

UNITED STATES GOVERNMENT

Memorandum

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Tolson	
DeLoach	
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Bishop	
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Rosen	
Sullivan	
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Holmes	
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TO : Mr. DeLoach

DATE: July 8, 1966

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach
- 1 - Mr. Sullivan
- 1 - Mr. Wick

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY
 MISCELLANEOUS - INFORMATION CONCERNING
 THE BOOK "INQUEST"
 BY EDWARD JAY EPSTEIN

SYNOPSIS:

To advise the book entitled, "Inquest," written by Edward Jay Epstein has been reviewed. Epstein, a candidate for a Doctorate degree at Harvard University, said "The primary subject of this book is the Warren Commission, not the assassination itself." He claims his book attempts to answer the question: "How did the Commission go about searching for such an illusive and many-faced quarry as the truth?" Epstein indicated the research for his book was based on four main sources: the Commission's report and the 25 volumes of testimony and exhibits: the investigative reports in the U. S. National Archives: the working papers of the Commission supplied by the staff: and last, and according to Epstein, the most important, were the interviews conducted with members of the Commission and staff. Epstein criticized the President's Commission severely, contending it did an inadequate job of investigating the assassination. He points out, based on his interview with Commission members, the internal strife which existed with the Commission and staff.

Epstein makes no direct derogatory remarks concerning the Bureau, but quotes members of the staff interviewed who expressed some dissatisfaction in dealing with the Bureau. For example, Joseph A. Ball, Assistant Counsel, commented rather than having direct access to FBI Agents, his requests for assistance had to come from FBI headquarters in Washington, D. C. Ball was quoted as saying the FBI was "exasperatingly bureaucratic." Other staff members, according to Epstein, believed FBI Agents were initially resentful of "amateurs" doing what they considered to be their job. However, J. Lee Rankin, General Counsel, was quoted as saying that, although there were some "communication" problems between the staff and the FBI, there was a liaison officer with the FBI on whom he could call "any time of the day or night." Epstein continues that the staff had "virtually all of its questions

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Memorandum to Mr. DeLoach
Re: ASSASSINATION OF PRESIDENT KENNEDY

answered by the FBI."

Epstein reported a number of prominent persons, such as the Director, testified and gave stature to the Commission's investigation; however, such did not serve to reveal any new facts about the assassination.

"Inquest" attempts to establish a second assassin was involved, basing this premise on the time sequence of shots fired and the official autopsy report. Epstein's inquiries were obviously superficial since it is reported he spent only two days in the National Archives reviewing papers which totaled over 63,000 pages. Epstein distorted facts to fit his designed theories and is guilty of the very thing he accuses the Commission of - - inadequate research.

ACTION:

This is submitted for information.

V. *JF*
N JRM - JH *AD* *WPC*
WPC



Rosen to DeLoach Memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

DETAILS:

Edward Jay Epstein, a candidate for a doctorate degree at Harvard University, has written a book entitled "Inquest," "The Warren Commission and the Establishment of Truth." It was originally written as a thesis for a master's degree at Cornell University. The book contains a laudatory introduction by Richard H. Rovere, Washington correspondent for "The New Yorker." The book contains a preface and ten chapters which are broken down into three parts. Epstein copyrighted his book in 1966 and it was published by the Viking Press, New York, New York, and was simultaneously published in Canada by the Macmillan Company of Canada Limited.

Epstein said "the primary subject of this book is the Warren Commission, not the assassination itself." It attempts to answer the question, "How did the Commission go about searching for such illusive and many-faced quarry as the truth?" He pointed out the Commission had to do an exhaustive investigation, evaluate and weigh all the facts, and arrive at an answer. Epstein's study dealt with four central questions arising out of the Commission's work: how did the Commission initiate, organize and direct a full-scale investigation; the general problem of truth-finding in a political environment; the problem of the investigation itself; and finally the question how the Commission's report was written.

