

Books of The Times

Pandora's Box

By ELIOT FREMONT-SMITH

INQUEST: The Warren Commission and the Establishment of Truth. By Edward Jay Epstein. Introduction by Richard H. Rovere. 224 pages. Viking. \$5.

FROM its Presidential appointment one week after the assassination of President John F. Kennedy in Dallas to the completion of a report of its findings 10 months later, the Warren Commission (formally, the President's Commission on the Assassination of President John F. Kennedy, headed by Chief Justice of the United States, Earl Warren) had two obvious purposes or duties to perform. One was explicit—to ascertain, evaluate and expose the facts. The other was implicit—to protect the national interest by dispelling rumors. These were compatible, Edward Jay Epstein writes, "so long as the damaging rumors were untrue," adding: "But what if a rumor damaging to the national interest proved to be true? The commission's explicit purpose would dictate that the information be exposed regardless of the consequences, while the commission's implicit purpose would dictate that the rumor be dispelled regardless of the fact that it was true. In a conflict of this sort, one of the commission's purposes would emerge as dominant."



Sandy Noyes

Edward Jay Epstein

This is the main thesis of a most interesting and disturbing study that has caused considerable stir. It is probably fair to say that "Inquest" is the first book to throw open to serious question, in the minds of thinking people, the findings of the Warren Commission. It does so not as an outraged polemic, convincing only to the already convinced, but as a sober, scholarly case study of how an extraordinary government commission goes about its work—the conception of its job, the nature of internal and external pressures on such a commission and the effect these may have on the conduct and quality of the investigation, selection and evaluation of evidence.

At the outset, Mr. Epstein specifically rejects the underlying assumption of governmental omnipotence—that the Government can do whatever it sets out to do—that has been common to most previous writing on the assassination, both demonological and blindly faithful.

Instead, Mr. Epstein persuasively argues,

if the commission failed in its primary, explicit purpose, the disinterested, exhaustive search for truth—and in certain crucial respects he believes it did fail—it was because the commission allowed its second, implicit purpose, the allaying of harmful and divisive rumors, to take precedence. The very nature of the commission and its investigators (eminent, and therefore involved with other

duties and commitments), the hurried circumstances under which it worked (Mr. Epstein documents immense pressures to complete the report and get it out before the elections) and the expectations the country had of it (for a logical solution, without loose ends, without gnawing doubts), all militated, Mr. Epstein says, not for the establishment of actual and probably imperfect truth, but for the establishment of something quite different, "political truth."

The major political truth that most of us accepted as simple truth, and which this book soberly challenges, is that the evidence points to Lee Harvey Oswald as the sole assassin. According to Mr. Epstein, the evidence points to no such thing. It points instead to considerable confusion about how many bullets were fired, the strong possibility that there was another assassin (Oswald's guilt is not doubted, only that he acted alone) and to possible, though not necessarily malicious, tampering with the autopsy report. All of this is debatable; indeed, applying the author's lesson, one may question his unqualified allegiance to unvarnished truth. To what extent was Mr. Epstein predisposed to prove a case that the Warren Commission, for the reasons above, could not succeed in its primary function? One may also note that the unlikely, even the seemingly impossible, has in the past occasionally turned out to be true, or as near to "true" as we can get.

Yet Mr. Epstein's book is at least persuasive in showing that if the Warren Commission's version of the assassination is correct, it is not completely faithful to the evidence—which includes unexplained contradictions and unevaluated doubts—that the commission had available to it. And, backed with interviews with commission members and its staff, and research in Government archives (the investigative job, Richard Rovere, in a powerful introduction, suggests newspaper reporters should have done when the commission first issued its report), the book is also persuasive in its examination of how such a thing could happen.

In short, "Inquest" represents what must now be termed a new and preliminary investigation into the assassination of President Kennedy—an investigation, it should be realized, that may never yield a fully satisfactory solution. A Pandora's box, perhaps, but there it is—it has been opened.

Reviewers are no less entitled to their opinions than ^{other} writers, and it may be that the special nature of their writing properly requires tolerance of what in other departments of a newspaper would be considered license. It would not seem, however, that his special prerogatives extend to ^{departure from} ~~distortion of~~ fact or its misrepresentation.

Your favorable review of Edward J. Epstein's "Inquest" is welcome because the book deals with one of the more important events in recent history, a subject that has been too long neglected - and feared - by the press. The book has its own kind of importance.

There are in your review, however, departures from fact that, no matter how unintended, are hurtful to me.

"It is probably fair to say that 'Inquest' is the first book to ^{throw to} open/serious question, in the minds of thinking people, the findings of the Warren Commission," you say. Not so.

My book, "Whitewash: The Report on the Warren Report", to the knowledge of the New York Times, considerably preceded Mr. Epstein's. Because of publisher preference to milktoast over meat, in more than a year it could not command normal publication. It was published in a limited edition a year ago and in the present

generally-available edition was delivered to the New York Times May 9, 1966.

