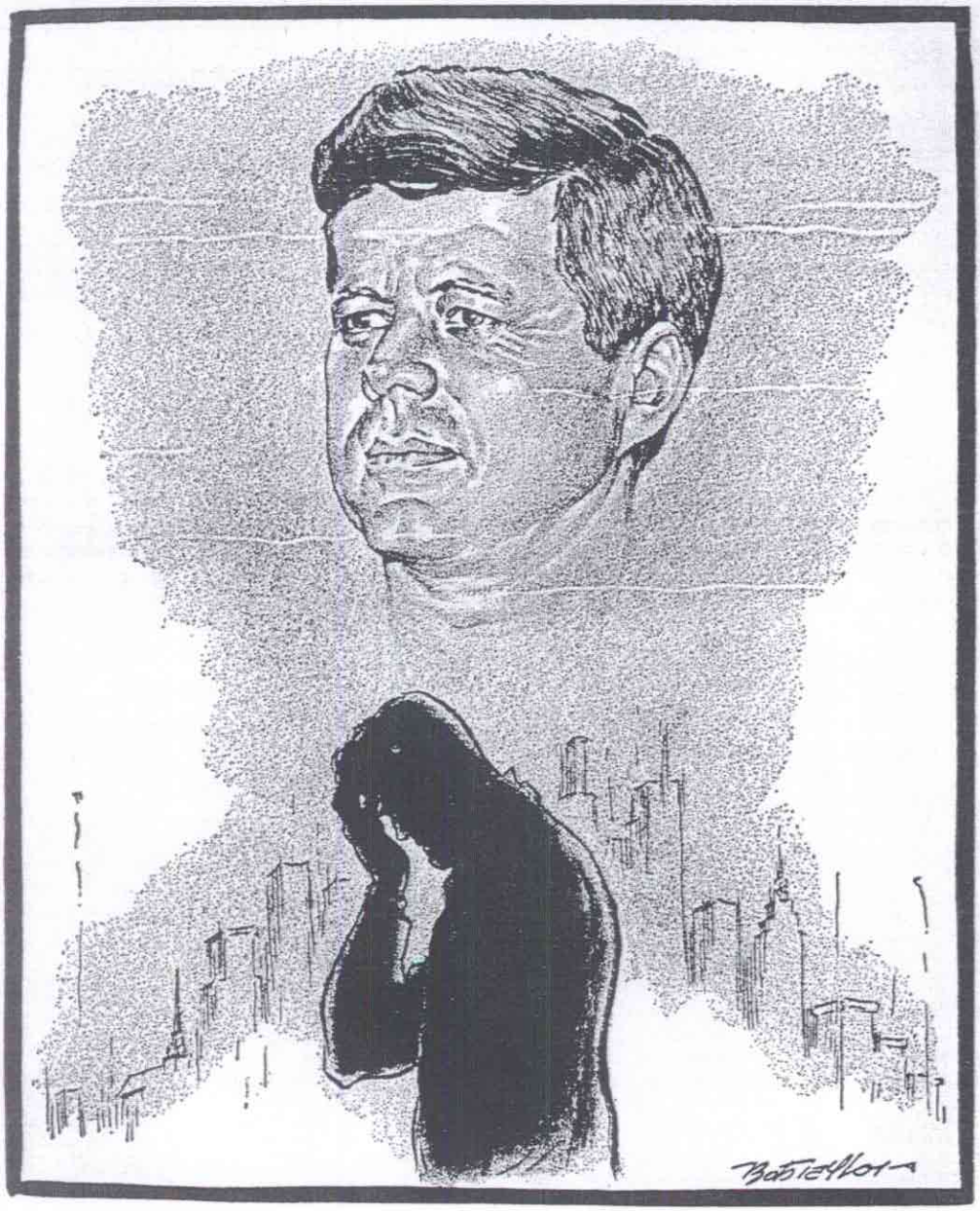
# The Lingering Shadow.....



This document is a reprint from The Dallas Times Herald Sunday, June 25, 1967. It is a scholarly report, prepared by Bernard Gauzer and Sid Moody, Associated Press writers, on Warren Report critics and their claims. It is offered as a public service.

# Warren Report...Doubts Dispelled

The one slain has not died. Doubt will not let him.

Doubt asks: "How did you fall? By whose hand?" Doubt has heard an answer —"Lee Harvey Oswald did it"—from doctors, lawyers, government; from police, friends, foe.

But doubt does not believe. Not quite.

Doubt knows the stature of the seven somber men of the Warren Commission, the breadth of their investigation, the depth of their report. But doubt is not appeased. Not quite.

Doubt has heard of the rifle, the shells, the fingerprints, the handwriting, the blunted bullets, the people who said they saw. But doubt is not assured. Not quite.

Why is this so?

Because doubt was denied the certainty of a trial. Because not all is known. Because not all is answered and may never be. And because there have been other seekers than the commission. They have seen what the commission did not see: different shots from different places; plots where the commission saw none; design where the commission saw chance; doubt where the commission saw fact.

Are these seekers scavengers, as Texas Gov. John B. Connally has called them? Or are they impassioned skeptics, refusing to take "it is most likely" for an answer? Are they creators of doubt? Or are they creatures of it? It is not always clear.

But if the Warren Report is now doubted by many, it is because of the books written by these few seekers. If their number is small, their impact is not. The very existence of a printed page has an aura of authenticity above and beyond what it states. As the critics' books are increasingly read, they are increasingly believed. It is far easier to read one book from a single critic than a whole shelf of books by a commission. So doubt takes root. The shelf lies fallow.

One could protest the whole argument is macabre-ghoulish. John F. Kennedy is gone. Talk won't bring him home. But this was a president. The people he led have a right—nay, an obligation—to know what struck him down, and why. It was not just a death in the hearts of the nation. It was murder at the heart of the national structure. Assassination unsolved is assassination at large, possibly free to strike again, certainly free to poison and corrode by suspicion, mistrust, fear.

So it is not mere curiosity, not just to add a footnote to history, to ask who killed Kennedy. To preserve the absolutely vital trust of the people in their leaders and institutions, the question must be answered. And stay answered.

The quest may be long. It is still asked: Who killed Lincoln? John Wilkes Booth is not the answer to all seekers. Nor is Lee Harvey Oswald. Lincoln, however, is for the archivist. The wound from Dallas is still red. It is tender to questions of who or why. It may ever be.

Or, perhaps, the wound may have been salved all along. Perhaps the first investigation need be the last.

Or, perhaps, the pain of doubt may throb the less if one were to ask the doubters of their proof, ask of the askers: What have you found, what news can you bring us?

# The Warren Commission Report and Its Critics

**By BERNARD GAVZER and SID MOODY**
***Associated Press Writers***

The critics of the Warren Commission Report have made grave charges. They have made uncertainty. They have have made money.

Have they made a case?

Have they proved that the most extensive murder investigation in the nation's history, directed by some of its foremost citizens, was wrong, dead wrong? Was the commission guilty of haste, of bias, of a coverup and Lee Harvey Oswald innocent of murder? Do events such as those recently in New Orleans indicate justice has not been done?

Polls suggest increasing numbers of people think so.

Book after carefully footnoted book says so. The Warren Report was once on the best-seller lists. Now Mark Lane's "Rush To Judgment" is.

Which has spoken truth? The critics say they have. And the commission has stood mute.

Mark Lane has said: "As long as we rely for information upon men blinded by the fear of what they might see, the precedent of the Warren Commission Report will continue to imperil the life of the law and dishonor those who wrote it little more than those who praise it."

And the commission has stood mute.

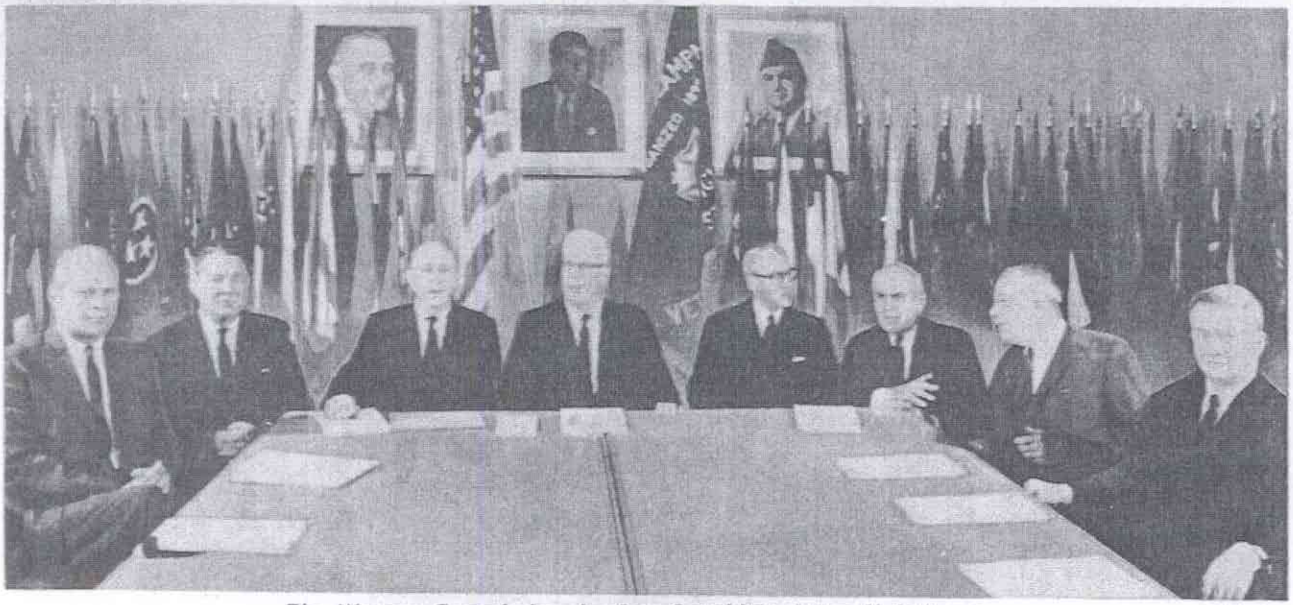
Leo Sauvage, in "The Oswald Affair," has said: "It is logically untenable, legally indefensible and morally inadmissable to declare Lee Harvey Oswald the assassin of President Kennedy."

And the commission has stood mute.

**EDWARD JAY EPSTEIN**, in "Inquest," has said: "The conclusions of the Warren Report must be viewed as expressions of political truth."

And the commission has stood mute.

It considered its first words, published in 27 volumes in the



*The Warren Commission, l-r: Rep. Gerald Ford, Rep. Hale Boggs, Sen. Richard Russell, Chief Justice Earl Warren, Sen. John Sherman Cooper, John J. McCloy, Allen Dulles, J. Leo Rankin, chief counsel.*

—AP Wirephoto

fall of 1964, to be its last. It has disbanded.

The public, in the jury box, may wonder at the commission's work. But it must also ask after the critics'. Is it true where the commission's is not? Are the critics innocent of the guilt they charge the commission of: distortion, sly selection of convenient fact, editing of truth?

## 'Oversimplified'

Mark Lane wrote that the commission "cited evidence out of context, ignored and reshaped evidence and which is worse oversimplified evidence."

Did he?

Lane and the other critics have produced little in the way of new evidence. What they have done is use what the commission provides in its 26 volumes of testimony and exhibits—but to different conclusions. The critics' case rests on the same bedrock as the commission's—the Warren Report.

How have the critics used, or abused, it?

On page 199 of the hardcover edition of "Rush to Judgment" Lane mentions an Illinois ballistics expert, Joseph D. Nicol. Nicol testified before the commission on Oswald's pistol, the shells found at the scene of the slaying of officer J. D. Tippit and bullets recovered from Tippit's body.

**LANE SAYS NICOL** "appeared less than certain" the shells came from Oswald's gun. There is a footnote in the passage referring to Volume III of the hearings, Page 511. Few readers have the volumes, much less the time, to check Lane's thousands of citations. A pity.

On Page 511, Volume III Nicol is asked by commission counsel Melvin Eisenberg if he was "certain in your own mind of the identification" of the shells.

Nicol replied: "Yes; the marks on the firing pin particularly were very definitive. Apparently this firing pin had been subjected to some rather severe abuse, and there were numerous small and large striations which could be matched up very easily."

Yet Lane says Joseph D. Nicol appeared "less than certain." In his book Epstein questions the commission's conclusion that Oswald was a good shot. He mentions the shot at Maj. Gen. Edwin A. Walker which missed. He mentions the testimony of Nelson Delgado, a fellow Marine who had watched Oswald on the firing line. Oswald, Delgado testified, got a lot of "Maggie's drawers" — complete misses.

Delgado said something else.

On the rifle range he said Oswald "didn't give a darn. He just qualified. He wasn't hardly going to exert himself."

And Walker himself testified that his assailant "could have been a very good shot and just by chance the bullet hit the woodwork of a window. There was enough deflection in it to miss me."

**DON'T THESE PASSAGES** have some bearing on Oswald's markmanship? Epstein evidently didn't think so. They don't appear in his book.

Lane devotes several pages to the testimony of a former Dallas patrolman, Napoleon J. Daniels, who said he saw a man resembling Jack Ruby enter police headquarters just before he shot Oswald. Lane takes issue with the commission for deciding Daniels' testimony "merits little credence."

But nowhere does Lane mention that Daniels was given a lie detector test. Daniels was asked if he had told the complete truth. He said yes. He was asked if he had deliberately made up any of his story. He answered no. The lie detector indicated both responses were "false." He was asked if he thought the person he saw enter the building was Jack Ruby. He said no. The test indicated this response was "true."

Is such evidence relevant to why the commission felt Daniels merited little credence? Lane evidently thought not.

One of Epstein's major points concerns the report of the autopsy on Kennedy. It concluded he had been shot in the back of the neck and the back of the head. An FBI report submitted Dec. 9, 1963 contradicted the doctors in several important areas. Epstein makes much of the difference.

Inquiry by the writers, however, has established that the FBI wrote its original report before getting that of the doctors, which reached the agency Dec. 23, 1963. The FBI nonetheless stuck to its original version in a supplemental report Jan. 13, 1964. The agency felt duty bound not to alter a report by its agents—its customary policy—even though other reports might contain other facts.

**IT WAS THE** commission's task to choose between the FBI agents — laymen who reported what they had overheard the autopsy doctors say—and the doctors themselves who were making the one authorized examination and full report. It chose the doctors.

Shouldn't a critical appraisal of the commission have made such an inquiry? If Epstein did, it is not recorded.

Such lapses of the critics do not prove or disprove that Oswald murdered. But do these lapses, and many others to be cited later, have some bearing on the objectivity the critics claim for themselves and deny the commission?

Did the critics, not the commission, "cite evidence out of context, ignore and reshape evidence?

They did.

They have sat in judgment of the Warren Commission and found it wanting. But they are not judges. They have been prosecutors, making a case. Where fact has served, they have used it. Where it has not, they have not.

If they have read all the evidence, they have not quoted it all. They have taken evidence to form theories, to launch speculation. But they have not taken all the evidence.

They have said "perhaps" and "it seems" and "it is likely." But they must say more. They must say here is the evidence. And as yet, such evidence has not been forthcoming.

The irony of the Warren Report is that it is based on the same evidence as the books that attack it. The commission provided in the 26 volumes of testimony and exhibits and additional matter in the National Archives the results of its investigation. And this is the heart of the critics' case. Their witnesses were the commission's. Their evidence was the commission's. But, again, not all of it.

A doctor said Kennedy was shot from the front. A man saw a puff of smoke from some trees ahead of the motorcade. The man, and others who saw smoke, were commission witnesses. The doctor, and others who thought Kennedy's throat wound was one of entrance, were commission witnesses. And they appear for the critics.

