

A MOVE TOWARD THE CENTER

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Edward Jay Epstein, Inquest - The Warren Commission and the  
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So are they all, all honorable men, -  
Julius Caesar, III, 11, 79.

1. Introduction

The assassination of President John F. Kennedy on November 23, 1963, in Dallas, Texas, was one of the most significant events in contemporary history. A deed of international significance had been done; the world waited for an explanation. To further the presentation of the facts President Johnson created, by executive order 11130, the Warren Commission which was "To ascertain, evaluate, and report upon the facts relating to the assassination of the late President John F. Kennedy."

The publication of this report on September 28, 1964, followed a short time later by the 26 volume record of the Commission's hearings and exhibits has brought forth a barrage of print both for and against the report. These two reactions have been divided into two camps: 1. Blind Faith - Faith is defined by the Oxford English Dictionary as "Belief in the truths of religion as contained in holy scripture or in the teaching of the church;" 2. Demonologist - Demonology is defined by the Oxford English Dictionary as that branch of knowledge which treats of demons. A demon is an evil spirit); Camps which are much too reminiscent of our American manner of always dividing the world, by virtue of a

religious framework, into two sharply opposing positions. In the course of American history the simple ascription of positive value to our cause - the forces of God, good, light - and negative value to the cause of the enemy - the forces of the devil, evil, darkness - has often simplified our expressed national intentions to the point of ridiculousness.

This factor is an extremely important one in any eventual attempt to handle the problems surrounding the assassination of President Kennedy. The implications are quite obvious, as Mr. Rovere's introduction points out, but fails to deal with. By creating two diametrically opposed positions, the end points of battle are established with the further implication that the truth (in the guise of Mr. Epstein's book) lies somewhere in the middle. This strategy which attempts to disqualify by categorizing the point of view from which the facts emerge rather than treating of the facts has been all too prominent in the discussion so far; it enables an opponent to blithely skip over uncontrovertible facts and attack the supposed position of the writer. It also closes off large areas of discussion which must be dealt with, for as soon as one impugns the honesty of the Commission or implies that Oswald did not kill Kennedy, one has left the carefully defined field of battle and is not allowed to play except under the rubric of "demonologist." This occurs no matter what the facts would lead one to believe.

All truths are created equal, but some truths are more equal than others.

## 2. Richard H. Rovere

A prime example of the type of reasoning which refuses

to deal with the implications of the facts is given us by Mr. Rovere in his introduction to the book.

He begins by quoting one of the adherents to the "Blind Faith" theory, Harrison E. Salisbury: "The Warren Commission spent the better part of a year in exhaustive investigation of every particle of evidence it could discover... no material question now remains unresolved so far as the death of President Kennedy is concerned. (The) evidence of (Lee Harvey) Oswald's single-handed guilt is overwhelming.

He then states that it is his "appalling duty" to say that the words do not withstand the challenge of Mr. Epstein's book, a curious attitude with which to approach a work. Then he demonstrates point by point that Mr. Salisbury's statement is patent nonsense. Yet, he is quick to assure us that Mr. Epstein is no "demonologist." ("...is not hawking any sensations...") and "He is not saying that there was a second assassin or that proof of the existence of one would necessarily alter the fundamental nature of the case." A ridiculous statement in light of Epstein (68) "There was thus a prima facie case of two assassins." Then to support his assertion, Rovere states: "If one Oswald was possible, why not two?" (vii) A statement that would make anyone at all concerned with the barest essentials of the case very suspicious of Mr. Rovere.

This problem brushed aside, we are now assured that "Mr. Epstein does not challenge or even question the fundamental integrity of the Commission or its staff. He discards as shabby "demonology" the view that the Commissioners collusively suppressed evidence." A statement entirely unsupported by the evidence presented in the book itself.