Epstein stated the research for his book was based on four sources. The first, the Commission's report and the 25 volumes of testimony and exhibits; the second, the investigative reports in the United States National Archives; and the third, the working papers of the Commission supplied by a member of the staff. Epstein points out this material and especially his chronological file were of particular importance in understanding the mechanics of the Commission. Epstein is specifically referring to Assistant Counsel Wesley J. Niebeler. The fourth point, and most important according to Epstein, was the interviews conducted between March 23, 1965, and September 25, 1965, among five of the seven members of the Commission; J. Lee Rankin, the Commission's General Counsel; Norman Redlich, Rankin's Special Assistant; Howard P. Willens, the Administrative Assistant; and Alfred Goldberg, who with Redlich had editorial responsibility for writing the report. In addition, six Assistant Counsels who conducted investigation were also interviewed.

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

In criticizing the President's Commission, Epstein pointed out the internal strife which existed between staff members and Commission members. He said there were actually two separate investigations, the Commission's hearings and the staff investigation. Opinions differed as to what the Commission actually did, and staff members, according to Epstein, were of the opinion they did all the investigating, lined up the witnesses, solved the problems, and wrote the report. Wesley J. Liebeler, when asked what the Commission did, replied "nothing." The Commission was compared to a corporation's board of directors with Rankin as president and the staff members as the officers. He also said there was little direct contact between the Commission members and the staff lawyers and to most of the lawyers "Warren was the Commission."

Epstein said there was a restriction in communication with the FBI. Wesley J. Liebeler was quoted as saying that although the FBI was extremely efficient in answering questions submitted in writing, the Agents did not develop any information that was not specifically requested of them. This is a false statement as hundreds of independent investigations were conducted by us to resolve any questions and the results were all furnished to the President's Commission. In Epstein's book he clearly points out that the Commission did not read all of the material that was furnished to them. He also indicated other staff members were not satisfied with FBI cooperation. However, J. Lee Rankin, General Counsel, was quoted as saying that although there was some "communication" problems between the staff and the FBI there was a liaison officer in the FBI on whom he could call at "any time of the day or night" to expedite important problems.

Epstein indicated the Commission spent considerable time on other peripheral problems such as the methods of the Dallas Police, the activities of Jack Ruby, and anti-Kennedy advertisements. He conceded the Commission was obliged to explore these matters because they might possibly have been connected with the assassination. However, these explorations left little time for testimony concerning the assassination itself. In addition, he pointed out a number of prominent witnesses such as the Director, Secretary of State, Secretary of the Treasury, and the Director of the Central Intelligence Agency testified on procedures of their

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

individual agencies. Although, according to Epstein, these notable witnesses gave stature and importance to the Commission's investigation, it did not serve to reveal any new facts about the assassination itself.

Epstein has attempted to establish that two assassins were involved in the shooting of President Kennedy. He bases his theory on the U. S. Navy autopsy report which states that a bullet which entered President Kennedy's back exited through the front of his throat. He cited two FBI reports which were made available to him in the National Archives, one dated 12/9/63 and the other 1/13/64, which he contended contradicted the autopsy report by saying the bullet entered Kennedy's back, did not exit from his body, and thus could not have struck Governor Connally. Further, in attempting to establish his theory, he indicated the Zapruder film shows that the assassination could have been committed by one man alone only under one condition; that Kennedy and Connally were hit by the same bullet. He doubles back and says that the previous mentioned summary and supplemental report of ours precluded this condition. He, therefore, said unless the basic facts and assumption established by the Commission are incorrect, there is a strong case that Oswald could not have acted alone.

The facts are our Agents who attended the autopsy at the U. S. Naval Hospital, Bethesda, were advised by examining physicians that they could not locate an exit hole for the bullet which entered the President's back. Subsequently, they determined the exit hole had been obliterated by a tracheotomy performed on the President by doctors at Parkland Hospital, Dallas. The information we obtained from the physicians conducting the autopsy was furnished to the Bureau and set forth in our 12/9/63 report. This information was repeated in our 1/13/64 report along with a statement to the effect that a bullet exit hole had been located in the shirt worn by the President. The autopsy report as furnished orally to our Agents was repeated in the 1/13/64 report in order to emphasize the apparent discrepancy between the oral autopsy report and our examination of the clothing without making such a conclusion.

