

20734

June 14, 1966

Editor,
Los Angeles Times
Los Angeles, Calif.

Dear Sir,

Your major attention to the WHITEWASH of the assassination of President Kennedy in Robert J. Donovan's impressive and important treatment of Edward J. Epstein's significant contribution, INQUEST, leave me less happy than I could be because of certain inaccuracies that I hereby call to your attention in the hope you will inform your readers.

Nineteen months did not elapse following the Report of the Warren Commission before "the question of whether a second assassin may have been involved is again being asked." There have been a number of articles in various of the smaller magazines and there is my book, WHITEWASH: THE REPORT ON THE WARREN REPORT. This book was completed in mid-February 1965, but five months after the Report, and a limited edition was published almost a year ago. With slight additions, it was reissued a month ago and attracted major attention, the attention that led to the distribution of INQUEST a month ahead of schedule. Mr. Donovan may not have gotten a copy of WHITEWASH because some of the copies left outside offices disappeared or I may have overlooked him. Its first press notices began to appear May 11.

It is not true that "No new evidence has come to light". WHITEWASH consists largely of new evidence ignored, misrepresented in or ignored by the Report. It is based entirely upon the Commission's testimony and exhibits, to which it is extensively referenced, and this evidence is new because it is not in the Report.

Mr. Donovan is not alone in quoting an FBI spokesman to the effect that the FBI's reports to the Commission are in error. It is conspicuous that J. Edgar Hoover has not said so. Until he says that the FBI does not know its business, until he says that he, in reporting to the Commission on so serious an event as the assassination of an American President, he retailed mere rumor, I do not believe it and I believe it is unworthy of serious consideration. Nor is it even credible that his experienced agents gave him only snuttlebut about the President's wounds, especially when they, despite other published reports, remained with the President's body throughout the autopsy, examining the Xrays with the pathologists, saw the pathologists unable to probe the President's non-fatal wound, and didn't leave the hospital until after the President's body left with the undertaker.

The question of whether Oswald had an accomplice is not raised "at this late date". WHITEWASH earlier raised it, at the same time raising the question that Oswald may not have been one of the assassins, for this is the burden of the Commission's best evidence, that is quoted, ~~and that~~ The Commission's best evidence is that he could not have killed the policeman. It really has no evidence that he did.

credible

also

Again, in this connection, WHITEWASH goes much further. In the second of its three parts, dealing with Oswald in the hands of the public authority that made his murder possible, it shows from the evidence that he probably could not have been ~~was~~ brought to trial but that had he been, there was really nothing that could have been used against him from either his lengthy interrogations, the illegal nature of which the current Supreme Court decisions underline (and which WHITEWASH forecast) or the searches and seizures of his property, which were so scandalous that some ~~was~~ *was* were sold for profit and never produced by the police.

So, although it is quite true that the possibility of an accomplice is "diligently put forth" by INQUEST, WHITEWASH did it earlier and more thoroughly. Here I should like to refer you especially to the chapters "The Number of Shots" and "The Doctors and the Autopsy" and the appropriate parts of the appendix, which consists of photographic reproductions of the evidence not used in the Report. You will find a photocopy of the certification of the chief autopsy doctor that he burned some of the autopsy papers, in the recreation room of his his home, according to his testimony. He told the Commission what he burned was the first draft of the autopsy. After reading WHITEWASH, which I sent him, he may have concluded he didn't burn enough, for on page 198 WHITEWASH reproduces excerpts from what he described as his second draft. In his own handwriting, Doctor Humes, this chief autopsy doctor, recorded that Doctor Perry, in Dallas, "noted (a) puncture wound of the low anterior re ck..." or that the President was shot from the front, which neither Oswald nor anyone else behind him could have caused. Other excerpts from this handwritten draft of the autopsy reveal the word "puncture", meaning entrance, was stricken through, but that Doctor Humes used this word is beyond doubt, for it is clearly legible, even where he crossed it out. To the best of my knowledge, even today this evidence is in WHITEWASH alone, and it is far from the only such exclusive content of the book.

Mr. Donovan's opinion is one with which I entirely agree when he says of Inquest that it "contains some of the most pointed criticisms and surprising revelations about the internal controversies in the Warren Commission yet to appear." This is the contribution of INQUEST, and it is a genuinely significant one. But in doing this it verifies with the words of the Commission's members and staff what WHITEWASH said in its Introduction a year and a half earlier.

