

Some Questions Are Raised and Answered

Warren Report's Conclusions Challenged

By JOSEPH R. DAUGHEN

Bulletin Washington Bureau

Washington, Aug. 27—Mrs. John F. Kennedy, her pink wool suit stained with the blood of her slain husband, entered the National Naval Medical Center at Bethesda, Md., under the watchful eyes of Secret Service agents.

With crisp but solemn efficiency, she and her brother-in-law, Robert F. Kennedy, were escorted to a waiting elevator which lifted them to a private suite on the 17th floor.

IT WAS 7.35 P. M. (EST), Nov. 22, 1963, John F. Kennedy, 35th President of the United States, had been dead less than six hours.

Insulated from a shocked and grieving na-

tion by solicitous officials, Mrs. Kennedy and the then attorney general joined other members of the Kennedy family who already had arrived at the private quarters. Together they waited while a team of physicians in an autopsy room examined the body of the late President.

It was an autopsy that Jacqueline Kennedy did not want. Robert Kennedy, too, objected.

THE AUTOPSY was scheduled, however, at the insistence of J. Edgar Hoover, director of the Federal Bureau of Investigation. Hoover deemed it unthinkable that this fundamental procedure should be omitted in a case where such a monumental crime—the assassination of a President—had been committed.

The examination was started about

8 P. M. Cmdr. James J. Humes, senior pathologist at Bethesda Naval Hospital, acted as chief surgeon. He was assisted by Lt. Col. Pierre A. Finck, a wound ballistics specialist, and Cmdr. J. Thornton Boswell, the hospital's chief of pathology.

AS THE DOCTORS began the formidable task of trying to chart the course of the bullets that ended the President's life at 46, Lee Harvey Oswald was being questioned in a small room in Dallas Police Headquarters, 1,400 miles away.

The autopsy was completed about 11 P. M. and the President's body was prepared for burial. At 11.36 P. M. (CST), in Dallas, Oswald was removed from the interrogation chamber, formally charged with assassination, and taken to a brief press conference in the base-

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ment. There is no major difference of opinion over what happened in Dallas Police Headquarters that night. Oswald, a 24-year-old Marxist who had been cast out by the U. S. Marine Corps, simply denied the charges.

But the activity in the autopsy room, where antiseptic science is supposed to prevail, has come under withering criticism from those who continue to raise the disturbing questions:

Was Oswald alone?

Was there—is there—another assassin?

Almost three years after the shots that killed Mr. Kennedy were fired, the competence of the seven-member Warren Commission, which investigated the assassination, is being challenged.

The commission report, which identified Oswald as the lone gunman, is being called inaccurate and is said to have failed to establish its major premise, that Oswald did, in fact, act alone.

Two Authors Criticize Conclusions of Report

Much of the controversy has been generated by two recently published books which are highly critical of the Warren Commission's work. "Inquest," by Edward Jay Epstein, contends that the possibility of a second assassin has not been excluded and cites the commission's own evidence to support this contention.

"Rush to Judgment," by New York lawyer Mark Lane, is wider ranging and challenges the commission on a number of fronts. Lane, who was retained by Mrs. Marguerite Oswald, Oswald's mother, also draws extensively from commission material to weave a story fraught with overtones of plots and subplots.

Both books explore weaknesses in the commission's case which could indicate the presence of a second assassin. For the most part, the authors concentrate on raising doubts through the presentation of physical circumstances which they interpret as tending to prove that Oswald could not have been alone. Neither, however, presents any material which could lead to the conclusion that Oswald was without guilt.

Among the major matters at issue are the honesty of the autopsy report and the mysterious disappearance of X-rays and

photographs taken of the President's body.

During the autopsy, a dozen X-rays and about 20 photographs, in color and black and white, were taken. Later, seven black and white and six color exposures of the brain were made.

The X-rays were developed and handed over, unseen by the physicians, to Secret Service Agent Roy H. Kellerman. The undeveloped first series of photographs was also turned over to Kellerman.