**BUT NOT ALWAYS** in the critics' books does one read of the people who saw a rifle in the window of the Texas School Book Depository. Not always does one read the doctors' testimony that their first interpretation of Kennedy's wounds was not their final one.

The commission presented all the evidence it could find. The critics did not. As a group they have found the commission wrong on almost anything but the fact of assassination itself.

One critic, George C. Thomson, doesn't even agree on that. He claims five persons were killed that day in Dallas. None of them was John F. Kennedy, who Thomson says is alive and last winter attended Truman Capote's famous masked ball.

Space does not permit a footnote analysis of the critical books, although this was done with several of them in preparing this report. The notes made on Mark Lane's book alone run to 50,000 words.

The intention, rather, is to focus on several key issues in contention and compare what the commission volumes said with what the critics said they said. Such comparison is often illuminating. Such a comparison may not convince the two-thirds of those questioned in a recent poll who said they doubted the commission's conclusions.

But, at the least, it may serve to have asked of the critics what they have asked of the commission—the facts. All of them.

**SURELY, ONE CAN** fault the commission. Why didn't it call this witness, investigate more deeply in that area? When there was doubt, too often the commission spoke, needlessly, in more positive language than the facts allowed. Maybe it should have behaved more as a court than a commission.

Maybe it would have been better for Oswald to have been represented posthumously by counsel. Maybe the commission did have an eye on the political clock in turning in its report while some investigation was still under way. Maybe. Maybe. Maybe.

Without question the commission was not infallible. But it has too long been the target of critics who have not received the same scrutiny they gave the Warren Report. This does credit to no one.

But recently books have begun to appear attacking the critics, one by Charles Roberts of Newsweek magazine and another by Richard Warren Lewis, a magazine writer, and Lawrence Schiller, a photo-journalist.

## Lawyers Speak

And while the commission, albeit disbanded, has not spoken as an organization in its defense, many of its staff lawyers are now willing to do so. The writers interviewed 11 of the commission's 15 senior counsels.

They spoke of the contradicting eyewitnesses: those who thought the shots came from the Texas School Book Depository and those who didn't, those who didn't agree on what Tippit's slayer was wearing or what he looked like.

"I've had a lot of trial experience," said one of the key members of the commission staff. "I know witnesses don't agree. If you have testimony that has uniformity, you have to look out for perjury."

The staff lawyers talked of some of the puzzling testimony that may never be resolved: the gunsmith who said he fixed a gun for someone named Oswald; the men who saw someone who looked like Oswald at a firing range; the persons who saw Oswald driving a car (the commission decided he couldn't drive); the woman in Dallas who said Oswald had been introduced to her as an anti-Castroite who thought Kennedy should be shot; the people who thought they saw Oswald in Jack Ruby's night club.

"We were beneficiaries to fraud," said one of the senior attorneys without mentioning any specific examples. "The thing that shocked me was the people who wanted to get involved in this great event. I do appreciate this can happen, but I thought people would have too much regard for the nature of what we were trying to do."

**THEY TALKED** of why the commission had not defended itself.

"If we were to answer the Lanes and the Sauvages, who would believe us? We had all kinds of suggestions. One was that Chief Justice Earl Warren, himself, come out in defense of the report.

"I don't think that means anything. If I were in the press, I wouldn't take this. You'd be fools if you did. But the press has an obligation to examine each book as it comes out and present it to the public as a searching for truth. And I think this might go on for 50 or 100 years. As long as people can make a quarter or a half-million dollars, we're going to have these books.

"The mass media devote time to the Lanes and the Epsteins because it sells. Coming up with the establishment viewpoint doesn't have much mileage."

One staff member talked of the charge that the commission entered the investigation with a preconceived belief of Oswald's guilt. "Nonsense. We looked for the incredible as well as the credible. A lot of us were young lawyers. What greater feather could it be in our caps to prove the FBI was wrong."

## Adversary Plan

A senior counsel discussed the wisdom of having used an adversary system in the investigation, with a prosecution against and a defense for Oswald. "It would have been most unequal; the government all on one side. The report WOULD have sounded like a brief for the prosecution.

"The staff was instructed to proceed in each instance on the possibility that Oswald was not involved. If they didn't want to proceed on that basis, the commission didn't want them to continue."

One lawyer, Wesley J. Liebeler, talked of Oswald as a marksman. "I took the position that you, well, you couldn't tell. The evidence that Oswald was able to shoot the President was that he did. He was lucky. Oswald had something in his sights that he knew he was never going to have again. I suspect he was up for it."

Liebeler talked of the "grassy knoll" where Lane and others think shots came from, in part because people ran in that direction after the gunfire.

**"WOULD PEOPLE DO** this? Would you if you knew or thought someone was firing from there? It depends upon instantaneous reaction. I might run after the motorcade. I might run for cover. But I'm sure most people would run to get out of the way."

Joe Ball, another staff mem-

ber, talked of the rifle found on the sixth floor of the depository building which police first identified as a Mauser. Later it was determined to be a Mannlicher-Carcano, an Italian weapon. Critics have implied this switch suggests the weapon was planted.

"Evidence shows that Seymour Weitzman, who found the rifle, never handled it and saw it from five feet away. Weitzman and Deputy Sheriff Eugene Boone both testified it seemed to them to be a Mauser.

"Let's make it clear. It IS a Mauser. It is built on German patents and the Mauser refers to the bolt action. But Lane never dares to go so far as to say that Weitzman or Boone in any way suggest this is not the gun which was found on the sixth floor and which has been found beyond all doubt to have fired the bullets."

This is not quite accurate. Lane, on Page 120 of the hardcover edition of "Rush to Judge-cover edition of "Rush to Judg-Weitzman, was shown the Mannlicher-Carcano which he was unable to identify as the weapon Weitzman had found."

Boone said no such thing. He was shown the rifle and testified: "It looks like the same rifle. I have no way of being positive."

Any why wasn't he positive? Because he said he never handled the rifle.

Ball talked of Epstein.

"He said I said Norman Redlich, one of the staff, used 'a turgid law review style.' I wrote Epstein's publisher and said I never used the word 'turgid' in my life. I had to go the dictionary and look it up.

"His statement that the lawyers worked as part-time consultants is a lie. I made my residence in Washington, D.C., permanently from January to July 1964. I was allowed to come to my home in Long Beach, Calif., once a month, and I did. Epstein quotes me 39 times and I didn't talk to that man for over half an hour and that was in a New York hotel lobby."

**NINE OF THE** 10 staff members quoted by Epstein that these writers interviewed charge him with misstatements. Several of them wrote letters of protest to his professor for whom he wrote what became "Inquest" as a 'master's thesis.


—AP Wirephoto

***Volumes of Warren Report and various books written by the critics.***

The professor replied to one that "experience has shown that all too often when a person is shown his own words on paper he is inclined to state that he did not make those remarks."

Experienced showed this in Epstein's case, anyway.

Liebeler talked of finger and palm prints.

Oswald's palm print found on the rifle had little probative value, said Lane, "especially since local and federal police officials who issued inaccurate statements . . . were alone with Oswald and the weapon." The implication seems obvious.

## Dallas Police

"Well," said Liebeler, "we had to consider that in view of the performance of the Dallas Police Department, God rest their souls, were they so devilishly clever that they could have taken Oswald's print and planted it on the rifle and then taken it off again, or that they could have handed the rifle to Oswald to get the print? Of course, that would involve the judgment of Oswald, and do you think any one could have gotten Oswald to touch that rifle with a 10-foot pole? Of course not."

Lane also suggests it is "curious" that a Dallas police officer found a print on the rifle and "lifted" it off the weapon and that an FBI expert was unable to find any trace of the print on the gun several days later. The reader might also find it curious that Lane does not mention that subsequent FBI photographs of the lifted print showed minute gaps. They exactly matched nicks and pitting in the metal of the rifle from which the print was taken.

Another staff member talked of Lane's book.

"He attempts to discredit the commission on hundreds of counts and to suggest such an enormous level of incompetence or dishonesty as to make his entire argument ridiculous. Had someone set out to design a commission of the incompetence Lane attributes to it, I doubt very seriously that it could ever have been done. Had he focused upon some weaknesses of the commission or the report, he might have had an area of argument."

And the staff agrees there were weaknesses. Some were of omission: the commission most certainly could have called to testify witnesses who had only given statements to law officials. Some weaknesses were of commission: the report could easily have been more explicit about the autopsy conflict. Some were inevitable: no one will ever be able to say with absolute certainty which bullet produced the fragments that were found in Kennedy's car or just what struck a bystander in the cheek or why Oswald did it or even, perhaps, if he did it unaided.

But to read the report, all of it, is to appreciate the depth of the investigation. Perhaps the commission should have had its own investigatory staff, regardless of the huge expense. But that is to suggest that the FBI and the Secret Service and other investigative agencies on which it relied were somehow not to be trusted.

**SOME CRITICS** suggest that they were not trustworthy: either subconsciously they sought to defend their professionalism by

charitably treating evidence and witnesses or, far worse, they were involved in a superplot. If the latter were the case, it would mean, because of the intricacy and range of the investigation, a conspiracy of almost universal dimensions. As yet, there is no such evidence.

The report volumes themselves are an irritating thing. The first 15 are testimony, most of it taken by the commission staff. The remaining 11, which lamentably have no central index, are as tidily packed as a beatnik's duffle bag. There is little or no order. A search for a specific statement or affidavit can take hours. One of the intense coterie of assassination buffs, Sylvia Meagher, has made an index on her own. But it, too, is fallible.

Yet the volumes, particularly the testimony, have a certain fascination. The range of characters is Tolstoyan. There is the President of the United States, the secretary of state. And a prostitute. There is a dashing, Russian-born oil man who knew both Oswald and Jacqueline Kennedy and whose amatory troubles with a Latin beauty are truly comic. And there is a laborer who told the august members of the commission in blurt terms of the locker room what he thought when he heard a rifle go off above his head in the depository building.

## Two Oswalds

The critics are equally diverse. There is Harold Weisberg, a Maryland poultryman who was once National Barbecue King and claims his "Geese for Peace" campaign got the Peace Corps its first good publicity break. Weisberg, who knows the report as an evangelist knows his Bible, has published two books, "Whitewash" and "Whitewash II," is planning a third and thinks there were two Oswalds, one a look-alike stand-in.

Sauvage, a French journalist, argues with Gallic logic, no index and membership in the "perhaps" and "it seems" school. He raises some pointed questions in areas where uncertainty is and may remain forever.

Epstein makes much of the doctor-FBI autopsy discrepancy. It is answerable. He makes a criticism of many of the commission's methods. This is arguable. Both ways. But he raises his questions from facts in the commission volumes. Sometimes not all the facts. And sometimes not facts at all.

Lane — Lane's name predominates. He has made a movie based on his book and given numerous lectures here and abroad. At the very end of his book he files a disclaimer explaining why he accepted material contrary to the commission's conclusions and rejected material that supports it. So, on almost his last page, Lane identifies himself: he is a prosecutor, using the defendant commission's own witnesses and testimony. But not all of it.

**"I HAVEN'T FOUND** anything of theirs that even makes a positive contribution," said one of the senior commission counsels of the critics.

One can assume the commission staff would stand by its work. Its statements should be considered with that in mind. One, however, should approach the critics with similar dispassion. Read them. But read what they criticize as well. If it is ironic that the report is their foundation, it is also convenient. One can read and compare.

Epstein presumably read. He found the commission had uttered "political truth." It sought to dispel rumor and keep America clean, not to determine fact.

But neither Edward Jay Epstein nor Earl Warren is the jury. The public is. And there is more to the case for the government than the public may have heard.

The public may know of the single bullet theory. It is a chain of circumstance, linked by assumptions. It is a chain that leads to Lee Harvey Oswald as the assassin. But it is vulnerable, as all chains. If one of its links breaks, it does not hold. . . .

**BULLET 399** . . . The firing time of a mail-order rifle . . . An amateur motion picture . . . A governor's wounds . . . A president's autopsy.

It was from these elements that the Warren Commission constructed what has become known as the "single bullet theory."

And it is these elements which critics of the Warren Report use to topple the theory and discredit the report.

The theory was reached after the commission staff was confronted with two pieces of conflicting evidence:

1—That the first wound suffered by President Kennedy and Texas Gov. John B. Connally evidently occurred within a span of 1.6 seconds; 2—that the murder weapon could not be fired faster than once every 2.3 seconds.

What was the answer?

The commission decided that one bullet went through Kennedy's neck, traveled four feet forward and struck Connally, inflicting wounds of his chest, wrist and thigh. A second bullet struck Kennedy at the back of his head and killed him. A third bullet missed.

## Central Theory

Any argument that Lee Harvey Oswald was the lone assassin or he wasn't stems from this theory.

The theory is central to these commission conclusions:

1—That all the shots fired at the President and governor were fired from Oswald's sniper perch on the sixth floor of the Texas School Book Depository, overlooking Dealey Plaza in Dallas—and from no other place.

2—That all the shots were fired from a 6.5mm Mannlicher-Carcano rifle, owned by Oswald, and found on the sixth floor after the assassination — and no other weapon in the world.

3—That all the shots were fired by Lee Harvey Oswald—and no other person.

In arriving at the single bullet theory, the commission itself laid the groundwork for its possible challenge by saying in the report:

"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."

**BUT IF THAT** didn't happen, the theory teeters — and so does the case against Oswald as the lone assassin.

The critics have assaulted the theory. But not with new evidence. They have used conjecture instead of fact. And when they dig into the report for evidence, they do not describe all that is on the shovel.

For example:

Mark Lane contends the "alleged" assassin rifle — the Manricher - Carcano — was planted. His evidence: the depository rifle was first described in press reports as a "Mauser." Lane also relies heavily on an affidavit by Constable Seymour Weitzman as describing the weapon as "a 7.65 Mauser bolt action." Lane emphasizes that Weitzman was a rifle expert. What is the fact? Weitzman testified he never handled the weapon and has since said that the word "Mauser" describes the bolt action. The Italian Mannlicher-Carcano, as mentioned, was manufactured with the patented German Mauser bolt action, and the Italians rechambered it for 6.5-mm ammunition.