In reporting the disagreement within the Commission about the language to be used in the Report on that magical bullet alleged to have caused all seven non-fatal injuries on both the President and the Governor, Mr. Donovan refers to a Washington Post story that referred to and contained a photograph of WHITEWASH. This bullet and its theorized history are exhaustively treated in my chapter The Number of Shots. From the quoted testimony of the doctors, this proves that the Report misrepresented their testimony in order to reach the conclusion that one bullet did inflict all these injuries, smashing no one really knows how many bones while remaining unutilated and virtually intact. In this chapter WHITEWASH also quotes the information J. Edgar Hoover gave the Commission about the "missed " bullet, the one that hit the opposite curbstone on the next street. Mr. Hoover said it could not be associated with any bullet or fragment of bullet that was associated with the Presidential car or any of its occupants. Strangely enough, while the Commission said this was a separate, the *shot* third of the three bullets, The FBI report, reproduced in facsimile on page 195 of WHITEWASH, makes no reference to this bullet while still accounting for all three without it. To the best of my knowledge, no other book and no ~~NEWS~~ news story on the books refers to this. Is it not a question for the FBI to answer?

Mr. Donovan's language that "The question of what happened to the bullets fired at the Presidential limousine... is unbelievably complex" is more than justified by the language of the Report. It is not from the evidence not used in the Report. Here

is one of the cases where the Commission members were imposed upon. They were told the so-called "found" bullet, the one with the magical property of not being marked by the bones it smashed when the FBI said even coarse cloth or leather would have marked it, was traced to Governor Connally's stretcher. The only evidence is from Darrell C. Tomlinson, Parkland Hospital engineer, who picked the bullet up when it was jarred from underneath the mattress of an unidentified stretcher. When pressured in an entirely unsuccessful effort to get him to say he got this bullet from Governor Connally's stretcher, what Tomlinson actually said (WHITEWASH, page 162) is: "I am going to tell you all I can, and I am not going to tell you something I cannot lay down and sleep at night with either". Is there anything that cannot be "proved" by such handling of testimony?

And it is clear that unless the Commission could prove - which it did not - that both the President and the Governor were wounded by this bullet, there had to be at least two assassins, for there was at least a fourth bullet fired, not that the Commission ever proved that Oswald or any other one man could have fired these three. Its evidence is to the contrary. The best shots it could get, firing at a still target, couldn't do as well as it alleged Oswald did; again not the representation of the Report, although it is the evidence (WHITEWASH, page 23). It is also clear that the Commission's own medical witnesses swore that this bullet, Exhibit 399, could not have done what the Commission attributed to it and upon which its entire case hangs.

So you can see for yourself and compare WHITEWASH with the testimony and exhibits upon which alone it is based, I am sending you a copy under separate cover. It is, however, available nationally, and is stocked by a major west-coast distributor (Raymar 1551 South Primrose Ave., Monrovia, Calif.; phone 358-1801). In this connection I should like to report the unusual reception WHITEWASH has received as a private edition, reproduced by offset. Five major distributors are handling it. There are 2751 copies in normal commercial channels or sold, besides the number we mail out daily in response to unsolicited request from all over the country. ~~There is a large proportion of this order from California.~~ In all, in a month, three thousand copies are out, a not unimpressive performance for a book by a known publisher. It is also attracting considerable attention abroad, with expressions of interest from five countries where publication is under consideration. I understand some of the major reprint publishers in the United States are also interested in it.

INQUEST and WHITEWASH are not competitors, even though they do not entirely agree in their conclusions. INQUEST rests on what members of the Commission and its staff told Mr. Epstein. WHITEWASH rests entirely upon the Commission's own evidence, with which it disproves all the major conclusions of the Report. It also documents the destruction and alteration of evidence by reproducing the proof.

You are to be congratulated for your readiness to seriously approach this major event in our history, an event that so many publishers have shunned. May I hope that you will add to your coverage this information about WHITEWASH which, I regret, was not in your original story? Thank you very much.

Sincerely yours,

Harold Weisberg

WARREN REPORT CHALLENGED

Question of Second Kennedy Assassin Again Being Asked

BY ROBERT J. DONOVAN

Times Washington Bureau Chief

WASHINGTON — Nearly 19 months after publication of the Warren Commission Report, the question of whether a second assassin may have been involved in the murder of President John F. Kennedy is again being asked.

No new evidence has come to light. Rather the issue is being resurrected in new challenges to the findings of the Warren Commission and in new interpretations being placed on the evidence.