Kellerman says he subsequently gave them to Special Agent-in-Charge Robert I. Bouck at the White House. The undeveloped photographs of the brain were delivered, by hand, directly to Rear Admiral George W. Burkley, the White House physician.

Pathologists Cite Value of Photos

The X-rays and photographs promptly dropped from sight, never to reappear, although their value in understanding the nature of the President's wounds was emphasized by Humes, Finck and Boswell. In their autopsy report, they stated:

"The complexity of these fractures (of the skull) and the fragments (of metal) thus produced tax satisfactory verbal description and are better appreciated in photographs and roentgenograms, which are prepared."

Despite this statement by the autopsy surgeons, they were never permitted to examine the X-rays and photographs. Despite strong protests from staff members of the Warren Commission, the X-rays and photographs were never produced or made available to the commission.

There is, in fact, no public record of where they are, who has them, or even whether they still exist.

So secretly has this evidence been handled that some members of the commission, appointed by President Johnson to ferret out all the facts of the assassination, have no idea as to its whereabouts.

The sole reason for withholding this material, announced by J. Lee Rankin, the commission's general counsel, was one of "taste."

"The Kennedys didn't want the photos shown," said a source close to the commission.

"They wanted the President remembered as a handsome, alert vigorous man, not as somebody with half his head shot away. That was not in

keeping with the Kennedy image."

Robert Kennedy, this source said, relayed the family's feelings to Chief Justice Earl Warren, chairman of the commission. As he was to do several

times during the investigation, Warren yielded to sensitivity and decreed that the material be withheld.

A commission source says the evidence was subsequently turned over to Robert Kennedy even though "this was government property."

In "Inquest," Epstein, a Harvard Ph. D. candidate, states that Francis W. H. Adams, who served briefly as senior staff counsel to the commission, told him the X-rays and photographs were given to Robert Kennedy. Epstein's book was begun as a master's thesis when he was at Cornell University.

Rep. Ford Is Astonished By Disappearance

The confusion over the X-rays and photographs can be gauged by the reaction of Rep. Gerald R. Ford (E-Mich), House minority leader and a member of the commission. When asked about them, Ford said:

"They're in the National Archives."

Informed they are not, Ford said:

"Are you sure they're not there? I don't know where else they'd be. I don't know. It's been two years. I don't remember."

Ford said he was not familiar with any meeting at which Robert Kennedy might have asked Warren to withhold the evidence.

Dr. James B. Rhoads, assistant archivist of the United States, said his agency never has had possession of the X-rays and photographs. There are more than 3,000 pieces of evidence catalogued in the archives, including more than 1,000 still being held by the FBI. There is no mention whatever of the missing material.

Kellerman later said he had seen one photograph of the President's skull. On another occasion in Dallas, a staff member who expressed concern over the absence of the evidence was shown by a Secret Service agent a photograph purportedly representing the upper back of the President. These are the only two known instances of any outside contact with the evidence.

The X-rays and photographs

have now become crucial, because of the light they could shed on the controversial autopsy report, in the dispute over whether Oswald acted alone.

They could tend to reinforce the commission's theory that a single bullet ripped through the President's back and neck and continued on to injure Texas Gov. John B. Connally, who was sitting directly in front of the President in an open limousine.

Or, they could indicate, as the commission's critics contend, that the locations of the President's wounds were such that it would have been impossible for a single bullet to have passed through his neck and entered Connally's body.

If the latter argument were to be sustained, it would all but rule out the commission's finding that Oswald was a lone assassin.

The shots came with murder-

ous, unerring accuracy at about 12.30 P. M. on that unforgettable Friday in Dallas. Just behind and to the right of the President's limousine was the Texas School Book Depository, where Oswald worked as an order filler. Just ahead and to the right was a grassy embankment. Directly ahead was a triple underpass, where three downtown streets converged on a freeway.