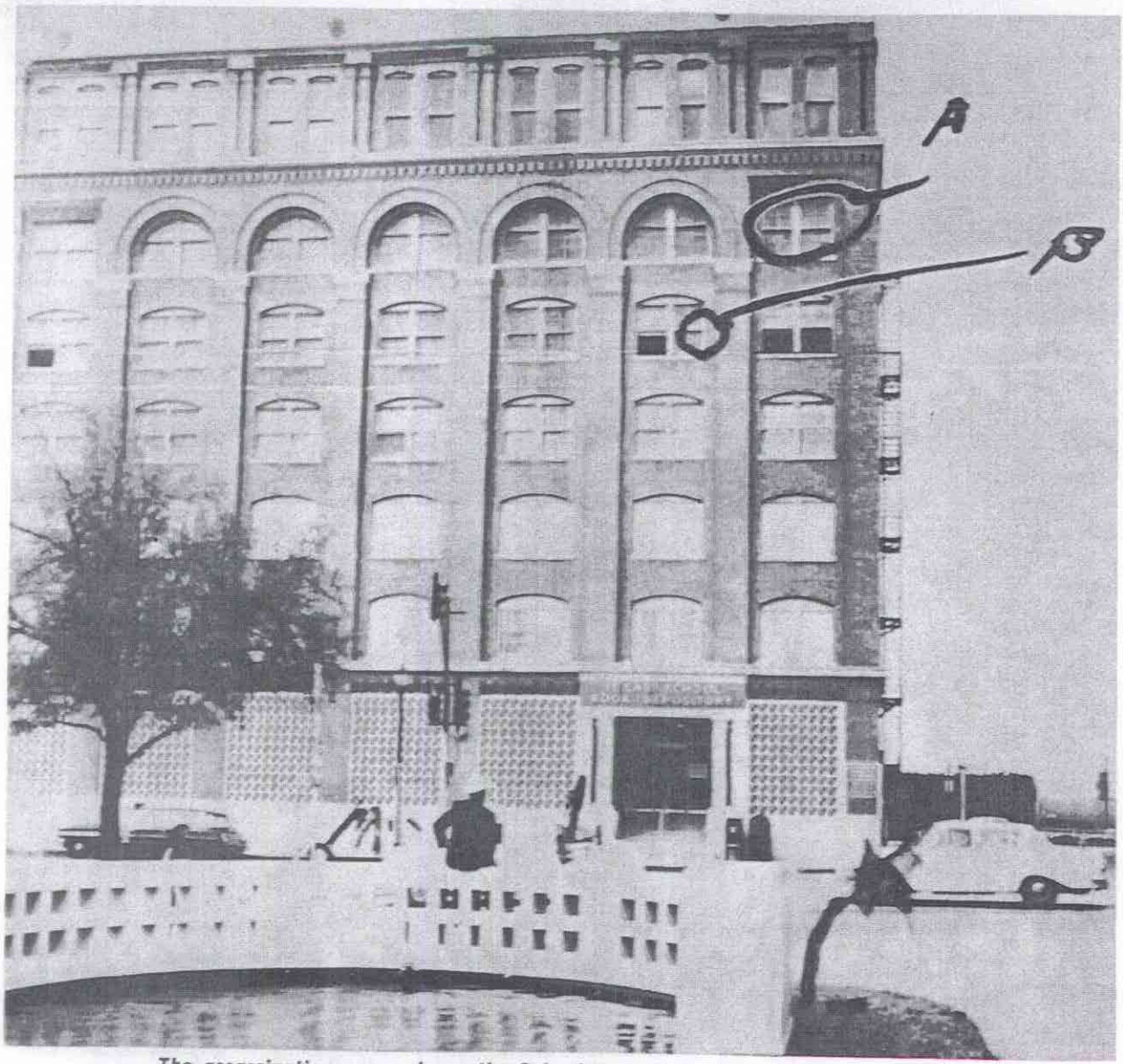
Epstein claims the autopsy report on Kennedy is suspect. His evidence: a dot on an autopsy sketch indicates a bullet entry below Kennedy's shoulder, which means the bullet couldn't have emerged to hit Connally. What is the fact? The dot is off the mark. But the descriptive detail with it locates the neck wound precisely. So does the testimony of the pathologists as well as the autopsy report itself.

Weisberg claims the film taken by a spectator, Abraham Zapruder, shows Kennedy was wounded much earlier than the commission says, and this means there had to be another gunman in another firing position. His evidence is obtained by pruning Zapruder's testimony. Just how and to what effect will be discussed further.

The impact of their attacks has had telling effect, but the most jarring challenge to the single bullet theory came from one of the victims, Gov. Connally.

**"I AM CONVINCED** beyond any doubt that I was not struck by the first bullet," says the governor. He recites his recollection of the sequence in which he heard a shot and then felt himself shot — and since a bullet travels faster than sound how could he have heard the same shot that hit him?

But the commission found it




*The assassination scene shows the School Book Depository. Witness saw gunman firing from window (A). Window (B) is where he saw several persons watching motorcade. One of those testified hearing shells hit floor above his head.*

—AP wirephoto

could not be so certain. There was other evidence which indicated the governor could be in error about his reconstruction. The governor was clear about being hit in the chest. But he did not know until the next day that a bullet had gone through his wrist and hit his thigh. He thought there were 10 to 12 seconds between the first and last shots. But analysis of the Zapruder film indicated that there were 5.6 seconds during which one shot wounded Kennedy and another killed him.

## Uncertainty

There also was uncertainty due to the testimony of Connally and his wife Nellie. The governor testified that Kennedy was hit and had his hands at his throat. And then, he said, he was hit by a second shot. His wife agrees.

"I immediately, when I was hit, I said, 'Oh, no, no, no.' And then I said, 'My God, they are going to kill us all.' " Connally testified

But Mrs. Connally testified:

"As the first shot was hit, and I turned to look at the same time, I recall John saying, "Oh, no, no, no.' Then there was a second shot, and it hit John, and as he recoiled to the right, just crumpled like a wounded animal to the right, he said, "My God, they are going to kill us all.' "

If the governor is correct that he said "Oh, no, no, no" as soon as he was hit, and if Mrs. Connally is correct that he said this before she heard a second shot, then the commission's assumption stands on reasonable ground.

The governor, viewing frames of the Zapruder film, picked frames 231 to 234 as those representing the moment he believes he was hit. Scrutiny of these frames shows the governor's hands are rather high, certainly above the point at which the bullet exited from the governor's chest — a point two inches below the center of the right nipple. Since the bullet caused a chest wound from back to front at a 25 degree downward angle, it would have been necessary for the bullet to then make an upward turn to go through the top of his right

wrist and then come down to a point five inches above his left knee.

**HAD THERE NOT** been the Zapruder film, it is possible that that investigators might have reached a simple equation: three wounds — three bullets.

Three used shells near the sixth-floor window of the depository fortified the conclusion there were three shots. And of the 205 persons who gave statements regarding the number of shots, 119 said they heard three, seven heard two or more and 39 heard "some." Eleven said they heard four and a handful said there were even more.

In analyzing the Zapruder film, the commission found that at the most there was a 1.6 second time span during which Kennedy and the governor were first wounded.

This was determined by measuring the operating speed of the camera. Zapruder's exposed 18.3 frames per second. Other evidence — the shells and rifle in the depository, the rifle seen protruding through the window, the nature of wounds, and so on —established that the sixth floor of the depository was one fixed point. The almost foot-by-foot movements of the presidential limousine — as demonstrated by the Zapruder movie and other photographs — provided other fixed points.

But the Zapruder film had one drawback: the progress of the limousine was obscured for approximately seven-tenths of a second by a road sign. So there is no pictorial evidence in the film showing exactly when Kennedy was first hit. The fatal shot is clearly seen later in the film.

Investigators positioning themselves in the sniper's window perch could determine when Kennedy or Connally were probably in position to be targets. Since the foliage of an oak tree blocked the line of fire until the limousine had gone past the depository on its way to Stemmons Freeway, it was determined that the president could not have been struck at the base of the neck until Frame 210 of the Zapruder film. At this point, the limousine is already moving behind the road sign, traveling at a rate of 11.2 miles an hour.

**WEISBERG SAYS** the computations are meaningless. He says there is evidence the president was hit earlier. He cites Zapruder's testimony in Vol. VII, Page 571. Zapruder was being questioned by Liebeler and was describing details regarding different frames. In reference to the movement of the limousine, Zapruder says "It reached about — I imagine it was around here — I heard the first shot and I saw the president lean over and grab himself."

"Lawyers know very well that such words as 'here' in testimony relating to a location reflect nothing on the printed page. When they want the testimony clear, they ask the witness to identify the spot meant by 'here.' Zapruder was not asked to explain where 'here' was," Weisberg says. And then he says:

"But the startling meaning of Zapruder's testimony is this: He saw the first shot hit the president. He described the president's reaction to it. Had the president been obscured by the sign, Zapruder could have seen none of this. Therefore, the president was hit prior to Frame 210, prior to Frame 205, the last one that shows the top of his head . . ."

## Frame 225

Turn to page 574 of the same volume and there is Zapruder being specific. He is shown Frame 225, which is the first one in which the president can be seen as the limousine emerges from behind the sign. The president appears to have his hands moving toward his throat, and Zapruder, looking at this frame, says:

"Yes; it looks like he was hit —it seems — there — somewhere behind the sign. You see, he is still sitting upright."

Edward Jay Epstein tends to confuse the commission's interpretation of the Zapruder film by saying that because foliage of an oak tree blocked the view ". . . the commission concluded that the earliest point the president could have been first hit was film Frame 207." No. If that happened, the president would have had a head wound then, since his neck was blocked from a line of fire until Frame 210.

The commission did say that 207 was the FIRST point at which Connally could have been hit, consistent with his wounds.

But when then was the governor hit? On the basis of computations and the visible movements of the governor, it was determined that at the very latest, he could not have been hit after Frame 240. That would mean that if the president was hit at Frame 210 and the governor at Frame 240, it would have occurred within a span of 1.6 seconds.

This time element is important to the commission — and the critics.

**FIRING TESTS** of the Mannlicher-Carcano showed that three master riflemen couldn't fire it and work the bolt and get off another round in less than 2.3 seconds.

If the time span between the Kennedy and Connally wounds is reduced too radically, the critics' argument might falter because the shorter time would support the plausibility of one bullet hitting both men. But the critics tend to support Connally's contention that he most likely was hit during Frames 231 to 234.

Arlen Specter, now district attorney of Philadelphia, was the commission counsel generally described as chief architect of the single bullet theory. He and Wesley Liebeler both say that the Zapruder film shows that on Frame 230 the governor's right arm can be seen above the side of the car and that he was probably in his delayed reaction to his wounds at that point. On that premise, there was little more than a second between the time the president and governor were hit. It can be reduced further when it is considered that the president may not have been hit until just before Frame 225.

There is agreement among critics and commission about one thing the Zapruder film does show: the shot that killed the president. The impact of this hit is clear in Frame 313. The running time from Frame 210 to Frame 313 is 5.6 seconds.

The agreement ends there. Because of the limited firing capacity of the Mannlicher-Carcano, the critics say 1. the president and governor could not have been hit within 1.6 seconds by two rounds fired from that rifle, and 2. three bullets could not have been fired within 5.6 seconds.

Epstein, examining the firing tests by three experts, says they used stationary targets and that the time was measured from the sound of the first report to the sound of the third report and thus had unlimited time to aim the first shot.

"This is a significant factor. For example, if it is assumed it took the assassin one second to react, aim and pull the trigger, then he had only 4.6 seconds not 5.6 seconds to fire," Espstein says.

**MARK LANE MAKES** the same contention and adds to it a detailed attack in which he says the tests themselves were invalid, the ammunition was unreliable, the weapon was of poor quality and Oswald was an inferior marksman.

Wesley Liebeler says that "if you assume Lane is right on all of this, what does it change? The fact is that that rifle was owned by Oswald, he was in the depository, the empty shells were fired by that weapon, the recovered bullet was fired by that weapon. The best evidence that the rifle was capable of delivering the shots and that Oswald was capable of hitting the president and governor is that it did and he did."

Specter challenges the time interpretations by the critics, saying:

"The would-be critics of the commission report all make the same mistake in interpreting the possibility of fitting three shots in a 5.6 seconds time-span because they count the first shot.

"When you fire three times, the first shot is not taken into account in the timing sequence. Look at it this way: aim is taken and there is the first shot. Then 2.3 seconds passes while the bolt action is worked and the next shot is fired. Then another 2.3 seconds for the third shot. The three shots can be fired within 4.6 seconds range of time."

Lane, Epstein and Weisberg also introduce another element in challenging the capability of the Mannlicher - Carcano: a fourth shot. Patently, the rifle as tested, could not have delivered four shots in 5.6 seconds. But where is their evidence? The

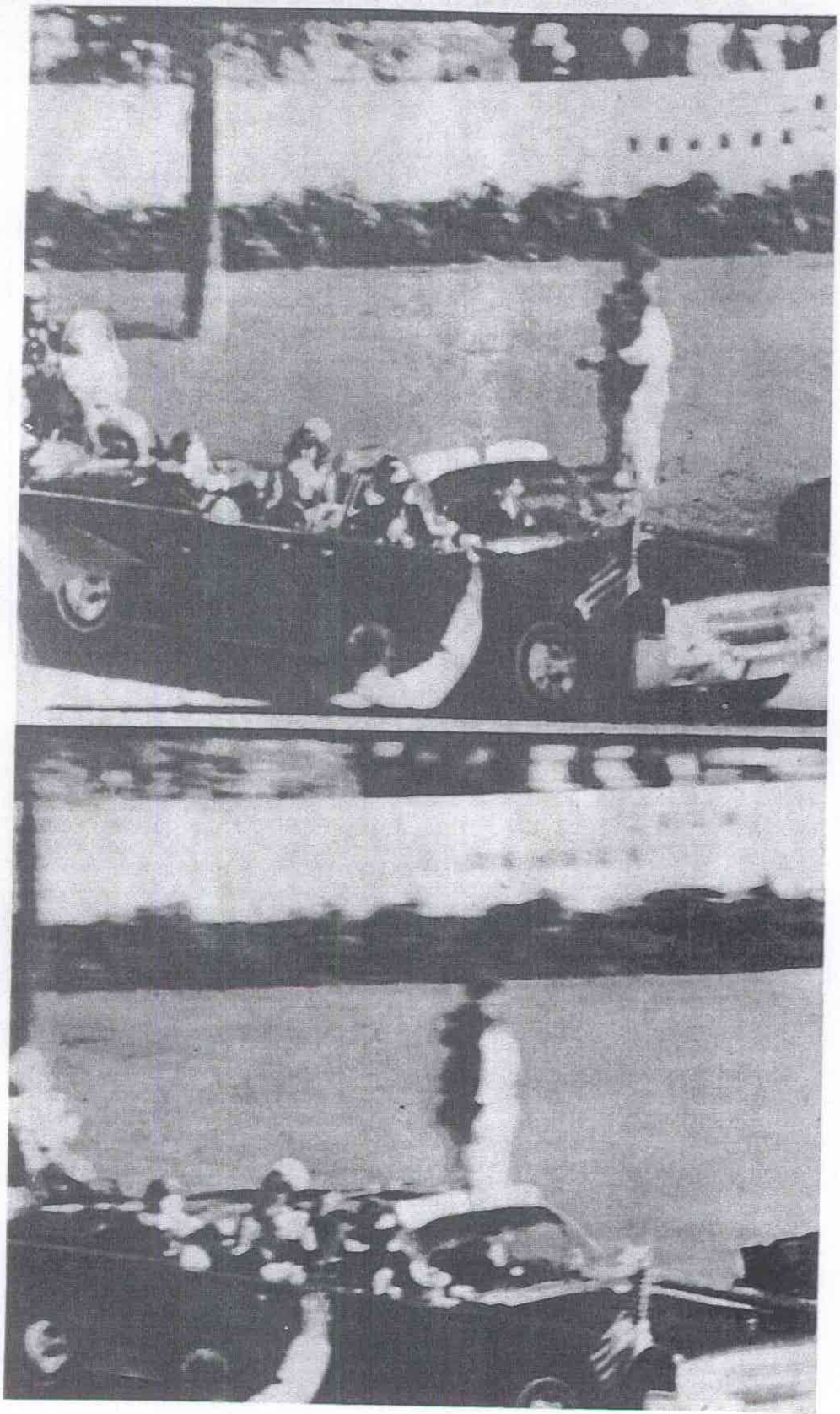
commission considered such a possibility, but found no credible evidence for more than three shots.

It might seem that the commission would find added support in the firing demonstration by a British Royal Marines sergeant appearing on a BBC television show Jan. 30, 1967. Lane and Specter were there as participants in a debate about the controversy and saw the sergeant, using a Mannlicher-Carcano of the same vintage as Oswald's, aim at a target and get three rounds off in 2.6 seconds.