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

Without fully taking into consideration pertinent details Epstein then raises the question: Why did the Commission fail to take cognizance in its conclusions of this evidence of a second assassin? He said a serious discussion of this problem would in itself have undermined the dominant purpose of the Commission, namely the settling of doubts and suspicions. He said if the Commission had made it clear that very substantial evidence indicated the presence of a second assassin, it would have opened a pandora's box of doubts and suspicions. In establishing the Commission's version of the truth, according to Epstein, the Warren Commission acted to reassure the Nation and protect the National interest.

Epstein's approach to writing his book was scholarly, however, in contending that the Commission's investigation was in essence superficial and inadequate he immediately fell into the same trap. He shifted the attention from various studies of the assassination itself to a study of the Warren Commission and its staff. By taking certain information and twisting the facts he prepared them in such a manner that to the reader they would appear to substantiate his own theories and conclusions. He purposely failed to include pertinent information in many instances which would have clearly defined either why the Commission did or did not pursue certain avenues of investigation.

On page 211 under notes Epstein indicated that he interviewed Dr. James Rhodes, Civil Archivist of the National Archives, as well as conducting limited examination and "spot check" of the investigative reports contained in the National Archives. It is noted that 23 Government agencies furnished information to the President's Commission relating to the assassination of President Kennedy. During July, 1965, based on a request of the White House, the Attorney General requested that a review of pertinent documents in possession of the National Archives relating to the assassination of President Kennedy be made for the purpose of public disclosure of information on file which had not previously been disclosed. The Bureau and other Government agencies complied with the Attorney General's request. The results of our review of those documents which we considered suitable for public disclosure was furnished to the Attorney General by letter dated August 25,

Rosen to DeLoach memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

1965. Subsequently, the Attorney General directed a memorandum to Mr. McGeorge Bundy in which he indicated that 75% of approximately 75,000 pages of documents contained in the National Archives were reviewed and open for public use; therefore, approximately 53,831 pages are currently available in the National Archives for review by the public.

An article appeared in "The New York Times" by Mr. Fred Graham, a lawyer and the Supreme Court correspondent for "The New York Times." Mr. Graham reviewed Epstein's book and was critical of it. He mentioned that the book jacket described Mr. Epstein as "a young scholar" and makes much of the academic genius of the book. The United States National Archives is given as a major research source and the impression is created that this is a definitive scholarly study of the Commission. However, he pointed out that Epstein considered the available papers and investigative reports submitted to the Commission by the FBI and other agencies of so little value that he spent only two days in the National Archives making a "spot check" on their contents.

Although Epstein did not make any direct derogatory remarks against the Bureau, he did quote several Commission staff members who were primarily dissatisfied with communications with the Bureau. He quoted Joseph A. Ball, Assistant Counsel, who said that on his first trip to Dallas he called the FBI Field Office for assistance in a problem. Ball was told the request must come from FBI Headquarters, Washington. Thereafter, Ball had to telephone Mr. Howard P. Willens, Assistant Counsel, who prepared a formal request which was forwarded to the Bureau. Ball said three days later he was notified that this request had been approved, but by this time Ball had resolved his problem. Ball was quoted as saying the FBI was "exasperatingly bureaucratic." Epstein said that other lawyers on the Commission staff were less satisfied with FBI cooperation. Mr. Melvin Eisenberg, Assistant Counsel, said that although relations gradually improved, FBI Agents were resentful of "amateurs" doing what they considered to be their job. Joseph Ball was again quoted as saying that FBI Agents cooperated only on "express orders" from "Hoover." J. Lee Rankin, General Counsel, said, however, that although there were some "communication problems" between the staff and the FBI there was a liaison officer with the Bureau on whom he could call at "any time of the day or night" to expedite important problems.

Since Epstein did not conduct adequate research of facts available and, further, that his book was based

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF PRESIDENT KENNEDY

mostly on interviews he conducted, Epstein has exercised literary license in arriving at his conclusions and theories. His book and the manner in which it was prepared indicates there are many discrepancies existing in the Commission's investigation of the assassination. However, the discrepancies appeared not within the Commission itself but with the interpretation given by the writer. In the future, this book will no doubt cause considerable consternation with the findings of the President's Commission. However, the deception utilized by Epstein can be immediately revealed by making comparisons of those things he has written with the findings of the President's Commission.

JRM

OR