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THE LINGERING SHADOW

The defendant is a book. So is the prosecutor. On trial is the Warren Commission Report, indicted by men whose own books find it guilty. Guilty of haste. Guilty of bias. Guilty of a coverup. But neither critic nor commission is the jury. The public is. It, ultimately, will find where it thinks truth lies. But before considering its verdict, the public must ask for the facts. All the facts. Has it heard them? All of them? Following is the first article of a 12-part analysis called "The Lingering Shadow."

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and
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Associated Press

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.

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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 impas-

sioned skeptics, refusing to take "it is most likely" for an answer? Are they creators of doubt? Or is it their creature? 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 shelf by a single critic than a whole shelf of books by a commission. So doubt takes root. The shelf lies fallow.

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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 the answer to some seeking the assassin of President Kennedy. 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.

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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 critics of the Warren Commission Report have made grave charges. They 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 cover-up 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 say so. The Warren Report was once on the best-seller lists. Now Mark Lane's "Rush to Judgment" is.

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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 Jy 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 is considered its first words, published in 27 volumes in the fall of 1964, to be its last. It has disbanded.

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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?

Mark Lane wrote that the commission "cited evidence and — which is nored and reshaped evidence and — wsich 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?

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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. Tippitt and bullets recovered from Tippitt'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

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THE LINGERING SHADOW

By Whose Hand Did Kennedy Fall?

(Continued from Page A-1)

some rather severe abuse, and there were numerous small and large striations which could be matched up very easily."

Yet Lane says Joseph D. certain."

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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 marksmanship? Epstein evidently didn't think so. They don't appear in his book.

NEXT: A man who looked like Jack Ruby.