



## To Earl Warren

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It will be three years tomorrow since John F. Kennedy was slain in Dallas and, as this somber anniversary nears, the best-selling book in the land (Mark Lane's "Rush to Judgment") asserts that we do not know the truth about what happened that day. Other volumes voicing doubts are being read by thousands.

The debate is being aired on national TV programs and, beyond the realm of serious discussion, wild, macabre fantasies are circulated by kooks addicted to conspiracy theories of history.

And so it is time we confronted the reality that the Warren Commission inquiry needs a sequel. The only man who can effectively initiate such a procedure is Chief Justice Earl Warren.

It is well known that Warren initially undertook direction of the investigation with grave misgivings. He had personal reservations about the propriety of his role. Perhaps he also anticipated the complexities that would haunt such a probe in the immediate aftermath of the crime—and amid the pressure for a swift finding that would soon develop.

For many of us Warren's decision to assume the burden evoked a sense of relief. His integrity was beyond dispute; his experience as a prosecutor seemed to offer assurance that there would be neither gullibility nor ineptitude on a technical level. And when his commission rendered its report there was a widespread tendency to view this as the last wise, if tragic, word that had to be spoken. Things were as they appeared to be and no purpose could be served by further retrospect. Certainly no one would portray Earl Warren as the architect of some "establishment" plot to oversimplify or distort the story of the assassination.

None of the controversial literature that has emerged alters my view of the man whose name is identified with the report. But a reasonable body of evidence now suggests that the Commission—perhaps because of the circumstances under which it was obliged to operate—is vulnerable to responsible critique. Too many thoughtful men are troubled by the record, not because they possess any remarkable testimony to challenge the conclusions but because they are dismayed by the gaps in the commission's work. A sober study along these lines is offered by Yale law professor Alexander Bickel in the current issue of Commentary.

It has been said that any meaningful questions about the Warren report are absurd because Robert F. Kennedy occupied the role of Attorney General for many months after the slaying and would surely have been alert to any negligence or blunder in the inquiry. Yet the truth is that during most of those months the slain President's younger brother was in a state of shock. He had total confidence in Justice Warren. He could not himself contemplate any intimate involvement in the machinery of the postmortem. And I think he has held to that position of aloofness, until this day, for reasons that are wholly comprehensible in human terms.

But the rest of us cannot sustain the luxury of pretending that the book is closed because it seems unbearable to reopen this tragedy and review again the circumstances of that day's heart-break and horror.

It is no longer a matter of saying that some diehard leftists are seeking to perpetuate the argument because they cannot endure the notion that a crazed ex-Marxist—rather than a Birchite—was the solitary executioner. Too many men with no ideological vested interest have been examining the record and claim to have found too many errors of omission in the commission's work.

This is not to suggest that a new probe will reach a judgment significantly at variance with that of the Warren group. It might prove to be only corroborative—but with the advantage provided by the perspective of time and added leisure.

Clearly a large obstacle to such a proposal is the implied affront to Chief Justice Warren. No doubt that is why many men have hesitated to support the idea, advanced by Richard Goodwin and others; it is why I have found myself avoiding the subject. There is admittedly, too, the peripheral risk that a reenactment of the inquiry will provide a field-day for exhibitionist exercises. For members of the Kennedy family there is an understandable dread of the revival of the story through new hearings and interrogations.

But the story has never died. Earl Warren is a large enough man to recognize that it would be no aspersion on the honor of his colleagues to recommend the formation of a new investigating group, drawn from the legal profession, to appraise questions that have arisen since the Warren report was issued. Some of the questions are far-out and lurid, but others are real and perplexing.

I do not know whether we can find new answers, but Justice Warren could render a memorable service by requesting the President to sponsor such a reevaluation. I think that is the feeling of many who, like myself, long accepted the Warren report on faith and took a dim view of its detractors. Justice Warren may still feel his commission has been subjected to unjustified and sometimes venal criticism. But his most dramatic answer would be an invitation for scrutiny by a group of disinterested legal experts and scholars.

### Rush to Judgment (DOCUMENTARY)

Mark Lane's "brief for the defense" of Lee Harvey Oswald in visual form. Seemingly sober pic is effective propaganda for the Warren Report dissent.

Impact Films releases of Judgment Films Production, produced by Mark Lane and Emile de Antonio; directed by Antonio. Commentary and narration by Lane, based on his book; camera, Robert Primes; editor, Daniel Drasin. Released at Carnegie Hall Cinema, N.Y., June 2, '67. Running Time, 122 MINS.