These challenges are abetted by what appear to be errors in the early Federal Bureau of Investigation report on the President's wound. If the FBI statements are not errors, they could unhinge the central conclusion of the commission report: that Lee Harvey Oswald was probably the sole assassin. An FBI spokesman

Sunday said, however, that the statements are in error.

The possibility Oswald had an accomplice staggers the imagination at this late date. Who could such a person be? If he exists, where is he? What is he doing? Is he still a potential menace? Such a question has a fantastic ring to it. Yet it is diligently put forth in a new book to be published this week by Viking Press—a book that is but the first of many

Please Turn to Page 25, Col. 1

Los Angeles Times

LARGEST CIRCULATION IN THE WEST, 839,735 DAILY, 1,165,35

5—PART ONE

CC

MONDAY MORNING, MAY 30, 1966

Times

'6 SUNDAY

100 PAGES

Copyright ©
Los Angeles

Continued from First Page

that will challenge the Warren Commission findings.

The Viking book is called "Inquest: The Warren Commission and the Establishment of Truth." It was written originally as a thesis for a master's degree at Cornell University by Edward Jay Epstein, who is now working for a Ph.D. degree at Harvard.

It carried a highly laudatory foreword by Richard H. Rovere, Washington correspondent for the New Yorker magazine, who writes that Epstein's case "is as impressive as it is disturbing."

Contains Criticism

The book contains some of the most pointed criticism and surprising revelations about the internal controversies in the Warren Commission yet to appear.

It reports, for example, that Chief Justice Earl Warren, the chairman, lost his temper over delays in getting out the report. It says staff lawyers called the commission's hearings a "joke" and it charges that much of the investigation was "superficial" and overly hasty.

According to Epstein, the White House through McGeorge Bundy, former special assistant to the President, exerted pressure to get the report out before the 1964 Presidential election to prevent the assassination from becoming a campaign issue.

The book also indicates a serious division within

the commission on whether the President and Texas Gov. John B. Connally were struck by the same bullet — a crucially important point in establishing whether Oswald was alone.

According to Epstein, Sen. Richard B. Russell (D-Ga.) a commission member, "reportedly said he would not sign a report which concluded both men were hit by the same bullet."

Agree With Russell

Two other members, Sen. John Sherman Cooper (R-Ky.) and Rep. Hale Boggs (D-La.) "tended to agree with Russell's position," Epstein says.

Yet the report appeared a unanimous one and the conclusion was that the same bullet had struck Mr. Kennedy and Connally—the bullet, that is, that wounded the two men.

Another bullet, the fatal one, hit Mr. Kennedy only. It struck his head. The commission concluded that three bullets were fired, one of which went astray.

The two senators were unavailable for comment Sunday. The Washington Post, however, quoted Boggs as having said that an implication the commission was divided in its conclusions is wrong. There were, he said, many discussions involving many points of evidence. But the findings were unanimous.

No Proof

While the Epstein book challenges the commission's methods and its findings, it does not prove the case of a second assas-

sin any more than the Warren Commission proved beyond all doubt that Oswald was the sole assassin. The commission concluded simply that "Lee Harvey Oswald was the assassin of President Kennedy." But it said:

"Because of the difficulty of proving a negative to a certainty, the possibility of others being involved with either Oswald or Ruby cannot be rejected categorically. But if there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this commission."

In other words, while not excluding the possibility of an accomplice, the commission leaned heavily toward the belief Oswald was alone.

Complex Question

The question of what happened to the bullets fired at the Presidential limousine in Dallas Nov. 22, 1963, is unbelievably complex. Yet on its resolution depends the answer to

Please Turn to Pg. 26, Col. 1

Continued from 25th Page

whether one or two gunmen were involved.

Motion pictures taken by a bystander show clearly the reactions of Mr. Kennedy and Connally when they were first struck. Mr. Kennedy clutched his throat; Connally slumped forward. These reactions occurred less than two seconds apart.

It was, however, demonstrably impossible for Oswald's bolt-action rifle to have been fired twice in that brief interval. Therefore, one of two things must have happened: either Mr. Kennedy and Connally were shot almost simultaneously by two different gunmen, or, as the commission concluded, the bullet that struck Mr. Kennedy in the shoulder must have passed through his body first and then through the chest of Connally, who was seated in front of him.

Epstein attacks this conclusion forcefully, beginning with citations from FBI reports, which had not been made public at the time the commission submitted its finding.