The President was sitting in the rear seat, which was raised about six inches for the parade. His wife was on his left. Connally was seated directly in front of the President, in a jump seat, and his wife was in front of Mrs. Kennedy.

The ugly sound of gunfire, perhaps magnified or distorted by the buildings surrounding Dealey Plaza, where the shooting occurred, sent a convulsion of confusion and panic through the crowd of spectators.

Some said they heard anywhere from two to six shots. Some said they saw puffs of smoke and heard shooting from the embankment. Some believed they observed suspicious activity on the top of the underpass. But others told police they saw a man with a rifle in a sixth-floor window of the Texas School Book Depository.

Among the spectators was Abraham Zapruder, armed with an 8-mm. home movie camera. The sequence captured on Zapruder's film was to provide firm evidence that the President and Connally were either hit by the same bullet or were shot by more than one sniper.

During the next unbelievable hour, Mr. Kennedy was pronounced dead, Dallas Patrolman J. D. Tippit was slain, and Oswald was arrested in a movie theater, accused of murdering Tippit and suspected of assassinating the President.

At Parkland Memorial Hospital, Dr. Malcolm Perry noted a wound in the lower front of the President's neck before

he performed a tracheotomy, which obliterated the dimensions of the wound. Dr. Charles J. Carrico, who first treated the President, also observed the neck wound, as did some of the 12 physicians on hand.

They estimated that it was from four to eight millimeters in diameter. Most of them felt it had the characteristics of a bullet entrance wound, meaning that it would be at the point of original impact.

The physicians also observed a massive wound in the right rear part of the head.

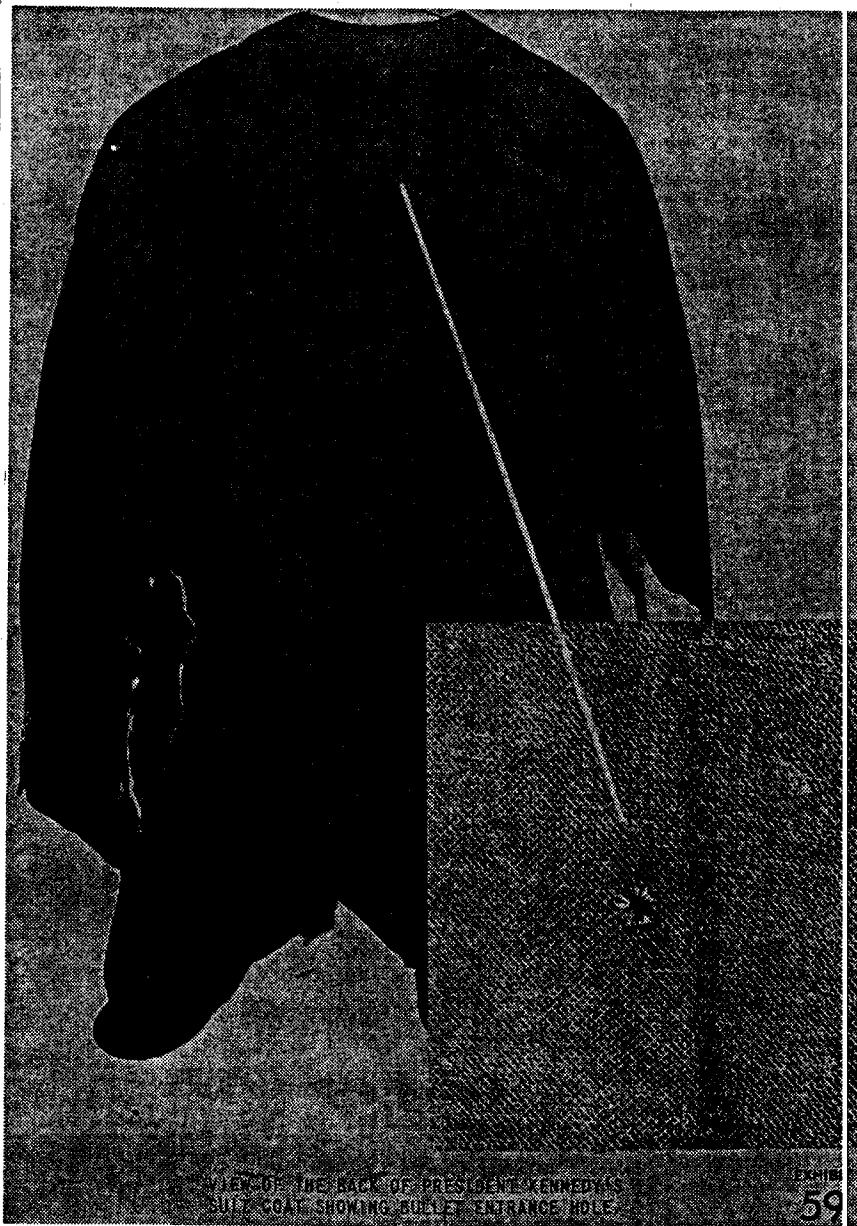
Because the President was not turned over at the Dallas hospital, bullet holes in the back of his head and in the region of the "base of the back of the neck" were not discovered until the autopsy. Dr. Carrico felt the President's back but did not come upon any wound considered large enough to interfere with the emergency measures being taken on the front of the patient.