**BY THAT MEASURE,** it could have been possible that separate rounds could have hit the president and governor in close order. But if that happened, more riddles are posed: if one bullet alone went through the president's neck, how did it vanish without striking anyone else or anything else? If the governor was hit separately, what sort of wounds would he have suffered, and could they then have been from Bullet 399?

This was the bullet, in an almost undamaged condition, which was found in Parkland Memorial Hospital, where both the president and governor were taken. The commission says it is the bullet which passed through the president's neck and struck the governor in the chest, wrist and thigh.

Mark Lane describes it in a chapter entitled "Magic Bullet." Epstein calls it "The stretcher bullet." "The so-called 'found' bullet," Weisberg says.



***In these films by Abraham Zapruder, President Kennedy is shown wounded in the top photo. Gov. Connally has turned forward but said later he did not think he had yet been hit. The Warren Commission, however, concluded that the shot that hit Kennedy in the back probably hit Connally also. Connally says he was hit about the time the bottom frame was made. If so, however, all his wounds came from one bullet which hit his back at a downward angle, changed direction to go through his right wrist, then changed direction again to his left thigh. [Life Magazine—Copyright Time, Inc., via AP Wirephoto.]***

". . . could, for example, have been planted in the hospital."

Experts put the bullet under scientific tests which they said proved it was fired by the Mannlicher-Carcano rifle.

The 6.5mm copper-jacketed bullet weighed 158.6 grains. Its standard weight would be 160-161 grains. This would mean that Bullet 399 lost between 1.4 and 2.4 grains.

Lane and Epstein each cite three particular witnesses for their conclusion that Bullet 399 lost too little weight to have caused the wounds received by Connally. One is Col. Pierre Finck, one of the autopsy surgeons, who ruled out the bullet "for the reason that there are too many fragments described in that Connally's wrist." Another is Cmdr. James J. Humes, the chief autopsy pathologist, who testified "this missile is basically intact; its jacket appears to me to be intact, and I do not understand how it could possibly have left fragments in either of these locations — wrist and thigh." A third is Dr. Robert Shaw, who operated on the governor's chest, and who testified there were three grains left in the governor's wrist. These conflicts were cleared up in other testimony, but the commission was remiss in not resolving the conflicts when they arose.

**THE CRITICS** do not detail the specific testimony regarding these fragments.

What was it?

Dr. Charles F. Gregory, who treated the governor's wrist wound, testified X-rays disclosed "three metallic flakes" there, and he added: "I would estimate that they would be weighed in micrograms, that it is something less than the weight of a postage stamp." Not three grains, as Dr. Shaw said.

Dr. George T. Shires, who treated the thigh wound, testified no bullet fragments were recovered from it but that a small one, discernible on X-ray, remained in the femur. He was asked its weight, and answered "maybe a tenth of a grain."

Critic Harold Weisberg says that "the report refers to no fragments elsewhere. Shires says there is still one in the chest." But examine Shires' testimony in Vol. VI, Page 111, and you discover that Shires had just said any knowledge he had about damage to the rib was "only hearsay from Dr. Shaw, that's all." Shires was next asked whether he knew whether there were any bullet fragments in the chest, and he replied: "No, again except from post-operative X-rays, there is a small fragment remaining, but the initial fragments I think Dr. Shaw saw before I arrived."

## Shaw Testifies

Shaw, who treated the governor's chest wounds, testified about this in no uncertain terms.

"We saw no evidence of any metallic material in the X-ray that we had of the chest, and we found none during the operation," Shaw said. He had also testified that an X-ray made seven days after the shooting disclosed nothing except evidence of healing.

Shaw was responsible for the statement there were three grains of metal in the wrist wound. But as he stated in his testimony, he did "not accurately examine" this wound. That was Gregory's job.

None of the critics mentions, incidentally, that the discovery of Bullet 399 was not entirely unanticipated. For it occurred to Gregory during the operation that such a search should be made. He says in his testimony:

There was "some speculation on our part, on my part, which was voiced to someone that some search ought to be made in the governor's clothing or perhaps in the auto or some place, wherever he may have been, for the missile which produced this much damage was not resident in him."

**BULLET 399** had already been found, unknown to Gregory, when he said this. It was discovered shortly after 1 p.m., when the president was pronounced dead, on a stretcher in the corridor near the ground floor emergency rooms.

At first, it was thought this bullet came from the president's stretcher. And that fit in with the speculation that a bullet had hit the president in the back and exited during external heart massage. But the autopsy was to show that this didn't happen.

The commission determined that the bullet came from Connally's stretcher.

Epstein here goes back to Col. Finck, saying his testimony "cannot be dismissed merely because it collided with the hypothesis that Bullet 399 was found on Connally's stretcher. Since Finck's categorical statement that this bullet could not have caused Connally's wrist wound was never challenged, disputed, or corrected, it can only be concluded from the evidence that Bullet 399 did not come from Connally's stretcher."

Epstein should turn to Vol. V, page 90, where he will find the testimony of Dr. Alfred G. Olivier, an expert on bullet wounds.

This exchange took place:

"Q. Do you have an opinion as to whether, in fact, Bullet 399 did cause the wound on the governor's wrist, assuming if you will that it was the missile found on the governor's stretcher at Parkland Hospital?"

"Dr. Olivier: I believe it was. That is my feeling."

There also was testimony from Drs. Shaw, Shires and Gregory that they thought one bullet caused all of Connally's wounds. Shires testified that Drs. Robert McClelland, Charles Baxter and Ralph Don Patman concurred.

The critics each say that because of the movement of the stretchers it could not be determined to a certainty that the bullet came from Connally's stretcher or didn't come from the president's stretcher. Darrell Tomlinson, the Parkland Hospital engineer who found the bullet, could not identify the stretcher positively. There were two stretchers in the corridor where the bullet was found.

**EPSTEIN SAYS**, "Since all stretchers were eventually returned to this area to be remade, the key question was: Was Kennedy's stretcher returned before or after the bullet was found? This question was never answered."

Not so.

Tomlinson had testified he had come to the elevator area at around 1 p.m. and found a stretcher which had some sheets on it. He pushed this stretcher from the elevator into the corridor. Then he took the elevator to the second floor, brought down a man who picked up two pints of blood, and returned with him to the second floor where Connally was in surgery. He then made several trips between the ground floor and second floor before discovering the bullet.

## Trauma Room 1

Nurse Diana Hamilton Bowron testified she was in Trauma Room 1 with the president until his body was taken off the stretcher and placed in a casket. The stretcher, she said, was stripped of its sheets and then wheeled into Trauma Room 2, which was empty.

Nurse Margaret M. Henchliffe gave similar testimony and was asked:

"Is it possible that the stretcher that Mr. Kennedy was on was rolled with the sheets on it down into the area near the elevator?"

"No sir."

"Are you sure of that?"

"I am positive of that."

Nurse Doris Mae Nelson testified she was standing near the entrance to Trauma Room 2 when the president's stretcher, clear of sheets, was moved into it.

Exhibit 392, containing Parkland Hospital records, has a statement saying that the president was taken out of the hospital in a casket about 2 p.m. Testimony from the doctors and hospital personnel says the the president remained on the stretcher until his body was placed in the casket. Wesley Liebeler, who has gone further into this question, says he has since determined from nurse Doris Nelson that the time was closer to 2:10 p.m. Either way, it would be long after the bullet had been discovered.

Could it have been planted, as Weisberg suggests?

To buy that, it is necessary to conjure a being of superior intelligence, craftiness and prophesy who could have designed a bullet which would not be too heavy or light to conform to fragments found in the governor's wounds; that would have had the proper condition had it gone through the president's neck alone, and perhaps smashed into the limousine. And what if another bullet had also been found?

**IF THERE** was one way to explode the single bullet theory, it

remained in the results of the autopsy report, which will be examined in detail. If Lane, Epstein or Weisberg can demonstrate that this report is at fault and that the president never suffered a back - to - front neck wound, out goes the theory — and along with it the case against Oswald as the lone assassin.

So the autopsy doctors did their work. They examined. They drew diagrams. They photographed. They drew a dot. And now there are those that claim the dot and the photographs show the doctors didn't do their work at all. Or the commission didn't.

The Warren Commission did make a mistake. It had compassion.

There was some evidence which could have been made part of the record, but was not: X-rays and photographs taken at the autopsy of President John F. Kennedy.

Had these photographs been introduced as commission exhibits, the commission may have been bound to publish them — as it did with other nonsecret exhibits.

In the heartsick atmosphere after the assassination, there were those who felt this was unnecessary, that the evidence could be placed under lock and key for historians of the future and that the sworn testimony of autopsy surgeons would now be sufficient.

## Time of Critics

But who could have reckoned there would be the time of the critics? Who could have anticipated the commission findings would be painted with suspicion?

There were other acts and incidents which the critics could seize upon and emphasize and place out of focus. They did.

There was a pathologist who made an inexact dot on an autopsy sketch representing a bullet entry; there were two FBI agents who reported the speculative conversation of pathologists without knowing the whole story; there were the three pathologists who left a corroborating detail of evidence out of the autopsy report; there was a pathologist who burned a draft of the autopsy in his fireplace; there were harried reporters at Parkland Memorial Hospital who failed to make clear that doctors were speculating in describing the president's throat wound as an entry wound.

The critics — most notably Mark Lane, Edward Jay Epstein and Harold Weisberg — drew their own meanings from these things to make the autopsy findings suspect or tarnished.

The autopsy report states conclusively that Kennedy was struck by two bullets. One went through his neck. It was a wound doctors say he would have survived. The second bullet struck his skull. It was fatal.

**THESE FINDINGS** are central to the single bullet theory. This theory is that a bullet went through the president's neck and went on to wound Gov. Connally. If not, the single bullet theory collapses. And so does the Warren Report conclusion that Lee Harvey Oswald alone fired the bullets.

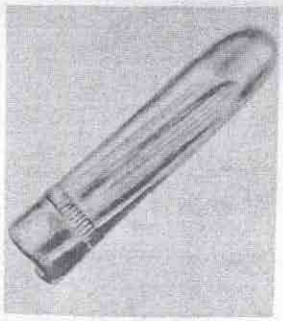
The critics have constructed their machine of destruction by selection of parts of testimony and parts of evidence from the Warren Report. Some of it has been clever — and some absurd.

What could be more absurd than the way they see the holes in the president's suit jacket and shirt? Neither Lane, Epstein nor Weisberg challenges the Warren Report evidence that there was a hole in the jacket "5⅝ inches below the top of the collar and 1¾ inches to the right of the center back seam of the coat" and a hole in the shirt "5¾ inches below the top of the collar and 1⅛ inches to the right of the middle of the back of the shirt."

"That evidence is compatible with a bullet passing through the president's back, inches below the neck," Lane says in his book.

Weisberg lowers the hole a few inches by describing it in his book as "six inches down from the collar. Not in the neck." He drops the key words "top of."

Epstein, in his book, publishes photographs which show the garments on a hanger. The holes can be seen clearly. "These photographs . . were omitted from the Warren Report and the 26 volumes of supporting evidence," he says. He got them from the National Archives. But other pictures, not nearly as dramatic, are in the evidence, and the testimony is quite precise.



—AP Wirephoto

***This bullet found in Connally's stretcher, not Kennedy's as critics claim. Bullet came from Oswald's rifle, test showed.***

Seeing the holes through the eyes of Lane, Epstein and Weisberg, it might seem that the bullet which made them could not have hit the president in the base of the neck. But put a jacket and shirt on any grown man with reasonably well-developed shoulders, measure 5⅝ inches below the top of the collar and a bit to the right of the seam, have him raise his right arm slightly as the president's was and mark the spot with a pencil point or chalk. Where does this touch the body? The base of the neck.

**THE PRECISE** location of the president's wounds is described in the autopsy report. But the decision not to introduce the autopsy X-rays and photographs — which would show those wounds — contributed to today's controversy. Who would have known three years ago that they would?

And who made the decision?

There are two major versions, both of which writers of this report have gleaned from members of the commission staff:

1—"Chief Justice Earl Warren, who was chairman of the commission, is a very humane and sensitive man. Out of deference to the Kennedy family, especially to Mrs. Kennedy, Caroline and John-John, he decided it would be awful if they were introduced as evidence and then published. He first determined informally that this evidence was not absolutely necessary because the autopsy pathologists could testify as to details," said one.

2—"There were members of the staff who out of trial experience felt that the X-rays and photos were vital documents in presenting evidence. There was a feeling that the chief recognized the value of this evidence but that the decision to keep them under seal came from Sen. Robert F. Kennedy, who was then the attorney general. It was Bobby's decision," said another.

## No Comment

Neither the chief justice nor the senator will comment about this or any other aspect of the report. The only thing Sen. Kennedy has said publicly was a statement he made in Poland that he was satisfied that Oswald was the assassin.

While most staff members of the disbanded commission have refused to publicly answer the critics or defend the report, at least two—Joseph A. Ball of Long Beach, Calif., and Wesley J. Liebeler of Los Angeles—have said they felt from the beginning that the X-rays and photographs should have been introduced.

In interviews with 11 of the 15 counsel and four of the 10 staff members, the writers have learned that a majority now feel the secret label should be removed because of the doubt created by the critics. None thinks that the commission need be re-established. One suggestion was that some nongovernmental body, such as a group of university presidents or a law society, should select forensic pathologists to view and analyze the evidence.

**SEVERAL AGREED** with the idea expressed by one former assistant counsel:

"I think they should be open to any qualified expert who wants to see them whether he is chosen by a college president or Mark Lane himself."

While the autopsy X-rays and photographs were not introduced formally, it does not mean that they were not seen and that they did not show the wounds as described in the autopsy report. The critics make the point that the photographs were handed undeveloped to the Secret Service and that they were transmitted that way eventually to the care of Robert Kennedy.

Albert Jenner, an assistant

counsel now in Chicago, says he saw some of the autopsy photographs. Arlen Specter, currently district attorney of Philadelphia, has stated having seen at least one purported color photograph.

They also were examined and authenticated last Nov. 1 by four men intimately connected with the autopsy:

Cmdr. James J. Humes, senior pathologist at Bethesda Naval Hospital; Cmdr. J. Thornton Boswell, chief pathologist at Bethesda; Capt. John Ebersole, the radiologist who took the X-rays, and John T. Stringer Jr., a medical photographer at the National Naval Medical Center, who took the photographs.

## Various Views

"We authenticated each item," says Boswell, who is now in private practice. "As Dr. Humes looked over my shoulder, I initialed each of the color and black and white photographs. Capt. Ebersole initialed each of the X-rays. There are various views of all the wounds, as we described them, and some of the photographs were taken so that the president's face is visible."

The National Archives says there are 26 color and 25 black and white photographs and 14 X-rays.

Mark Lane surrounds the episode regarding the X-rays and photographs with language unsupported by testimony. He says, on Page 60 of the hardcover edition of his book:

"The X-rays and photographs were taken from Dr. Humes and given to the Secret Service; indeed the photographs were seized before they were developed. Humes testified that not even he had seen the photographs ostensibly taken to assist him and the other doctors."

Then on Page 62, he refers to them again, saying ". . . federal police agents confiscated the crucial photographs and X-rays . . ." Confiscated? Seized?

**HUMES TESTIFIED** they were "turned over" to the Secret Service, but nowhere does he say they were demanded or that he objected to releasing them.

Lane need not have been so evasive or uncertain as to why the photographs were made — "ostensibly to assist him—Dr. Humes and the other doctors", as he puts it. By his construction, it would seem the photos were taken to help the doctors that night of the autopsy.