Publication date of the Epstein book was June 29, 1966. It was prematurely
launched, much to its publisher's surprise, by the attention to "White-
Wash", already then out.

 first
Fearing the/copies of "Whitewash" might not have reached your department,

 additional
I sent/copies by special delivery to three different people in the book depart-
ments of the New York Times on May 18, 1966. Failing to notice acknowledgement
under "Books Received", I thereafter sent an additional copy to a member of your
department and in response to a request of June 10, still another - a dozen in all.

All of this, please note, in advance of publication of "Inquest". Prior to
publication, "Whitewash" was read by several of the more prominent on the staff
of the New York Times.

Because the New York Times ~~is~~ has its unique importance and is the paper
of record, I hope you may find some mechanism for setting this straight.

When the Sunday Times, without citing a single misstatement of fact, found
it a flaw in "Whitewash" that it was so overwhelming - yet it is, as was not noted,
restricted entirely to the Commission's own ~~information~~ evidence, to which it is
thoroughly referenced - I was silent, for this was an expression of opinion.

This does not parallel your statement, "Oswald's guilt is not doubted, only that he acted alone) and to possible, though not necessarily malicious tampering with the autopsy report. All of this is debatable..."

That Mr. Epstein did not doubt Oswald's guilt is true. That it is proper for him to do so, without citing probative evidence of that guilt, in a book making the pretensions of his, may be entirely another matter. His is represented as a book of fact, not opinion. Even were it otherwise, such an opinion requires more support than its confirmation ~~is~~ by the Commission he is undertaking to refute.

Were there any indication that indeed, Mr. Epstein had dredged the Commission's own evidence in those massive 26 volumes, a belief you share with most other reviewers but of which there is no evidence. His opinion might be worth more. Only those intimately familiar with the Commission's evidence, especially those in the press, ought take it upon themselves to ~~make~~ profess such intimate knowledge. The Commission's best evidence, despite the over-writing of the Report, is to the contrary, and it is so obvious to those who know it that a member of that legal staff ~~was~~ declared in the Journal of the American Bar Association that he likely could not have been convicted. Please remember that we are, in the world of today, dealing with an event of unparalleled magnitude, the assassination of an American

President; and with the most precious rights, those of all Americans. These should impose greater restraint upon reviewers.

To those who really know the Commission's record, there is no doubt that more than one person was involved. If this evidence, ~~is~~ poor and misused as it is, proves anything, it is that there was no single assassin. Mr. Epstein may have achieved acceptability in abdicating his responsibilities as an analyst, but may we not expect more of a reviewer? ^{Or} have you, without realizing it, come to regard Mr. Epstein as some kind of an oracle?

It is clear you have accepted Mr. Epstein's belief in his handling of the autopsy, but neither you nor any other should be restricted by ~~his~~ the limitations of his knowledge of his subject or of his reflection of it in his book. His version may have led you to believe there can be any tampering with an autopsy that is, ~~not~~ in your words, "not necessarily malicious". But because we are here dealing with not an ordinary autopsy, important as such a document is, but the autopsy of a President, without citation of authority this opinion, it seems to me, transgresses upon the license of review.

There can be and there is no doubt the autopsy was altered with. The first draft was burned, the second changed in a substantive way, and the certification of

this destruction and ~~the~~ facsimiles of the oldest known existing handwritten version reproduced on pages 187 and 198 of "Whitewash" so prove, whether or not Mr. Epstein so admits.

Would it not seem more appropriate for Mr. Epstein or his reviewers to ask why was the President's autopsy burned, and why had the Commission no questions about it, rather than, on the basis of too limited knowledge, opining such a thing is "debatable"?

My long, intensive and not happy preoccupation with this book and efforts to ~~be~~ achieve normal publication/^{may} have ~~perhaps~~ led me to stronger opinions that others hold or perhaps are willing to credit. I nonetheless believe that none of us can expect to enjoy his rights if these same rights can be denied any of us; and that the Presidency is more than the ^{agency} ~~repository~~ of American power. ~~and~~ but is the symbol of us all and the repository of our honor.

For these reasons, in addition to those that are obvious, I have written you at length where otherwise I would not have, without rancor, I hope you will believe, and intending no offense. It is just that I believe that when we are dealing with any non-political aspect of the Presidency we should impose upon

ourselves limitations that would not otherwise be necessary.

Nor do I write this letter for publication, for then I would address it ^{seeking its} elsewhere.

But I do hope that it will be possible for the Times, at some point and in some way, to acknowledge that I ~~was~~ was first with a really definitive work, whether or not it agrees with me on content, for I tell you unblushingly I am proud of what I have done and have in it such a vast investment of time and money that it cannot, in normal terms, be profitable.