Connally suffered a wound slightly to the left of his right armpit, with the bullet apparently passing through his body and shearing off a portion of his fifth rib, exiting through his chest, and then continuing on to fracture his right wrist and eventually penetrate into his left thigh.

Wound Is Discovered In Back of Head

When the autopsy began in Bethesda that night, the surgeons discovered a small entrance wound in the back of the President's head. They also discovered the wound at the base of the back of the neck. The location of this was fixed at 14 centimeters, about 5 1/2 inches, below the right mastoid process, the bony point behind the ear, and about the same distance in from the right shoulder joint.

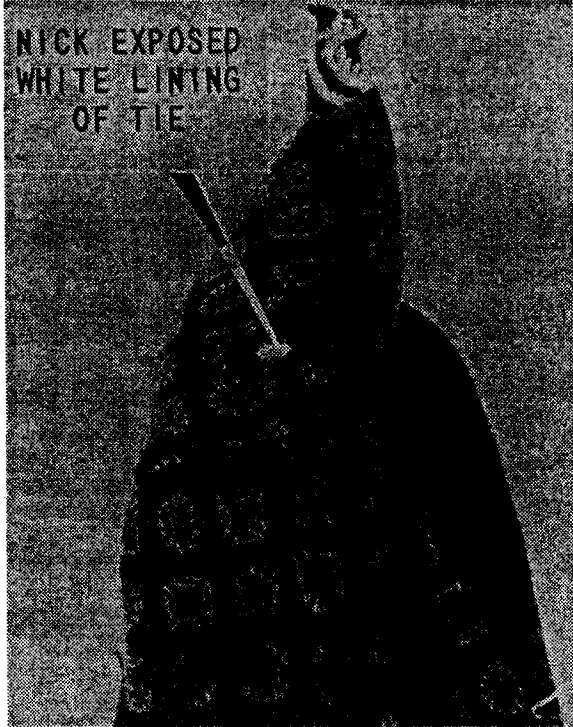
When the autopsy surgeon came upon this wound, they were at first at a loss to ex-



VIEW OF THE BACK OF PRESIDENT KENNEDY'S SUIT COAT SHOWING BULLET ENTRANCE HOLE

59

FBI EXHIBIT NO. 59 pictures the back of the coat, and an enlarged section of the garment, worn by assassinated President John F. Kennedy.



ONE OF THE PHOTOS in FBI Exhibit No. 60 indicates a nick found in President Kennedy's tie.

plain it. Kellerman, who was present; told the commission that Dr. Finck said, "There are no lanes for an outlet of this entry in this man's shoulder."