But Humes is clear about it in his testimony on Page 373, Vol. II:

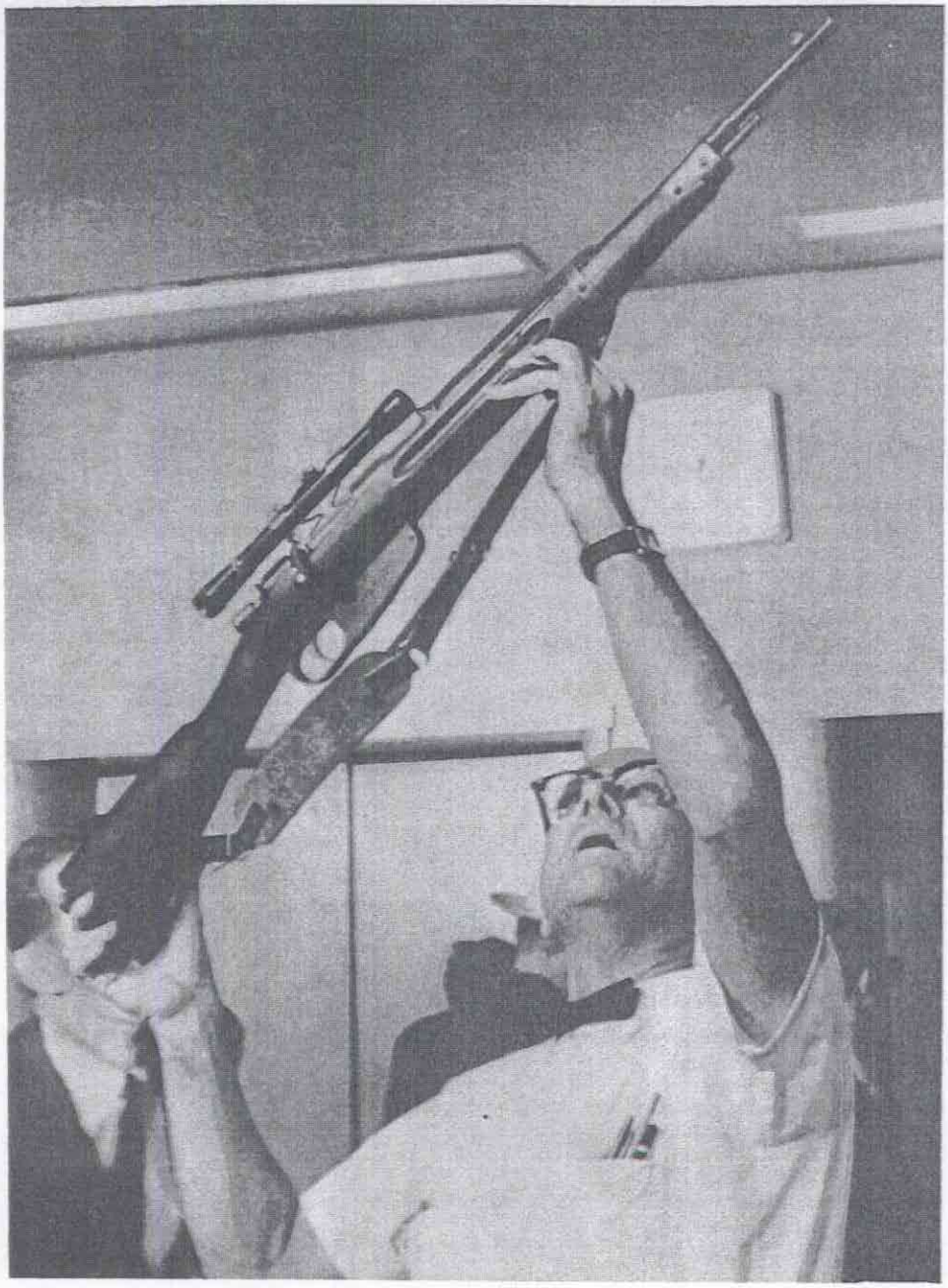
"The X-rays were developed in our X-ray department on the spot that evening, because we had to see those right then as part of our examination, but the photographs were made for the record and for other purposes."

Lane, Epstein and Weisberg see something highly suspicious in the statement of Humes that there was an autopsy "draft I personally burned in the fireplace of my recreation room."

In two of three references to this, Lane drops the word "draft." On Page 66, it becomes "his admission that he destroyed original notes relating to the autopsy." On Page 385, Lane says: "Destroyed evidence included the original notes prepared and then burned by Commander Humes after the autopsy."

Epstein says Humes "destroyed by burning certain preliminary notes relating to" the autopsy. "Draft" was dropped.

Epstein then later raises a question about the original autopsy report.



***This was Oswald's rifle, a Mannlicher-Carcano which has, in fact, a Mauser type action.***

Weisberg writes: "If the commission had any questions about the burning of any kind of historic papers, especially undescribed 'preliminary draft notes', the transcript does not reveal it."

No one seems to wonder why Humes need have told anyone about it since he did it while he was alone in the privacy of his home. If he wanted to conceal something, would he raise suspicion by certifying that he burned a preliminary draft he had written of the autopsy report?

The critics make this draft seem part of the autopsy notes themselves. Those notes are identified as part of commission's Exhibit 397. And if the commission wanted to hide any revisions in the autopsy report which it published, why then would it have published the autopsy report in Humes' handwriting which shows those revisions?

**THERE APPARENTLY** was one corroborating piece of evidence which was inexplicably left out of the autopsy report, the writers learned. That was the result of a microscopic examination of tissue removed from the rear neck wound.

"We conducted microscopic examination of tissue removed from the neck wound area and found foreign substances such as fiber particles," says Boswell.

This would further show that the bullet which made the holes in Kennedy's jacket and shirt carried some material with it into the neck.

Why wasn't this in the autopsy report?

"It was an unfortunate oversight. It was not intentional," Boswell says. "I would say that three years ago we didn't presume that it would have been necessary to substantiate our findings."

Boswell contributed to the controversy regarding just what the autopsy sketch shows because it was he who had placed a dot—indicating the entry of a bullet—in an inexact spot. It is below the shoulder and to the right of the spine.

## Star Exhibit

The critics treat this sketch as a star exhibit. And it is on this dot they have stood pat. They claim it as proof that there was a shallow back wound, and not a neck wound. And that would mean that the throat wound was an entrance wound. And THAT would mean another firing position and another assassin.

The sketch which Lane, Epstein and Weisberg refer to is the "Autopsy Descriptive Sheet," which is part of Commission Exhibit 397, the written draft of the autopsy report. This sheet is a standard form—NMS PATH 8 1-63—and has the outlined anatomical form of the male body in front and rear views. It was one of the working papers during the autopsy.

Lane, Epstein and Weisberg each are in error in saying that the markings on the outlines were made by Humes. On what is this based? Humes did not testify he made the marks. In fact, he testified, regarding this sketch and another hand-drawn sketch: "I notice now that the handwriting in some instances is not my own, and it is either that of Cmdr. Boswell or Col. Finck."

**BOSWELL HAS** since cleared up this question. He made the marks. He admits the dot is not precise.

"The dot was just meant to imply where the point of entry was," he explains. "The notes imply where the point of entry are near this mark and give precise measurements giving the exact location of the wound."

It is a hallmark of the critics' general scholarship that in zeroing in on this sketch none of them points out that although the dot is wrong, the description is clear: 14 centimeters down from the right mastoid process, which is the bony point behind the right ear, and 14 centimeters in from the right acromium, which is the tip of the shoulder joint. That point, on a man of Kennedy's size, is at the base of the neck.

And so the critics plunge ahead constructing their case against the Warren Report.

Here's Epstein, handling the descriptive sheets:

"The fact sheet shows front and back diagram of the president's body." Wrong. They are outlines of a human male and not specifically the president.

"On the front diagram, the throat wound is just below the collar line; on the back diagram the entrance wound is much farther below the collar line. Thus, although Commander Humes testified in March that the entrance wound was above the throat wound, during the autopsy he marked the entrance wound below the throat wound."

Wrong. Humes didn't make the mark. And Humes' testimony conformed exactly with the written descriptive details on the diagram.

Weisberg refers to this same material as "suppressed." He points out that the sheets were not published in the Warren Report, which was a summation of evidence. But they are in Vol. XVII, Page 45 of the supporting volumes. Suppressed?

## Errant Dot

To Mark Lane that errant dot is proof of a below the shoulder back wound. He constructs a conclusion that the commission recognized this but had to evade it because it would upset the lone assassin conclusion.

"A back entrance wound was therefore inconvenient, and, though evidently corroborated beyond doubt by the Humes autopsy diagram and corroborated by the holes in the jacket and shirt, it disappeared," Lane contends. But as the report says, it was never there — except to such scrutinizers as Lane.

Weisberg goes further. Insisting that the error admitted by Boswell is no error at all, he says:

**"UNLESS THE** commission is prepared to prove that this original working paper of the autopsy is wrong—not just a little wrong but grossly and inexcusably wrong—wrong in a manner that can never be expected from such eminent experts in both pathology and forensic medicine, its entire report is a monstrous fake."

By the same logic, showing the errors and wrongs of "Whitewash"—as the writers are doing here—would amount to proving Weisberg is right in his charges.

Lane also saw something else in the autopsy diagrams. There is an arrow on the back of the head, which is very plain. Lane sees it this way:

"The diagrams . . . show that Humes apparently believed a bullet to have exited at the left side of the President's skull, for he placed an arrow pointing to the left upon a mark evidently signifying a bullet entry wound."

How could he know what Humes "apparently believed"? No such stated belief is to be found in Humes' testimony. And Lane has admitted in a published interview that he wrote Humes but received no reply.

Boswell made the arrow.

What does it signify?

"The arrow is meant to imply that this wound of entry went from external to internal in an upward and inward slanting direction," says Boswell.

Epstein says there is other evidence that a bullet never went through the president's neck from back to front. For this conclusion, he turns to the autopsy itself.

"The fact that the autopsy surgeons were not able to find a path for the bullet is further evidence that the bullet did not pass completely through the president's body," Epstein says.

One of the things on which he bases this is Humes' testimony that pathologists were unable "to take probes and have them satisfactorily fall through any path at this point." But Epstein leaves out Humes' statement that "attempts to probe in the vicinity of this wound were unsuccessful without fear of making a false passage."

The path was determined during the autopsy through recognized pathological procedure. The hole at the back of the neck was characteristic of an entry wound. The hole at the throat did not then have the characteristics of an exit wound because it had been used in Parkland Hospital for a tracheotomy when doctors were trying to give the mortally wounded president an air passage.

But Lane, Weisberg and Epstein won't buy that, not when they have the FBI summary report of Dec. 9, 1963, to play with.

Two FBI agents, James W. Sibert and Francis X. O'Neill, were in the autopsy room. So were some Secret Service agents.

**THE FBI SUMMARY** report, which was not published in the Warren Report or its supporting volumes — thereby provid-

—AP Wirephoto

***Secret Service man jumps on back step of presidential limousine seconds after President Kennedy was shot. Mrs. Kennedy, comforting her mortally wounded husband, is at right.***

ing other fodder for the critics — said, in part:

"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 45-60 degrees downward, that there was no point of exit, and that the bullet was not in the body."

Lane says this report had to be the correct version of the autopsy findings.

"Clearly Hoover — FBI Director J. Edgar Hoover — would not presume to summarize the medical examination of the president's body — the autopsy report — in so vital a document unless the autopsy report had been studied carefully. The undated autopsy report prepared by the military physicians and published by the commission, however, does not permit the conclusions offered by the FBI. Indeed it flatly contradicts them."

## Autopsy Report

Was the report undated?

In a certificate dated Nov. 24, 1963, which is part of Commission Exhibit 397, containing the written autopsy report, Humes certifies that "all working papers associated with Naval Medical School Autopsy Report A63-272 have remained in my personal custody at all times. Autopsy notes and the holograph draft of the final report were handed to commanding officer, U.S. Naval Medical School, at 1700, 24 November, 1963."

Also, the FBI did not receive the autopsy report until Dec. 23, 1963. So the FBI couldn't have given it careful study, as Lane says.

And when the FBI did see it and turned out a supplemental report, Jan. 13, 1964, no change was made because of the FBI practice and tradition of reporting what its agents say.

This Jan. 13 report said, "Medical examination of the president's body revealed that the bullet which entered his back had penetrated to a distance of less than a finger length."

As J. Edgar Hoover was to explain later:

"The FBI reports record oral statements made by autopsy physicians while the examination was being conducted and before all the facts were known. They reported that Dr. James J. Humes, chief autopsy surgeon, located what appeared to be a bullet hole in the back below the shoulder and probed it to the end of the opening with a finger. The examining physicians were unable to explain why they could find no bullet or point of exit. Unknown to agents, the physicians eventually were able to trace the path of the bullet through the body."

One technique which the critics use to discredit the autopsy report is what might be called reverse English.

In a usual medical situation, if a person died during an operation, say for removal of a wart on his finger, the cause of death would be determined by an autopsy. If the autopsy attributed death to heart failure, critics

such as Lane, Weisberg and Epstein — if they are judged by their performance — would say ignore the autopsy, look at the wart.

This is what they've done on focusing on what happened when the president was taken to Parkland Memorial Hospital. Again, they show how they picked and chose to get what they did — an entrance wound at the throat.

**LANE NEEDS THIS** to support his argument that there was a shot or shots fired from the grassy knoll — the greensward parallel to the presidential motorcade — rather than solely from Oswald's perch on the sixth floor of the Texas School Book Depository.

"Although every doctor who had seen the throat wound prior to the tracheotomy and expressed a contemporaneous opinion had said that it was a wound of entrance," Lane says on Page 53 of his book, the commission chose to dismiss these as erroneous conclusions stemming from a doctor's observations to the press.

Let's see.

Dr. Charles J. Carrico. Lane doesn't name him as one of the doctors saying there was an entrance wound at the throat. But Carrico was the first doctor to see the president. In a written report dated at 4:20 p.m. on the day of the assassination, Carrico described the wound as a "small penetrating wound of the neck in the lower 1-3." "Penetrating" in medical terminology can mean either entrance or exit. In his testimony, Carrico further said that "not having completely evaluated all the wounds, traced out the course of the bullets, this wound would have been compatible with either entrance or exit wounds depending upon the size, the velocity, the tissue structure and so forth."

## Entry Wound

Dr. Malcolm Perry. He performed the tracheotomy, so he saw the wound before it had been touched. In a press conference in which he had the burden of trying to answer most of the questions — "It was bedlam," he later testified — he was quoted as saying the throat wound was an entry wound.

Asked about what questions he was asked and what replies he made, Perry testified:

"Well, there were numerous questions asked, all the questions I cannot remember of course. Specifically, the thing that seemed to be of most interest at that point was actually trying to get me to speculate as to the direction of the bullets, the number of bullets, and the exact cause of death.

"The first two questions I could not answer, and my reply to them was that I did not know, if there were one or two bullets, and I could not categorically state about the nature of the neck wound, whether it was an entrance or an exit wound, not having examined the president further — I could not comment on other injuries."

Dr. Charles R. Baxter. He helped with the tracheotomy. On Page 52 of his book Lane writes: "Dr. Charles R. Baxter told commission counsel that "it would be unusual for a high velocity missile to cause an exit wound possessing the characteristics of the president's throat wound." But Lane left out most of the sentence on Page 42, Vol. VI, which was a reply Baxter made to a question. It says: "Although it would be unusual for a high velocity missile of this type to cause a wound as you have described, the passage through tissue planes of this density could have well resulted in the sequence you outline; namely, that the anterior wound does represent a wound of exit."

