

THE LINGERING SHADOW

Witnesses Conflicts Don't Surprise Warren Staffers

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and
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First there was the Warren report. Next came the critics, and for a time all one read or saw was from the pens of critics who blistered the report. They spoke into a vacuum created when the Warren Commission disbanded.

As an organization the commission has not defended itself. Many of its staff lawyers, though, are willing

Third in a Series

now to speak up. 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 of what Officer J. D. Tippitt'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 Lee Harvey Oswald at a firing range, the persons who saw Oswald driving a car the commission decided he couldn't drive, the woman

NEW YORK (AP)— CBS said Monday night that its own investigation of the death of President Kennedy confirms the Warren Report's finding that Lee Harvey Oswald was the sole assassin. In the second of a four-part series entitled "The Warren Report," CBS said there was no gunman aiding Oswald, that the single-bullet theory was the most believable of any proposed and that Kennedy was shot from behind.

in Dallas who said Oswald had been introduced to her as an anti-Castroite who thought President John F. Kennedy should be shot, the people who thought they saw Oswald in Jack Ruby's nightclub.

"We were beneficiaries of fraud," said one of the senior attorneys without mentioning any specific examples. "The thing that shocked us was those 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 Mark Lanes and the Leo Sauvages, who would believe us? We had all kinds of suggestions. One was that Chief Justice Earl

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STAFF DEFENDS WARREN REPORT

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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 Edward Jay 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?"

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 was 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."

JOSEPH A. BALL of Long Beach, another staff member, 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 hard cover edition of "Rush to Judgment" writes: "Boone, unlike 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."

And 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 to 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 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. 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."

EXPERIENCE 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.

"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 anyone could have got 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 weapon and that an FBI expert was unable to find the rifle and "lifted" it off 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.

Next: Some weaknesses in report admitted.