After a discussion of the problems concerning the nature of the Commission, which Mr. Epstein discussed, including the problem of purpose: "There was thus a dualism in purpose. If the explicit purpose of the Commission was to ascertain and expose the facts, the implicit purpose was to protect the national interest by dispelling rumors." Mr. Rovere states: "When I first read Mr. Epstein's book it was with the hope that I would find it greatly flawed and could advise that it was not a work to be taken seriously. In late 1963 and in 1964 I was one with what I am sure was a majority of Americans in that the theory of the assassination that best suited me was the one that the Warren Commission in time said best suited the facts. I accepted its Report and was pleased, or at least relieved, to discover that most of the published attacks on it were transparently malicious or ignorant. I would not have been altogether displeased to be able to say the same of Mr. Epstein's book. But I found it from start to finish responsible, sober, and, to use the word the Commission could not bring itself to use, compelling. It is a public service of the kind one wishes were unnecessary. But this does not diminish its importance or its value. And what is perhaps most valuable and important about it is that it may help make future public services of this kind unnecessary." (xiii) Thereby implying that all is now well in terms of this situation and that nothing else is to be done. No concern for the truth or suggestion that another inquest be held- no statements about the travesty of justice that the Warren Commission brief against Oswald perpetrated. The rest is silence.

The implications are astounding to common sense, but not in terms of our "Blind Faith - Demonologist" structure. Mr. Salisbury is wrong, so we must move away from his position to a place closer to the center; but we must not allow ourselves to be associated with those who have been called "Demonologists" no matter what the facts imply. Thus the facts collect, are tucked away, and

nice neat categories are applied to those who wish to use them-  
a bit too pat.

Now that the symptom has been seen let us look closer at the  
disease.

"As our grasp on reality progressively weakens  
and the content of our mind becomes evermore  
primitive, chaotic, and bewildered, we may assume and  
maintain postures symbolic of our inner strain while  
we seek to convey incommunicable feeling or ideas  
through fantastic gestures."

Ivan S. Connell, Notes from a Bottle  
Found on the Beach at Carmel, p. 36.

### 3. EPSTEIN

In the preface to his book Epstein states that his book  
attempts to deal with four central questions: 1. The initiation,  
organization and direction of a full-scale investigation; 2. The  
problem of truth-finding in a political environment; 3. The scope,  
depth and limits of the investigation; 4. The Process of writing  
the Report. The organization of the book is structured around  
these four points!

Immediately after this statement of intent he says: "With  
regard to the Commission most of the writing on the Assassination  
to date falls into two diametrically opposed categories: demonology  
and blind faith. Writers in both groups seem to subscribe to an  
assumption of governmental omnipotence- i.e., that the government  
can do whatever it sets out to do. Thus the demonologists reason  
that as all the facts were not revealed, the Warren Commission  
must have been party to a conspiracy to suppress evidence. The  
blindly faithful reason that as the Warren Commission would not be

party to a conspiracy, all the pertinent evidence must therefore be known. It should be noted that this study rejects both lines of reasoning because it rejects the common assumption on which they are based." Once again creating a structure which will allow him to criticize without threatening the basic tenets of the investigation. "Just the facts mam."

Mr. Epstein demonstrates this empirical bent, but as soon as he leaves the facts of the case and begins to interpret, he enters a world of euphemism unmitigated by any concern for the truth. This becomes quite obvious when the facts that he presents are confronted with two of his own assertions: 1. That the Commission did not collusively suppress evidence; 2. That their integrity can't be questioned.

We have chosen one assertion from each of the ten chapters in order to demonstrate the fallacy inherent in Epstein's refusal to impugn the honesty of the Commission. Some appear without comment as they are self evident. Some we have elaborated upon in order to further delineate the questions involved:

1. "The Commission also expressed that open hearings 'might prejudice innocent parties' if hearsay testimony were made public out of context (15)... Ironically, this hearing took place on the day that the Ruby trial opened, and the Commission permitted Lane to give hearsay testimony concerning an alleged meeting that took place in Ruby's nightclub." (21)

This before the Chief Justice of the United States Supreme Court and some of the countries top lawyers.

2. "The way the Commission dealt with this problem cannot be explained simply in terms of its explicit purpose of making known to the President and the American public everything that went on before it."

This in reference to Oswald's alleged connection with the F.B.I. which appears nowhere not even in the "speculations and rumors" Appendix of the Report. Epstein spends 10 pages (33-42) on the problem.