**DR. RONALD C. JONES.** His report described the wound as an entrance wound. He testified as to his reasons for this belief, and Lane quotes his testimony from Page 55, Vol. VI — up to a point, an important point. In Lane's book, Jones says in part: " 'You would expect more of an explosive type of exit wound, with more tissue destruction than this appeared to have' ". Three words were then dropped after "have." They were ". . . on superficial examination."

Lane doesn't mention that none of the doctors knew there was a wound at the back of the neck.

Lane and Weisberg also emphasize that the little entrance hole on the back of the president's skull was not seen by the doctors. Lane's treatment of this deserves a close look.

"These eight physicians examined the right occipital-parietal area; each testified that he did not see a bullet hole which the commission said was there," Lane writes. Then he gives this version of the questioning of Dr. William Kemp Clark, director of neurological surgery at Parkland Memorial Hospital:

"Q: Now you described the massive wound at the top of the president's head, with the brain protruding; did you observe any other hole or wound on the president's head?"

"Dr. Clark: No, sir; I did not."

And that is where Lane stops. But not Clark. His answer was:

"No, sir; I did not. This could have easily been hidden in the blood and hair."

## Good Reason

None of the seven other doctors saw such a hole. But none said there was no such hole. And there is good reason — a reason the critics elect to ignore:

The president remained on his back, with great care taken not to move his head, all the time he was at the hospital.

Why wasn't the president turned over at Parkland?

Carrico testified:

"This man was in obvious distress and any more thorough inspection would have involved several minutes — well, several —considerable time which at this juncture was not available. A thorough inspection would have involved washing and cleansing the back, and this is not practical in treating an acutely injured patient. You have to determine which things, which are immediately life threatening and cope with them, before attempting to evaluate the full extent of the injuries."

"Q: Did you ever have occasion to look at the president's back?"

"Dr. Carrico: No sir. Before —well, in trying to treat an acutely injured patient, you have to establish an airway, adequate ventilation and you have to establish adequate circulation. Before this was accomplished the president's cardiac activity had ceased and closed cardiac massage was instituted, which made it impossible to inspect his back."

Was this done after the president died? No. Not one doctor ever said this was done. Why not? Carrico was asked.

"I suppose nobody really had the heart to do it."

It happened in a small park called Dealey Plaza, named in honor of a famous Dallas publisher. Its central landmark used to be a bronze statue of that citizen, George B. Dealey. Now there are others: the yellow brick mass of the Texas School Book Depository and, close by, an embankment now called "the grassy knoll".

Some saw a rifle in a building window.

The Warren Commission decided it was from there the assassin fired.

Some saw a puff of smoke on a grassy knoll.

Critics have decided it was from there an assassin fired.

The grassy knoll is a slope of greensward running southwesterly away from the Texas School Book Depository. There is an arcade on its ridge, then a picket fence, shoulder high. The knoll runs along the north side of Elm Street on which Kennedy was slain. It ends at a railroad overpass which Elm Street goes beneath.

Several men on the overpass saw smoke near the fence as the president fell. If the smoke came from the assassin's rifle, Kennedy could not have been shot in the back, as the autopsy doctors decided. It is as simple as that: he was facing obliquely toward the knoll.

If he was shot from the knoll, the throat wound must be one of entry, not exit even though doctors said it was of exit. The fabric of the hole in the back of his jacket could not have been bent inwards, even though it was. Gov. Connally could not have been shot in the back by the same bullet, even though doctors said he was. Lee Harvey Oswald would not have been a lone assassin.

The commission gave less attention to the knoll than it did the overpass. It ruled out the overpass in favor of the depository as the assassin's lair for many reasons, one being that no one on the overpass saw a rifle being fired from there. No

one saw a rifle fired from the knoll, either.

**YET THE KNOLL** abides. It does so because critics stress what people saw and heard there. They have not, however, stressed everything that people heard or saw there. Or did not hear or see.

Consider S. M. Holland.

Holland was standing on an overpass above Elm Street as the motorcade approached. The grassy knoll was slightly to his left in the foreground. The Texas School Book Depository, from which the commission says the shots were fired, was also slightly to his left but behind the presidential limousine.

Holland heard a noise like a firecracker. "I looked toward the arcade and trees and saw a puff of smoke come from the trees." That is what Holland told sheriff's deputies right after the assassination, and that is how Mark Lane quotes him in "Rush to Judgment."

But there is more to the sentence, although Lane does not include it. It reads: ". . . And I heard three more shots after the first shot, but that was the only puff of smoke I saw."

If one puff of smoke suggests someone shot a gun from the knoll, what does the absence of three subsequent puffs suggest? The jury, the reading public, was not asked to decide. Mark Lane did it for them. He decided not to raise the question.

Epstein wrote ". . . Six out of seven of these witnesses on the overpass who gave an opinion as to the source of the shots indicated that the shots had come from a 'grassy knoll'." They did.

The six cited are James Simmons, Austin Miller, Thomas Murphy, Frank Reilly, J. W. Foster and Holland.

This is what they say in the report volumes:

Simmons paraphrased by the FBI: "He advised that it was his opinion that the shots came from the direction of the Texas School Book Depository."

Miller: "It sounded like it came from the, I would say from right there in the car. Would be to my left, the way I was looking at him, over toward that incline — the knoll."

Murphy: "These shots came from a spot just west of the Texas School Book Depository."

—AP Wirephoto

***AP Writers Sid Moody, left, and Bernard Gavzer with Warren Report and critics' many books.***

Reilly: "The shots came from that park where all the shurbs is up there, to the north of Elm Street, up the slope."

Foster: "It — the sound — came from back in the corner of Elm and Houston streets." The depository is at the corner of Elm and Houston.

Holland, who also picked the knoll, testified he immediately ran to that area. He saw no one suspicious.

Those are the six who "indicated the shots came from a 'grassy knoll'." Two, actually, picked the depoitory area. One who indicated the knoll also thought the shots sounded like they came from Kennedy's car.

**BESIDES HOLLAND,** Lane says six others on the overpass saw smoke. Austin Miller is one. In an affidavit Nov. 22, 1963, he said he saw "smoke or steam" coming from the knoll area. When Miller was later questioned by commission counsel, Lane writes, Miller was "dismissed before he could mention the crucial observation contained in his affidavit."

Actually, at the end of his interrogation, during which he indeed did not mention any smoke, Miller was asked if he could add anything "that might be of any help to the commission or to the investigation of the assassination."

Miller: "Offhand, no sir, I don't recall anything else." Maybe he forgot the smoke, maybe not. But it is hardly accurate to convey the impression that the commission had turned Miller off before he could give testimony against the depository theory by "dismissing" him.

Lane goes on. "Clemon Johnson told FBI agents that he had observed 'white smoke'." That is ALL he says about Clemon Johnson. But Johnson's full statement as paraphrased by the FBI was: "Johnson stated that white smoke was observed near the pavilion arcade but he felt this smoke came from a motorcycle abandoned near the spot by Dallas policemen." Who, does it seem, is dismissing what?

The other four who Lane says saw smoke — Richard Dodd, Walter Windborn, Simmons and Murphy — were interviewed by him in 1966. Whatever they told Lane then, only one — Simmons —mentioned smoke to the FBI when questioned during the assassination investigation.

## 'Exhaust Fumes'

Simmons said he thought he saw "exhaust fumes" of smoke near the embankment in front of the Texas School Book Depository. He ran toward that building with a policeman, first looking over the knoll fence. Two years later the "exhaust fumes" by the depository have become "a puff of smoke" near the fence. Lane saves the reader the trouble of having to decide which recollection is accurate. The first, given to the FBI,

is not included in his book.

Whether they saw smoke or not, it apparently did not aid Dodd or Windborn in placing the source of the shots. They told the FBI they couldn't tell where they came from.

There are three other aspects of smoke, not dwelled upon by Lane or Epstein in connection with the knoll.

1—There was a steam pipe in the area.

2—FBI tests showed the alleged assassination rifle produced only a "small amount" of smoke when fired: modern military gunpowder is smokeless.

3—NONE of the approximately 200 assassination witnesses questioned other than the four on the overpass mentions seeing ANY smoke anywhere. Lane says only those on the overpass could see smoke from the knoll because of its elevation and the bushes around it. But those persons on the south side of Elm Street should have seen it, if there was any. They, not those on the overpass, were in a direct line of fire. None of them mentioned smoke.

Lane cites what people heard as well as saw to pinpoint the knoll. He quotes O. V. Campbell, vice president of the depository, who believed the shots came from "the railroad tracks near the viaduct overpass." This could be construed as the knoll area.

**CAMPBELL WAS** standing in front of the depository, as Lane mentions. He does NOT mention that at his elbow stood Mrs. Robert Reid, a fellow employe. Lane does NOT mention that Mrs. Reid testified:

"I turned to Mr. Campbell and I said, 'Oh, my goodness, I am afraid those sounds came from our building' because it sounded like they came just so directly over my head."

Two witnesses. Two versions. Both appear in the Warren Report. Only one does in "Rush to Judgment."

"Many other persons scattered throughout Dealey Plaza through which Elm Street runs and the knoll and depository overlook placed the origin of the shots on the knoll," Lane observes. And so they did. Jean Hill did. Billie Joe Lovelady did. William Newman did. John and Faye Chism did. Roy Truly did.

At least 34 people did, although it is difficult to pinpoint from some of their statements. It is also not always easy to pinpoint the more than 60 witnesses who thought the shots came from the depository.

Such as:

F. Lee Mudd—"From the direction of the depository."

Charles Hester—"It appeared to be a building on the corner of Elm and Houston streets."

Charles Brehm—"One of two buildings on Elm and Houston."

Marion Baker—"High up, pretty sure from the depository."

T. E. Moore—"From a high area."

Allan Sweatt—"Vicinity of Elm and Houston."

Or the 15 people of the motorcade itself who thought the shots came from the "right rear."

Since none of such witnesses is mentioned in Lane's book, perhaps that is why he felt no need to mention such others whose testimony is helpful in locating the source of the shots.

—AP Photo

***Sen. John Sherman Cooper, R-Ky., walks with Dallas officials during Warren Committee hearings in Washington. L-R, Cooper, Deputy Sheriff Eugene Boone, Patrolman M. N. McDonald, Deputy Sheriff Luke Mooney and Patrolman Marion Baker.***

**SUCH AS MRS.** Earle Cabell, the Dallas mayor's wife, who looked towards the depository at the sound of shots and "saw a projection" in an upper window. Or Bob Jackson, a press photographer, who also looked up at the depository and told colleagues in a motorcade press car "There is the gun!" Or James Crawford, who looked up at the sound of the third shot and "saw a movement" in the southeast window of the sixth floor of the depository and told a friend "If those were shots, they came from that window" and then advised police to search around some boxes he saw in the window. Police did. They found three rifle shells that were fired by a rifle also found on that floor — by that rifle and no other. Bullet fragments found in Kennedy's car also came from that rifle and no other.

Maybe Lane had the Mrs. Cabells and Bob Jacksons in mind when he said there is "some evidence" shots came from the depository. There is "some" evidence. No one saw a puff of smoke there. Only a rifleman.

## 10 Witnesses

Epstein thinks there is "compelling" evidence shots were fired from the depository. But he faults the commission for not looking more thoroughly into the possibility of the knoll. He asks why the commission did not call the 10 witnesses who stood between the knoll and the president's car because nine of them "thought the shots had come from the knoll directly behind them."

If the commission did not call them, it did have their statements.

This is what they said:

A. J. Millican: He said he

heard three shots from the depository area, two from the arcade and three more from the arcade but further away.

Charles Hester: He said "the shots sounded like they definitely came from in or around the depository building."

Abraham Zapruder: "I thought it—the shots—came from in back of me. Of course you can't tell when something is in line—it could be from anywhere."

"Q: Did you form any opinion about the direction from which the shots came by the sound . . .?"

"A: No, there was too much reverberation. There was an echo which gave me sound all over."

**MARY ELIZABETH** Woodward: She told the FBI the shots came "from possibly behind her" or from the overpass. However, because of the loud echo, she could not say where the shots had come from other than they had come from above her head.

Mrs. Hester: She was standing near the overpass approximately in line with Kennedy's car and the depository. She said she could give no position for the shots other than to tell the FBI she believed she and her husband were in the line of fire.

The other four of the nine Epstein said identified the knoll did, indeed, think the shots came from there.

Epstein continues: "Eight witnesses were standing across the street from the knoll: all eight said they thought the shots had come from the knoll."

Actually, four of them did. One said she couldn't determine the source. Two thought the shots came possibly from the depository area. One said they came from one of two buildings at the corner there, one the depository.

In the second chapter of his book, Lane writes: "Twenty-five witnesses are known to have given statements or affidavits on Nov. 22 and Nov 23 — the day of and the day after the assassination — about the origin of the shots. Twenty-two said they believed that the shots came from the knoll."

Should one check the commission volumes, he would find that, yes, 23 people did give statements to law officials on those two days. Nine cited the knoll. Twelve cited the depository. Two indicated it could have been either.

There is a witness mentioned in another context by Lane whose testimony has some relevance as to the conflicting opinions of where the shots came from. He is Lee E. Bowers. He was working in a signal tower in the railroad area behind the knoll. His testimony is in Volume VI.

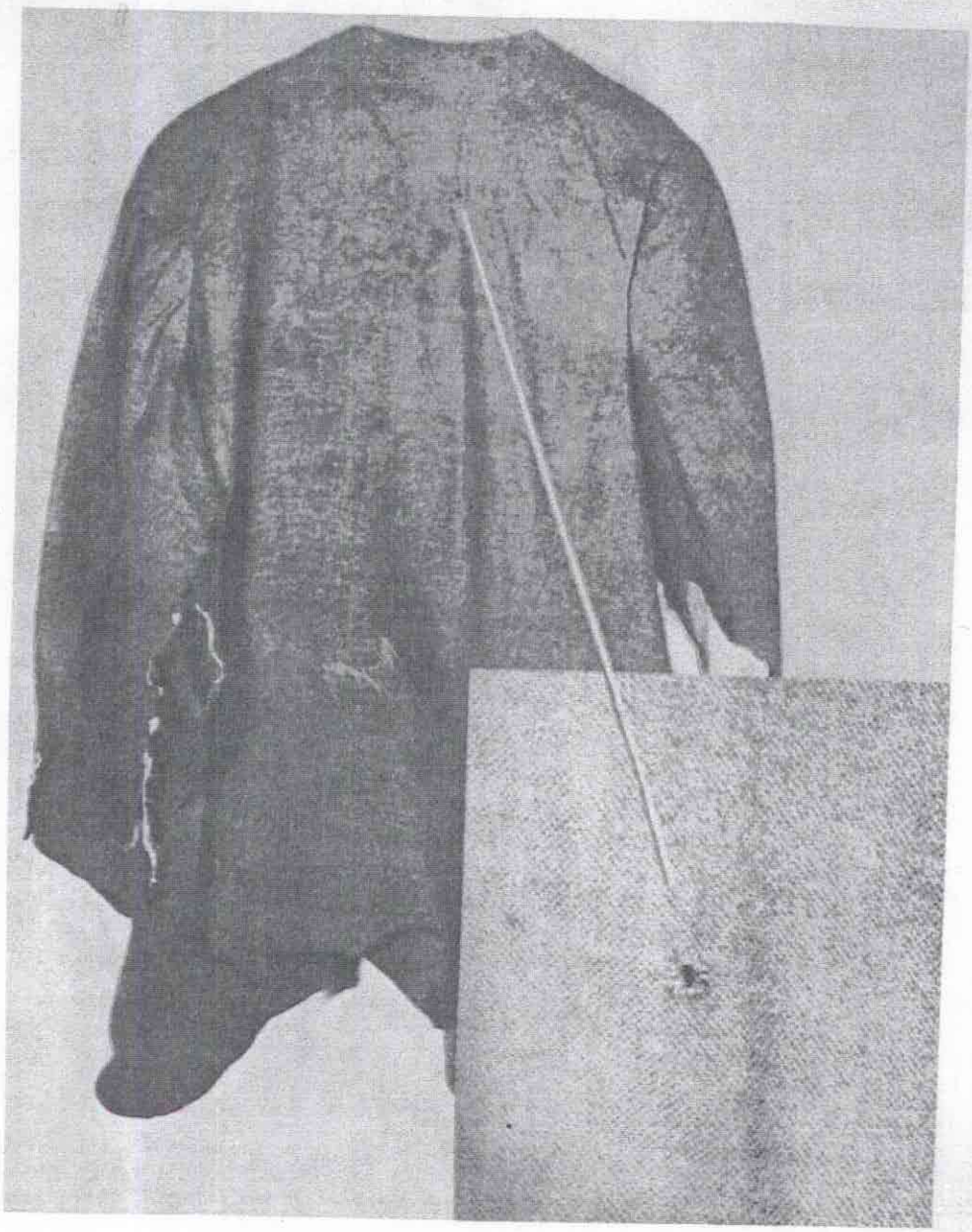
Bowers: "The sounds came from either from up against the school book depository building or near the mouth of the triple underpass."