Lawyer Mark Lane, whose "brief for the defense" of Lee Harvey Oswald, whom the Warren Commission called the lone assassin of President Kennedy, was in the No. 1 non-fiction best-seller position for several months, has now converted his apparently exhaustively researched material into a film of the same name, "Rush to Judgment." For many it will seem a surprisingly convincing pic, opening up severe doubts about the thoroughness and even integrity of the Commission members and leaving the firm impression that this incredible murder has not yet been solved, as some think Lincoln's assassination was never fully explained.

While Warren Report defenders have often pictured Lane as a wild and impetuous figure, he has had the tact (or showmanship) to present himself on the screen as the very image of concern and restraint. "Rush to Judgment" is sober and unexcited, making its points with quiet and controlled definiteness, sans hysterics or frenzied accusations. Lane and collaborator Emile de Antonio (a familiar figure on the N.Y. film scene whose documentary on Senator Joseph McCarthy of a few years back, "Point of Order," operated on the same principle) have let their material present itself, utilizing wryness as their main weapon to sow seeds of doubt.

One wise decision on Lane's part was to concentrate almost exclusively on points which could be illustrated filmically. This, of course, also has its drawbacks. The famous bullet dispute, wherein it is alleged that the fragments removed from Governor Connally's wrist were too heavy to have emanated from the "retrieved" bullet, is mentioned only in passing. It is a key point, but since photographic or filmic material is available, Lane cannot afford not to dwell upon it. Like with the suppressed autopsy photos (they are now in Government hands, but still not open to inspection) are not even mentioned; nor is the purely verbal discrepancy between earlier and later FBI autopsy reports.

Instead Lane and Antonio base their case on evidence that seems meaningful on the screen. Opening section (except for brief and morbidly-fascinating rehash of events of November 22-24, '63 from television stock footage) is a series of interviews with assassination witnesses in Dallas. Lane appears to demonstrate that the overwhelming preponderance of eyewitness testimony is that three shots came from the so-called "grassy knoll," rather than from the Texas School Book Depository building. Interviewees were stationed all around Dealey Plaza on the fateful day, yet many who were in the position to survey the whole scene, Lane is keen to point out, were not called as witnesses by the Warren Commission.

The familiar story that Oswald was not a crack shot is given by one of his old Marine buddies, and there is an intriguing disquisition by Lane on the fate of four key assassination photographs, one of which was apparently lost by the Commission, another crumpled. It's heart-stopping to see again the well-known photo of an "Oswald-like" face amongst the crowd in front of the Depository building at the very moment of the assassination. It certainly looks like the so-called Miller, and not like another Depository employee with whom the FBI attempted to identify the face.

Final section goes farthest afield, dwelling on the subsequent murder in Dallas of officer J. D. Tippitt and on Oswald-murderer Jack Ruby's intimate ties to the city's police. Although never stated in so many words, pic clearly implies that all the incidents of the three days may very well have stemmed from one great conspiratorial plot, and that the investigation should certainly be reopened. One particularly fascinating interview takes place with a man who claims that he rode in the same police car with Tippitt and Ruby several weeks before the assassination. He was never called by the Warren Commission. He seems a sane, rational man who is telling what he clearly believes to be a truth.

Although much background is carefully explicated, film still leaves impression that it is intended mainly for those who have some knowledge of the burgeoning controversy. A few of the witnesses in the opening "grassy knoll" section might have been removed in favor of an extended prolog. As it is, pic does become somewhat tiresome in this segment, as it lingers over yet another on-the-scener well after point has been made. But this is only real quibble generated by a fine piece of propaganda which its makers never pretend is objective.

Robert Primes maintains a steady camera, eschewing distracting zooms and other tricky set-ups of the "new" documentarists. Daniel Drasin, who hasn't been heard from since he made the pioneer cinema-verite short "Sunday" six or seven years ago, had done yeoman editing service, mixing stock footage with the interviews in masterly fashion. Bill Mielche's sound is impeccable, especially impressive considering complete lack of studio conditions. Lane himself narrates in a professional manner. Point of the film is neatly summed up by one interviewee, a track and signal supervisor for the Union Terminal Railroad: "The Warren Commission, I think, had to report in their book what they wanted the world to believe... It had to read like they wanted it to read. They had to prove that Oswald did it alone." Byro.