3. "If the FBI reports are accurate, as all the evidence indicates they are, then a central aspect of the autopsy was changed more than two months after the autopsy examination, and the autopsy report published in the Warren Report is not the original one. If this is in fact the case, the significance of this alteration of facts goes far beyond merely indicating that it was not physically possible for a lone assassin to have accomplished the assassination. It indicates that the conclusions of the Warren Report must be viewed as expressions of political truth." (62)

One would have a difficult time explaining the difference between a lie and "political truth."

4. "Joseph Ball, the most experienced trial lawyer on the staff, said that his investigation of Area II required basically the same process that a lawyer uses in 'building a case'; a chain of evidence had to be forged which indisputably linked Oswald to the assassination and also showed that Oswald had the opportunity to commit the act. Ball thus had a very definite and limited objective." (83)

Was this the task of an inquest?

5. "Despite the restricted flow of information from the FBI, the staff had virtually all its questions answered by the FBI. Despite the judicial restraints, most of the witnesses testified freely and only a small number of questions were left unanswered. Despite the time pressure, most of the salient problems were resolved. The only type of information unlikely to emerge in such an investigation would be information that was deliberately concealed." (103-104)

Here we have the substitution of quantity for quality- one would think that some unresolved questions (such as the second assassin assuming that Oswald was the first, by no means a proven fact as Harold Weisberg has demonstrated in Whitewash) are more important than others.

6. "In all, 43 per cent of the Commission's time was spent hearing testimony concerning Oswald's life history- a fact which suggests that the main focus of the Commission hearings was Oswald, not the assassination itself." (106)

7. "The single bullet hypothesis was thus advanced on the basis of a misinterpretation of Frazier's ballistics testimony, and substantiated by the extremely tenuous findings of the wound ballistics tests. Evidence that was inconsistent with the single-bullet hypothesis, such as Colonel Finck's testimony concerning the bullet found on a stretcher, was omitted from the chapter. The hypothesis thus tended, in a sense, to be a self-fulfilling prophecy." (126)

8. "Chapter IV, in effect, presented the case against Oswald." (130)



9. "Although Capther IV is not a 'prosecutor's brief' in the sense that it presents only one side of the case, it certainly is not an impartial presentation of the facts. In the final analysis, Redlich did 'work for the Commission.' That he is a man of high personal integrity only adds to the poignancy of the situation. In his role of editor, he had to select evidence that supported the Commission's judgments. As contradictory evidence and inconsistent details therefore tended to be omitted, the selection process tended to make the Commission's judgments self-reinforcing." (147)

10. "Unless the basic facts and assumption (sic) 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 conclusions of this evidence of a second assassin? Quite clearly, a serious discussion of this problem would in itself have undermined the dominant purpose of the Commission, namely, the settling of doubts and suspicions. 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 suspicions. In establishing its version of the truth, the Warren Commission acts to reassure the nation and protect the national interest." (153-154)

Careful, Mr. Epstein, that last line might force us to call you a "Demonologist."

This short demonstration is adequate proof that the Commission suppressed, destroyed and lied about evidence of a type that would have seriously altered their case for the prosecution against Oswald. Yet Epstein manages to mollify all of this evidence by carefully chosen words which refuse to go beyond the assertion that the Commission was protecting the national interest. He accepts, without questioning its validity, the act of lying in the context of a democratic institution in order to preserve the institution. For what? More lies perhaps?

This criticism is perhaps much too harsh in terms of the excellent spade work that Epstein has done in respect to interviewing members of the Commission, looking into previously unexamined documents, and providing a general structure for all future work on the Commission itself. The book is brilliant and dispassionate in the best tradition of American academic scholarship, yet its carefully understated case leans much too far in the direction of excusing the Commission for a batch job that makes Senator Fulbright's contention about "arrogance of power" much too real. The public cannot help but be disturbed by a situation in which the words "political truth" (Epstein) are used as a substitute for lies and "morbid curiosity" (Newsweek, June 13, 1966) is applied to an attempt to honestly question the validity of a report whose veracity is being slowly dissolved with each passing day.

The people will know. They must know, for the knowledge of this truth is vital to the continuance of our entire democratic system.