Q: "You were not able to tell which?"

Bowers: "No, I could not."

Q: "Well, now, had you had any experience before being in the tower as to sounds coming from these various places?"

Bowers: "Yes: I had worked this same tower for some 10 or 12 years, and was there during the time they were renovating the school depository building, and had noticed at that time the similarity of sounds occurring in either of those two locations."



—AP Wirephoto

***Photo and inset show location of bullet hole in Kennedy's coat. Arm was upraised when bullet struck, making possible trajectory of bullet through neck.***

Bowers' testimony doesn't rule out the knoll. It doesn't rule out the depository. It does help those investigators trying to explain why witnesses to the assassination gave conflicting opinions as to the sound of the shots. If Bowers was helpful in this regard to Lane or Epstein, they didn't mention it.

Apart from what witnesses heard or did not hear from the knoll, Lane attaches significance to what they DID there.

**"MANY OFFICERS** said that as soon as the shots were fired, they ran directly to the knoll and behind the wooden fence and began to search the area, some passing the book depository on the way."

Why did people converge on the knoll?

The Hesters ran TOWARD it to seek shelter from the gunfire. Miss Patricia Ann Lawrence, who had been standing at Elm and Houston, ran "along with the crowd" to where the president's car had been when he was hit. So did Mrs. Charles Davis. "I just ran along with them," said Danny Arce.

Curtis Bishop, on the overpass, saw people "running in every direction." Geneva Hine, on the second floor of the depository, saw people running EAST on Elm, away from the knoll

## Ran to Overpass

Ralph Walters, a deputy sheriff, ran toward the overpass where he had last seen the presidential limousine. "We couldn't get any information."

L. S. Smith, another deputy, ran toward the depository. A woman said the shots came from the knoll. So Smith ran there. John Wiseman, a deputy, ran to the knoll where he saw police having trouble with a motorcycle. Then a woman pointed to the depository. So he ran there. Deputy W. W. Mabra saw people running toward the overpass area "so I ran that way." Motorcycle patrolman Clyde Haygood drove toward the overpass area "because people were pointing." Then a man mentioned the depository and at 12:34 p.m., four minutes after the assassination, he radioed the police dispatcher:

"I just talked to a guy up here who was standing close to it and the best he could tell it came from the Texas School Book Depository."

Deputy Allan Sweatt couldn't tell which way to run because one man told him the shots came from toward the knoll and another said the depository. A colleague with him stayed at the depository while he ran on toward the knoll. Deputies Jack Faulkner and A. D. McCurley ran toward the railroad yards behind the knoll because they saw other officers running there. Officer D. V. Harkness went to the railroad yards because he saw "everybody hitting the ground" there.

In other words, people were running in many directions for many reasons. Most of the sheriff's deputies had been in front of their office around the corner when the shots were fired and ran in the directions they did because of what bystanders told them, because they saw others running that way or because of where they thought the sounds came from.

"Everybody was just running around in circles," said Deputy Eddy Raymond Walthers.

**UNDENIABLY, THE KNOLL** area was widely searched by officers immediately after the shots. And what was found?

"There wasn't anything over there," said patrolman E. L. Smith.

"We didn't see anything there," said Deputy Luke Mooney, who thought the shots came from the knoll.

John and Faye Chism, standing in front of the knoll, had looked around when they heard the shots. They saw no one.

Harold Elkins, another deputy, ran into Bowers in the railroad yard. Bowers said he had seen three out-of-state cars driving around the parking area behind the knoll just before the assassination. Two drove off before the shots. Lane mentions this. And the third. Lane leaves him near the knoll and leaves the reader to conjecture what the driver might or might not have done there.

"The last I saw of him he was pausing just about in — just above the assassination site." Lane has this quote of Bowers. He doesn't have this one: "He left this area just about 12:25 p.m." The assassination occurred at 12:30 p.m.

Bowers also said he saw two men watching over the fence about the time of the shots which arouses Lane's suspicions. Not, however, to the extent of mentioning Bowers saw "at least" one of them still there as police began fanning out over the area.

In any event, patrolman Charles Polk Player searched cars in the lot for two hours. He didn't report finding anything. Several hoboes found in freight cars were questioned. Seymour Weitzman found footprints "that didn't make sense because they were going different directions." Holland saw muddy footprints on a car bumper. Had an assassin stood there?

No one had seen one. If he had, he had been able to gather up any shells from the ground in the brief time before police arrived because none was found. No rifle was found.

## Puff of Smoke

Nothing . . . Nothing to add to what some people said they heard and saw around the knoll: some shots and a puff of smoke.

After searching the knoll area for a while, Weitzman went over to help at the depository. On the sixth floor, behind some boxes, the officer found a rifle with a telescopic sight. The gun had been purchased by some one named A. Hidell whose handwriting was identical with Lee Harvey Oswald's.

Two persons said they saw a rifle being fired from the sixth floor of the depository. One was Howard Brennan. To weaken the case for the depository, it is important for the critics to weaken Brennan's testimony. This they try to do.

Epstein says Joseph Ball, a commission lawyer who investigated the identity of the assassin, "had several reasons to doubt Brennan's testimony."

**EPSTEIN LISTS** them: Brennan's "difficulty seeing a figure" in the depository window during a re-enactment of the assassination; Brennan's failure to identify Oswald on "prominent points" of his clothing; Brennan's "major error" in testifying the assassin was standing while firing and "the fact that Brennan had lied at the police lineup."

Epstein notes, correctly, that Brennan testified the assassin was standing in the window as he shot. He does not note that Brennan also thought that three onlookers a floor beneath the assassin were also standing. They weren't. They were kneeling. So must the assassin have been to fire through the window. A small point. A small rebuttal—too small, evidently, to include in "Inquest."

At a police lineup the day of the assassination, Brennan said he could not positively identify Oswald as the assassin. Four months later, he told the commission he could. He said he hadn't done so earlier because he feared Communist reprisal. Epstein uses this discrepancy to attack Brennan's credibility. He doesn't mention that the commission agrees with him.

Because Brennan declined to make positive identification of Oswald at the lineup, the commission said it "does not base its conclusion concerning the identity of the assassin on Brennan's subsequent certain identification."

The commission, however, does not question Brennan's credibility that he saw a man firing a rifle from a depository window because near that window were found not only a rifle but shells and fingerprints of Lee Harvey Oswald.

It might also be noted, although Epstein does not, that while on Nov. 22 Brennan said he could not make positive identification, he did then say that No. 2 in the lineup "most closely resembled" the man he saw in the window. Lee Harvey Oswald was man No. 2.

**THERE IS** also more to Epstein's allegation that Ball was "extremely dubious" about Brennan's testimony.

"Epstein says that I told him when we constructed the episode that Brennan 'had difficulty seeing a figure in the window.' I never said that. In the first place, we didn't have Brennan at the reconstruction to see whether he could see. We had him there so that he could mark positions on a photo. He quotes me as being 'extremely

dubious.' I never said that. It didn't happen."

So spoke Joseph Ball.

Finally, as would any good defense attorney, the critics question Brennan's ability to see anything.

"Perhaps poor eyesight accounted for Brennan's inability to identify the man at the window," says Lane. 'Brennan admitted that his eyesight was 'not good' when he testified before the commission."

Brennan, indeed, so testified. He said this was so because his eyes had been accidentally sandblasted. That happened two months after the assassination.

In a footnote of Page 90 of the hardcover edition of "R u s h to Judgment" Lane mentions the injury. Seemingly, there the matter would rest: that Brennan testified he was farsighted up until an injury two months after the assassination and that thereafter his eyesight was "not good."

Yet by Page 269 Howard Brennan has become "weak-eyed Brennan, who claimed he saw Oswald in the window."

After 170 pages maybe the author had forgotten how—or when—Brennan became "weak-eyed." Or maybe the reader had.

**LEE HARVEY OSWALD:** The lone, withdrawn child . . . The lone reader of Marxist thunder in hushed libraries . . . The lone rejector of his homeland . . . The lone prodigal returned to friendless frustration . . . But, hunched in the depository window, still alone?

The Warren Commission never said: Lee Harvey Oswald, alone, murdered John F. Kennedy, period.

It actually said: "The commission has found no evidence that Oswald was involved with any person or group in a conspiracy . . . If there is any such evidence, it has been b e y o n d the reach of all the investigative agencies and resources of the United States and has not come to the attention of the commission."

There the matter has not rested.

In New Orleans Dist. Atty. Jim Garrison has claimed to have found what the commission did not: conspiracy. On the bookshelves of the nation are volumes that claim the same: that Oswald was innocent, that he was a fall guy, that he was involved with Jack Ruby or Bernard Weissman or the FBI or Communists or Texas oil interests or racists.

A court of law will decide in New Orleans. But the other versions of conspiracy are not and quite possibly never will be before a judge and jury. But they are before the jury of public opinion. They will be for some time.

—AP Wirephoto

***This was recreation of scene of view through scope from School Depository building.***

## False Scents

The Warren Commission, unfortunately, did not answer all the questions. Some, however, are probably unanswerable. But some are not questions at all. They are innuendoes — false scents that confuse the hunt for truth.

What other construction can one put, for instance, on Mark Lane's innuendo that there might have been a connection between Ruby and the right wing of Dallas?

The commission made an hour - by - hour probe of Ruby's actions from Nov. 21 to Nov. 24, 1963, to determine if he was involved in a plot.

"The commission found that Ruby's activities and associations were innocent," Lane writes in "Rush to Judgment."

"An objective analysis of the record might yield a somewhat different evaluation of Ruby's conduct."

Lane mentions an instance on Nov. 21 when the commission had said Ruby "visited with a young lady who was job hunting in Dallas."

"Contrary to the commission's unassuming summation," says Lane, "Ruby did not merely visit with a young lady who was job hunting. Commission Exhibit 2270, an FBI report of an interview with Connie Trammel, the young lady in question, divulges the fact that Ruby drove her to the office of Lamar Hunt, the son of H. L. Hunt."

**LANE DROPS THE** matter at that point. Ruby is left at the office of Lamar Hunt, whose Texas-rich father is a strong supporter of ultraright causes. The reader of "Rush to Judgment" is left to make what he may of this suggested link between Ruby and the Dallas right wing. For clarification, however, he might turn to a commission exhibit. Not 2270. Try 2291.

It also is a statement by Miss Trammel, now Mrs. Penny, to the FBI. In it she says she once had a long talk with Ruby when she and some classmates from the University of Texas visited his Dallas strip club. Ruby asked if she wanted to work for him. She didn't. But Ruby kept calling. The last time was Nov. 21, 1963.

During that phone conversation, Miss Trammel mentioned she was seeking a public relations job at a bowling alley she had read Lamar Hunt owned. She had an appointment to see him that very day. She said she didn't have a car. Ruby offered to drive her to the bank building where Hunt had his office, since he had business to transact at the bank.

"During the trip . . . to the bank, Ruby seemed impressed with the amount of money that Lamar Hunt had made," Miss Trammel told the FBI, "and had mentioned that he knew most of the prominent people in Dallas . . . but did not know Lamar Hunt."

Ruby left her at the ground floor elevator. He never did get to go up and meet Hunt. Miss Trammel didn't get the job. But the reader might get a clearer picture of the Ruby-Hunt "association" from Commission Exhibit 2291 than from "Rush to Judgment."

Such handling of evidence by the critics happens too often to be mere oversight.

Consider the alleged meeting in Ruby's Carousel Club Nov. 14, 1963, between Ruby, J. D. Tippit, the officer the commission said was shot by Oswald, and Bernard Weissman. Weissman was the young Easterner who had helped place an ad critical of Kennedy in the Dallas Morning News the day of the assassination.

Weissman had arrived in Dallas Nov. 4 to try and set up a new conservative party by infiltrating right-wing groups, one of which he said never accomplished more than "running around burning baskets from Yugoslavia."

Lane, himself, had told the commission about the meeting. He declined to reveal his source for the story because the source had not given him permission to do so.

"But," he wrote in his book, "if the commission had wanted his name, it need only have asked one of its witnesses, Thayer Waldo, a reputable journalist. Counsel, however, did not ask Waldo about the meeting."

Not in so many words. For how was counsel to know what Thayer Waldo knew since Lane had refused to tell the commission, much less counsel, about Waldo or any other source?

But at the end of Waldo's interrogation, which covered other matters, counsel did ask if he could add any information about anything else. Waldo said no, he couldn't.

**IF NOT WITH** Waldo, the commission did inquire into the Carousel meeting with other witnesses. One was Larry Crafard, a carnival worker hired by Ruby to do odd jobs around the club. The commission volumes have a statement by Crafard in which he told the FBI he recognized a picture of Weissman as a man he had seen at the club "on a number of occasions."

Lane has this quote. He does not mention that Crafard also told the FBI he had a "very vague recollection" of having heard Ruby mention the name Weissman, that he believed Weissman was a Dallas detective whose first name may have been Johnny and that he "could have my recollection of a Mr. Weissman mixed up with someone else."

Lane does not mention that Crafard thought Weissman was a "white male American," 38 to 43 years of age. Bernard Weissman was a white, male American who was 26 in 1963 and who, if he had been at the Carousel "a number of occasions," had nonetheless been in Dallas only 10 days.

Lane reports that several witnesses said Ruby knew Tippit. One that he cites was Dallas police Lt. George C. Arnett. What Arnett actually told the FBI was that he did not recall to what extent Ruby MAY have known police officer J. D. Tippit but added that "he does not believe he was more friendly with Tippit than the average officer."

Arnett, in other words, did not say positively whether Ruby did or did not know Tippit.

## Ruby Quoted

Lane says Crafard and Andrew Armstrong, Ruby's bartender and handyman, both heard Ruby say he knew Tippit when he learned the officer had been shot. Lane does not say that Armstrong also told the FBI: "From what I gather later on, Mrs. Grant, Ruby's sister, told me it was a different Tippit that he know. In other words, there was two officers that had the name of Tippit."

Actually, there were three. And Ruby did know one of them. He said he knew a detective Gayle Tippit, who worked in special services. Lane's book has this. It mentions that Gayle Tippit said his "contacts in recent years with Ruby have been infrequent."

That is taken from Committee Exhibit 1620 in which Gayle Tippit also said that in the 1950s he "became very well acquainted with Jack Ruby." Lane does not quote that part of Exhibit 1620.