Upon learning that a nearly whole bullet had been found in Parkland Hospital, the surgeons tentatively decided that it was the missile that had caused the back wound, but that it had fallen out when heart massage was started on the President.

After Dr. Humes spoke by telephone with Dr. Perry, the commission contends, this opinion was revised. The surgeons then decided, after learning there had been a wound in the front of the neck, that the bullet had passed through the President. Throughout the autopsy, Secret Service and FBI agents were present.

The autopsy report, although undated, was prepared that night, according to the commission. On Dec. 20, it was forwarded to the commission by the Secret Service.

However, on Dec. 9, the FBI issued a summary report which stated that the examination showed 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 supplemental report on Jan. 13, 1964, the FBI again stated, directly contrary to the autopsy report, that "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 length."

If the FBI report were true, it would mean purely and simply that Oswald was not alone in the assassination.

Analysis of the Zapruder film disclosed that it moved at 18.3 frames per second. By numbering the frames, it was determined that the President had clearly been struck at frame No. 225, in which he starts to clutch his throat. In frame No. 235, Connally slumps forward and appears to have been hit. In frame No. 313, the impact of a bullet on the President's head is clearly defined.

Prior to frame No. 207, the line of fire from the sixth floor window of the Texas School Book Depository was obscured by a tree, establishing that the earliest the President could have been hit was at frame 207. The commission found, and Connally's doctors certified, that the Governor could not

have been hit after frame No. 240.

Using the maximum amount of time available under these circumstances, it is clear that the President and Connally were both struck within 1.8 seconds.

Tests Are Conducted On Oswald's Rifle

The FBI conducted extensive tests on Oswald's 6.5-mm. Mannlicher-Carcano rifle, which was found near the sixth-floor window. FBI firearms expert Robert Frazier testified before the commission that the bolt-action rifle could not be fired twice in less than 2.3 seconds, not including time for sighting.

To sustain the theory of a lone assassin, then, it is axiomatic that a single bullet must have struck both the President and Connally, because it was physically impossible for one sniper to fire two shots in 1.8 seconds.

If the bullet that entered the President's back did not go through his body, as the FBI report states, then it could not have caused wounds in the front of the President's neck or entered Connally's back.

This was just one, albeit a major one, of the problems to be confronted when President Johnson established the commission on Nov. 29, 1963, seven days after the assassination.

Besides Warren and Ford, Mr. Johnson named as members Sens. Richard B. Russell (D-Ga.) and John Sherman Cooper (R-Ky); House majority whip Hale Boggs (D-La.); the former director of the Central Intelligence Agency, Allen W. Dulles, and John J. McCloy, former president of the World Bank and former U. S. high commissioner for Germany. All the members were lawyers.

Rankin was appointed chief counsel, and a staff of 14 assistant counsels was recruited. Among these were Arlen Specter, now district attorney of Philadelphia, and William T. Coleman, former Mayor Richardson Dilworth's law partner.

Specter, assigned to investigate the basic facts of the assassination itself, developed the theory that the President and Connally were struck by a single bullet. If substantiated, this theory would permit the conclusion that Oswald, who was unquestionably guilty, was able to carry out the assassination alone.

The FBI conducted 25,000 interviews, 552 witnesses gave depositions and 94 of them testi-

fied before the commission. On Sept. 24, 1964, ten months after the assassination, the commission placed its stamp on Specter's theory, delivered its report to the White House, and dissolved itself.

It found that Oswald was indeed the assassin and that he

had acted alone. For the most part, its findings were accepted without question.

The aftermath of the assassination, predictably, saw a flood of outrageous literature. Drafted by misguided crusaders or outright charlatans, ill-conceived books and pamphlets crowded the world's book stalls with dark tales of international and domestic conspiracies. Most of the nation viewed the Warren Report as accurate and ignored the self-appointed critics.