In its first assassination report dated Dec. 9, 1963, the FBI said:

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

In a supplementary report dated Jan. 13, 1964, the FBI said:

"Medical examination of the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger.

Notes Small Slit

"There is a slit approximately one-half inch long about one inch below the collar button in the overlap of the shirt the President was wearing. The slit has a characteristic of

an exit hole of a projectile."

"The FBI report," Epstein writes, "precluded the possibility that both men were hit by the same bullet. There was thus a prima facie case of two assassins. The fact that Oswald was able to escape from the murder scene suggested a second assassin could also have escaped undetected."

Epstein's case is challenged by the statement Sunday by the FBI spokesman that the FBI report was wrong when it said "there was no point of exit."

Quoting Doctors

The FBI agents were not doctors but were merely quoting doctors, the FBI spokesman said, which of course does not dispose of the question whether the doctors were right or wrong. The FBI spokesman said the ultimate truth about the wound is in the autopsy report, which reads:

"The missile contused the strap muscle of the right side of the neck, damaged the trachea (windpipe) and made its exit through the anterior surface of the neck."

It was on this statement that the Warren Commission relied in concluding that there was "very persuasive evidence" that the same bullet that "made its exit through the anterior surface of the neck" went on to pierce Connally's chest and wound his wrist.

Disagrees

Epstein disagrees with the commission, saying:

"Either both men were hit by the same bullet or there had to be two assassins. Norman Redlich, Arlen Specter and other members of the staff took the position the report had to conclude that both men were hit by the same bullet. There was, however, no substantial evidence which supported this contention. And there is evidence that all but precluded the possibility that both men had been hit by the same bullet."

Epstein also argues

Please Turn to Pg. 27, Col. 1

Continued from 26th Page

there is a question whether the autopsy report published by the commission was the original autopsy report. Before any official word had been released about the autopsy, he notes, certain newspapers carried stories saying the autopsy showed the first bullet had penetrated the President's back by only a couple of inches.

The wound in the front of the throat, according to these newspaper accounts of the autopsy, was caused by a metal fragment from the subsequent fatal shot in the head.

Notes Testimony

Epstein notes for example that Connally testified it was "inconceivable" that he was hit by the same bullet that also hit Mr. Kennedy, although Connally's own surgeon believes the governor could have been mistaken.

Epstein argues that, if the bullet that hit Connally had also damaged Mr. Kennedy's windpipe, the President would not have been able to exclaim: "My God, I am hit." Secret Service agent Roy Kellerman testified he heard Kennedy say that after the first shot.

Epstein's thesis is that the Warren Commission did not want to rock the boat by delving into troublesome matters that might have suggested the facts about the assassination were other than what they appeared to be.

Thus, he says, the commission did not make a sufficiently exhaustive inquiry into the rumor that Oswald was a paid FBI informer, even though there were some very curious circumstances.

Instead, Epstein says, the commission simply took the word of J. Edgar Hoover and the FBI that Oswald was not an informer.

Quotes Lawyer

Epstein quotes Joseph A. Ball, a Long Beach, (Calif.) lawyer, who was an

important member of the commission staff, as complaining that the FBI was "exasperatingly bureaucratic" in its dealings with the commission and that FBI agents collaborated only on "express orders" from Hoover. Epstein also says, however, that "the staff had virtually all its questions answered by the FBI."

On the other hand, he quotes another staff mem-

ber, Wesley J. Liebeler, that "the most disquieting thing about the FBI investigation was that it was less thorough than it appeared to be." Liebeler also is quoted that "the CIA was so secretive it was virtually useless to the commission."

"Opinions differ as to what the commission actually did," Epstein writes after interviewing many of those connected with it. Ball said the commission had no idea of what was happening; we (the staff) did all the investigating, lined up the witnesses, solved the problems and wrote the report."

'Nothing'

Liebeler, when asked what the commission did, replied: "In one word, nothing."

These judgments are not compatible with the views of some independent observers here who thought at the time that members of the commission made a substantial contribution to the final report, even though the report may not have broken new ground.

Epstein concludes his book with these words:

"Unless the basic facts and assumption established by the commission are incorrect, there is a strong case that Oswald could not have acted alone. Why did the commission fail to take cognizance in its conclusion of this evidence of a second assassin?"

"Quite clearly, a serious discussion of this problem within itself has undermined the dominant purpose of the commission, namely, the settling of doubts and suspicion. Indeed 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 suspicion. In establishing its version of the truth, the Warren Commission acted to reassure the nation and to protect the national interest."