Lane writes that the commission might also have interrogated Harold Richard Williams. Williams told Lane he had seen Ruby and an officer be identified as J. D. Tippit in a patrol car when he was arrested in November 1963. Lane warns his readers that Williams' testimony "should be assessed with a degree of caution" since he was not a witness and under oath. He might also have notified his readers, but didn't, that Tippit was stationed in the Oak Cliff section of Dallas all the way across town from where Williams said he was arrested.

Two witnesses said that on

—AP Wirephoto

***Three critics of Warren Report, l-r: Leo Sauvage, Mark Lane and Edward Epstein.***

Nov. 14, the night of the meeting, Weissman was in their home trying to sell them carpeting until 9:30 p.m. or 10 p.m. Mrs. Tippit said her husband was a homebody devoted to his family. Lane, nonetheless, says the commission should have asked her what Tippit was doing the night of Nov. 14 and asked Weissman what he did after 10 p.m. that same evening.

**LANE SAYS** the question to Weissman was "never even posed." It may not have been posed to his liking, but Weissman was asked by commission counsel: "Did you at any time while you were in Dallas ever have a meeting with or sit in the Carousel Club with officer Tippit?"

"No," he answered. He said he had never been in Ruby's club and didn't know him.

Mrs. Tippit was less exact. She said she had never heard her husband mention being in Ruby's club.

The point is not so much whether such a meeting could or not have taken place. The point here is that Lane, who presented the rumor to the commission, did not present all the evidence to his readers. For instance, neither Mrs. Tippit's nor Weissman's denial and-or lack of knowledge of the meeting is presented in his book.

But what if, evidence to the contrary, such a meeting did take place? What was its purpose? Lane doesn't suggest one. Neither does any evidence in the Warren volumes.

Nor is there evidence in the volumes to indicate a conspiracy in New Orleans. The commission and the FBI investigated several of the people that have figured in Garrison's case. They found no conspiracy.

## Shaw Case

This is not to deny the possibility of one. It should be mentioned, however, that the indictment against Clay Shaw, a New Orleans businessman, says he conspired with Oswald to assassinate Kennedy. But it does NOT say the assassination was the one that took place Nov. 22, 1963 in Dallas. Nor does it say it wasn't. Garrison has said he doesn't want to get involved in "semantics" over wording.

It should be mentioned that the chief witness against Shaw so far is a man who first contacted Garrison two days AFTER the district attorney said the case was solved. The witness testified after being given "truth serum" and undergoing hypnosis.

It should be mentioned another witness reportedly said he was offered a bribe by the district attorney's office to give favorable testimony. The witness' lawyer said a lie detector test verified the bribe attempt.

**GARRISON** has said he has evidence that Oswald was working for the Central Intelligence Agency. Others have said Oswald was working for the FBI after his return from the Soviet Union for a fee of $200 a month.

That rumor apparently came from a Houston reporter, Alonzo Hudkins. Hudkins has since told Charles Roberts of Newsweek that he believes J. Edgar Hoover's denials that Oswald was an FBI informant. But Epstein takes the commission to task for relying solely on the word of an agency investigating itself.

Why, he asks in "Inquest," didn't the commission on its own interrogate Hudkins and his reported source for the story, Dallas Deputy Sheriff Allan Sweatt? It is a legitimate question.

But it is also legitimate to ask how Epstein can state "no efforts were made by the commission or its staff to investigate the rumor itself." That simply isn't true.

The commission, itself, DID investigate in some detail reports of money orders Oswald reportedly had received while in Dallas. It turned out to be baseless. The commission, itself, DID inquire why FBI agent James Hosty's name was in Oswald's address book. Oswald told his wife to take it down after Hosty had visited her at Ruth Paine's where she was living. The commission DID investigate through the Internal Revenue Service Oswald's finances after his return from the Soviet Union. His known and assumed out-go remarkably approximated his income down to the cash balance he had when arrested.

The commission did NOT take at face value the denials of the FBI. And Epstein did NOT mention the foregoing in claiming the commission "relied entirely on the FBI to disprove the rumor" of Oswald's FBI connection.

Another conspiracy rumor: Ruby entered the Dallas police headqurters to shoot Oswald not by accident but by design. In accord with some superplot, the assassin had to be assassinated. One incontestable fact of time, however, must be considered.

The exact time of Oswald's transfer depended on when police were done questioning him. At the time that was decided, Ruby was driving downtown to send a money order to one of his strippers. The time he handed the money order across the Western Union counter was punched by a time clock: 11:17 a.m. Oswald was shot at 11:21 a.m. It takes several minutes to walk from Western Union to the police basement where Oswald was slain.

A commuter catching a train would scarcely cut his corners so finely. Would a man engaged in a superplot to do so? Particularly if he knew in some unexplained way his only chance would come at 11:21.

**THE SUPERPLOT** elsewhere was running a very tight schedule. When Oswald dashed in and out of his rooming house a half-hour after the assassination, Lane says a "rather mysterious" incident occurred. A Dallas police car stopped and honked twice and drove off, said Earlene Roberts, the housekeeper.

Dallas police said there was no patrol car in the vicinity at the time. Lane says the "investigation" consisted of nothing more than the statements of police regarding car and officer assignments.

One might ask who would know better than police the whereabouts of a police car?

Lane notes commission evidence that a patrolman had driven Car 207 to the depository "just after 12:45 p.m.," gave the keys to a sergeant and remained in the building several hours.

A log of the travels of Car 207 should, however, have this information which the report provides—and Lane does not.

1—Police Car 170, driven by acquaintances of hers, often honked outside the house, Mrs. Roberts said. When she saw the car was 207, she told the FBI she went back to looking at television.

2—Patrolman Jimmy Valentine had Car 207 that afternoon. He had been at headquarters when he heard of the assassination at about 12:45 p.m. He drove to the depository all the way across town through heavy traffic. This would put him at the building close to the moments Oswald dashed into the rooming house several miles away. Valentine turned the keys over to a sergeant.

This does not mean, Lane argues, that the car itself couldn't have been driven by some other officers. Mrs. Roberts saw two in the car. But the men would have had to get the keys from the sergeant who said he didn't release them until 3:30 p.m., drive through heavy traffic around the depository to the rooming house in suburban Oak Cliff, honk twice and drive away again.

And for what purpose? Lane doesn't suggest one.

## Deputy's Testimony

Lane also notes testimony of Deputy Sheriff Roger D. Craig. He said that 15 minutes after the assassination he saw a young man he later identified as Oswald run from near the depository and get into a light colored Rambler station wagon driven by a Negro. Later that afternoon Craig said he recognized Oswald in the office of homicide Capt. Will Fritz.

Craig said Oswald stood up and said: "That station wagon belongs to Mrs. Paine, don't try to tie her into this . . Everybody will know who I am now."

The commission, as Lane notes, decided it "could not accept important elements of Craig's testimony." Lane does not note the reasons why.

One is an affidavit from Fritz. He recalled a man telling a story similar to Craig's. This, however, occurred in his outer office. Oswald was in his inner office.

"Had I brought this man into my inner office I feel sure I would have remembered it," Fritz said. He didn't remember Oswald jumping up and saying what Craig said he said. Neither did any one else there.

Furthermore, Mrs. Paine owned a two-tone Chevrolet station wagon, not a light colored Rambler.

**ANOTHER CONSPIRACY:** Ruby was somehow involved in Castroite activity. At length Lane quotes the testimony of Nancy Perrin Rich. She said in 1962 she and her late husband had met several times in Dallas with others including an Army colonel whose name she did not recall and someone named Dave C.— "I think it was Cole, but I couldn't be sure."

Mrs. Rich's husband had asked $25,000 to shuttle a boat carrying guns into Cuba and refugees out. Negotiations stalled.

"A knock comes on the door and who walks in but my little friend, Jack Ruby," said Mrs. Rich who had been a bartender at the Carousel Club. "Ruby had a bulge in his pocket. He went into another room and returned minus the bulge," Mrs. Rich said. She assumed the bulge was payoff money, although she never saw nor heard that money had changed hands.

Negotiations improved. But Mrs. Rich finally "grabbed my old man and cleared out" when she later thought she recognized a new participant as Vito Genovese's son. She based this on his resemblance to a photograph she had seen of the Mafia chieftain.

Commission counsel Leon Hubert then asked Mrs. Rich if Dave C., who she said had been a bartender at the Dallas University Club, could be one Dave Cherry. "That's it," she replied.

Lane wonders why this potentially corroborating witness was not called to testify. "The FBI's summary of an interview with Cherry was in the commission's possession, but Cherry was not called as a witness."

Indeed, he was not. But the FBI "summary," which Lane does not quote, might explain why. In it Cherry denies knowing any colonel "who was supposed to have been running guns into Cuba." He did know Nancy Perrin Rich whom he said had been barred from the club and who he thought was "mentally deranged."

**ALSO IN THE** commission record is a statement by Dallas detective Paul Rayburn who knew Mrs. Rich and thought her "a psychopathic liar who got great delight out of telling wild tales."

And there is a report of an interview with attorney Cy Victorson who represented Mrs. Rich on a vagrancy charge. He said she told stories "so ridiculous that no one could possibly believe them."

Lane does not ask why Paul Rayburn or Cy Victorson were not called by the commission. He did not use their statements, either. After all, they did not discuss Ruby or gun-running. They only mentioned the one witness who said she saw it all happen.

Says Lane: "About so clandestine an operation as smuggling weapons to Cuba and evacuating exiles, however, one would expect to find corroboration only with the greatest difficulty, if at all." He indicates he found it in Robert McKeown. McKeown had been arrested in 1958 for conspiracy to smuggle guns to Cuban Prime Minister Fidel Castro.

McKeown told the FBI that in 1959 a man who identified himself as Rubenstein, Ruby's original name, had phoned him offering $15,000 to get Castro to release three of his prisoners. Three weeks later McKeown said a man asked him to write a letter of introduction to Castro because he had some Jeeps to sell Cuba. The deals never came to pass.

## Offer Reported

McKeown told the FBI he "feels strongly that this individual was in fact Jack Ruby . . ." Lane quotes this. He does not quote another part of the statement in which McKeown "remarked he is not certain that the above-described telephone caller from Dallas or the man who personally appeared . . . was identical with the Jack Ruby who killed Lee Harvey Oswald."

Lane takes a partial quote to show strong identification of Ruby by McKeown rather than a whole one which shows something less. He need not have. Ruby said he once was interested in a Jeep deal. He thought, though, the intermediary's name was Davis. His sister, Eva Grant, told the FBI she believed her brother had an option on eight war surplus Jeeps some time around 1960.

This could be corroboration of McKeown. But is it of Nancy Rich? And if one interprets it as such, where does it all tie Ruby into an assassination superplot? Do surplus Jeeps in 1959, an unverified meeting in 1962 add up to assassination in 1963?

Lane doesn't answer the question. He merely asks it.

Another conspiracy: Oswald, the admitted Marxist who wanted fair play for Cuba, was actually in the anti - Castro underground.

**THE SOURCE** of this was Sylvia Odio, an anti - Castro Cuban. On Sept. 26 or 27, 1963, two Cubans or Mexicans called at her apartment in Dallas with a third person introduced as Leon Oswald, she said. The men told her they had recently come from New Orleans and were friends of her father, a prisoner of Castro.

The next day one of the men, who said his name was Leopoldo, phoned Mrs. Odio and said he wanted to introduce Oswald into the Cuban underground. Leopoldo said Oswald had been in the Marines, was an excellent shot and felt "the Cubans didn't have any guts . . . because President Kennedy should have been assassinated after the Bay of Pigs and some Cubans should have done that . . ."

After the assassination a stunned Mrs. Odio recognized pictures of Lee Harvey Oswald as the man who came to her home. So did her sister.

The commission maintained that Oswald could not have been in Dallas Sept. 26 or 27. He was in Mexico.

". . . The issue was never resolved," wrote Epstein. That is debatable.

Records show that Oswald crossed into Nuevo Laredo, Mexico between 6 a.m. and 2 p.m. Sept. 26. Two passengers on a Houston - Laredo bus said they saw Oswald on board shortly after they awoke at 6 a.m., Sept. 26.

The commission said there was strong evidence that Oswald had left Houston on a bus for Laredo at 2:35 a.m. that morning. It noted a bus had left New Orleans, where Oswald had been living, at 12:30 p.m. Sept. 25 arriving at Houston at 10:50 p.m. that evening. Oswald made a phone call to a woman in Houston that same evening. It can't be determined whether the call was local or not.

Epstein says the visit to Mrs. Odio occurred "the day before he Oswald left on his trip to Mexico." This disregards Mrs. Odio's testimony. She said the visit occurred Sept. 26 — when Oswald had already crossed the border — or the 27th — when he had reached Mexico City and registered at a hotel. Were someone's dates wrong? Epstein doesn't even mention there is a conflict between him and the testimony.

## Bus Ticket

He does not mention a commission statement from E. P. Hammett, a Houston bus ticket agent. Hammett told the FBI that in late September a man "strongly resembling" a photograph of Oswald asked him about bus travel to Laredo and Mexico City. Epstein does NOT mention the man eventually bought a ticket to Laredo. Epstein does NOT mention that it was the only such ticket sold that night to Laredo or that it was the only one of its kind sold from Sept. 24 through Sept. 26.

Epstein does NOT mention that the commission, after a lengthy check, established that Oswald had cashed an unemployment check in New Orleans, almost certainly some time after 8 a.m. Sept. 25. He does NOT mention that the commission checked air lines and found no indication that Oswald had flown from New Orleans to Dallas.

**IF OSWALD** had been in Dallas on the 25th, he could have caught a bus from there to Alice, Tex., in time to be on the Houston-Laredo bus on which he was seen. But no tickets were sold by the bus line connecting Dallas and Alice for Laredo between Sept. 23 and 26.

He could, the commission concedes, possibly have driven New Orleans-Dallas-Alice route although the Warren Report says it "would have been difficult." Tight scheduling again for the superplot.

Ultimately, the FBI located a Californian, Loran Eugene Hall, who said he had called on Mrs. Odio in Dallas in Septem-

*This historic moment when Jack Ruby fired the fatal bullet into Lee Harvey Oswald was captured in this Pulitzer award photograph by Times Herald photographer Bob Jackson.*

ber with two other men. The two denied it. Hall later altered his story.

In its report, the commission stated that the FBI had not completed its investigation of Hall at the time the report went to press. Yet it concluded in the report that Oswald had not been at Mrs. Odio's that September.

"Is it too fastidious to insist that conclusions logically follow, not precede, an analysis of all evidence?" Lane asks. The point is well taken.

Despite the vast scope of the Warren investigation, the Odio matter has given the critics ammunition to charge the commission with haste, with lack of thoroughness.

Haste? Quite possibly, although the commission denies it. But thoroughness? Who was thorough in detailing the Odio investigation? The commission or Epstein?

The Hall evidence neither proves nor disproves the commission conclusion about Mrs. Odio. Epstein says the matter was never resolved. But, in effect, it was. As much as it ever can be. The commission was faced with a choice: the testimony of Mrs. Odio and her sister against the evidence they were mistaken. It chose the evidence.

Yet it was the commission that presented all the evidence pro and con about Mrs. Odio. The critics did not. It was the commission that presented all the evidence about Lamar Hunt and Ruby, about Nancy Perrin Rich, about Jeeps, about McKeown, about Oswald's finances. The critics did not.

One may interpret what the commission found, and the critics have, abundantly. But while, as of this date, there may be doubters, books and speculation, the critics have yet to produce that one essential of proof—evidence.