Epstein's Book Brings A-Serious Restudy

It was not until the publication of Epstein's 154-page study of the commission's work that any large number of serious and responsible observers began re-examining its findings.

Written in spare, low-key language, replete with footnotes referring to interviews with commission and staff members, Epstein's book zeroes in on the weaknesses inherent in the commission's procedures and findings.

Epstein does not offer any evidence indicating there was, in fact, a second assassin. He does not suggest that Oswald may have been innocent. He does, however, point out many seeming inconsistencies in the findings and many administrative lapses and deficiencies.

Richard N. Goodwin, a former adviser to President Kennedy and now a fellow at the Center for Advanced Studies at Wesleyan University, found Epstein's arguments so compelling that he has called for an independent evaluation of the commission's findings.

However, Sen. Edward M. Kennedy (D-Mass.), the late President's brother, has stated that he is perfectly satisfied with the commission's findings. It is not known whether Kennedy has read Epstein's book.

Mark Lane treats the commission much more harshly than does Epstein. He has written what amounts to the case for the defense of Oswald.

With skillful probing and adroit emphasis, Lane attempts to discredit the entire case against Oswald. He is, if any-

thing, more effective than Epstein in areas where the commission findings are weak because of his unabashed advocacy.

Although Lane at times appears to be trying to put out a forest fire with a garden hose, both he and Epstein have raised serious questions in a number of sensitive areas, including the autopsy report.

Both Epstein and Lane contend that, in the matter of the autopsy, either the FBI acted irresponsibly or the autopsy report was subsequently doctored to make the medical facts conform to the single-bullet theory. Both authors indicate they believe the FBI acted responsibly, clearly hinting that the autopsy report was tampered with.

Authors Point Out Some Peculiarities

They point to these circumstances:

—The face sheets of the autopsy report contain two drawings by Dr. Humes showing front and rear views of the President's body. In these drawings, it is clear that the back wound is much lower than the neck wound, indicating that a bullet fired from above and from the rear could not possibly have traveled the course described by the surgeons.

—Examination of the President's clothing showed a bullet hole in the back of the coat 5½ inches below the top of the collar and a bullet hole in the back of the shirt 5¼ inches below the top of the collar. The presumed exit hole in the front was located at the collar button and a nick was found in the knot of the President's tie. This tends to prove, the authors state, that the bullet entered at far too low a point to have exited through the President's throat. They hint that FBI photographs of the coat and shirt showing the location of the holes were deliberately omitted from the Warren Commission Report to conceal these facts.

—At least four witnesses at the autopsy, representing the FBI and the Secret Service, described the back wound as a shoulder wound and placed it

at "about four inches down from the right shoulder" or "about six inches below the neckline."

—Besides the missing photographs and X-rays, Dr. Humes admitted destroying "preliminary draft notes" made at the autopsy.

"The fact that the autopsy surgeons were not able to find a path for the bullet is further evidence that the bullet did not pass completely through the President's body," Epstein states.

"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."

Specter Discusses Reasons for Charges

In discussing these charges, Specter said the issue "rests squarely on the integrity of Humes, Boswell and Finck."

"We are talking about the integrity of the doctors and of the autopsy," said Specter. "There was nothing changed in the autopsy report. I firmly believe it is the original one."

Specter said he had "no foregone conclusion" about the case and "was not about to lend myself to anything improper."

"It's ridiculous," said Specter. "It's indirectly saying that Chief Justice Warren perjured himself when he signed the report to the President."

Specter said the original FBI report contained the mistaken information that the bullet had not passed through the President's body because "two guys from the Maryland field office" heard the surgeons comment on the apparent lack of an exit wound. They transmitted that information to their superiors, he said, before it was learned that there was an exit wound in the neck.

Specter's only explanation as to why the error was repeated in the FBI's Jan. 13, 1964, report was that the mistaken information simply had never been excised. He emphasized that Hoover later admitted his agency was wrong.

The locations of the holes in the clothing, said Specter, are explained by the fact that the President was waving at the crowds, causing his shirt and coat "to ride up" on his neck. He insisted that it was reasonable for the clothing to ride up high enough so that the bullet entered the base of the neck

while the shirt and coat were punctured more than five inches below the top of the collar.

Specter said that he was one of those who argued for the inclusion of the X-rays and photographs taken at the autopsy. He said he felt "everything pertinent" should be made part of the record.

"You must remember, though, that the doctors testified before they knew the X-rays and photographs were going to be excluded," he said.

Specter refused to comment on the reasons for withholding the evidence or to speculate on its whereabouts.

A major argument against the single-bullet theory is based on testimony offered by Connally. In his appearance before the commission, Connally steadfast-



Gov. John B. Connally

ly maintained that the bullet that hit the President did not cause his own injuries.

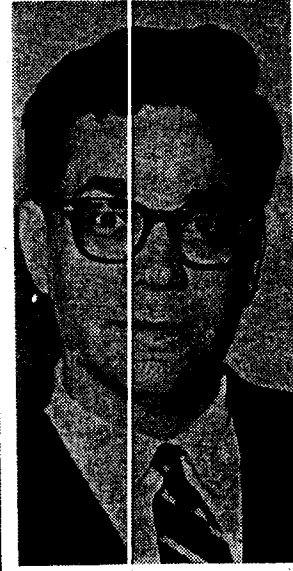
"To say that they were hit by separate bullets is synonymous with saying that there were two assassins," Epstein quotes Norman Redlich as saying. Redlich, a law professor at New York University, served as Rankin's special assistant on the commission staff.

Connally Disputes Single-Bullet Theory

Connally told the commission he heard two shots, and believed he was struck by still another, which he did not hear. Mrs. Connally testified that she saw the President clutch at his



Edward Jay Epstein



Mark Lane

throat after the first shot, then saw her husband hit by the second shot. If this is true, it would tend to confirm the presence of more than one assassin, since the Zapruder film fixed 1.8 seconds as the maximum time elapsed between the President's wound and Connally's wound, and FBI tests established that Oswald's rifle could not be fired twice—even without sighting—in less than 2.3 seconds.

"In your view, which bullet caused the injury to your chest, Governor Connally?" Specter asked, at a Commission hearing.

"The second one," was the answer.

"And what is your reason for that conclusion, sir?"

"Well, in my judgment, it just couldn't conceivably have been the first one because I heard the sound of the shot. In the first place, I don't know anything about the velocity of this particular bullet, but any rifle has a velocity that exceeds the speed of sound and when I heard the sound of that first shot, that bullet had already reached where I was, or it had reached that far, and after I heard that shot, I had the time to turn to my right and start to turn to my left before I felt anything.

"It is not conceivable to me that I could have been hit by the first bullet, and then I felt the blow from something which was obviously a bullet, which I assumed was a bullet, and I never heard the second shot,

didn't hear it. I didn't hear but two shots. I think I heard the first shot and the third shot."

Connally also said the rapidity of the gunfire made him think "that there were either two or three people involved or more in this or someone was shooting with an automatic rifle."

As to the direction of the shots, an issue Lane makes much of, Connally said there was "no question about it," that they came from the direction of the Texas School Book Depository.

Connally's testimony placed the commission in a predicament. To sustain the single-bullet theory, the commission would have to find that Connally was mistaken in his belief that he was struck by a separate bullet, it would have to ignore Mrs. Connally's testimony, and it would have to find that Connally actually was unaware of when he was hit.

Senator Russell, a commission source said, balked at the theory. He told the other members that Connally was entitled to be believed and hinted that he could not sign a report picturing his friend and sometime political ally as a man who did not ever know when he had been shot.

Ford, on the other hand, accepted the hypothesis. He said he urged the commission to find that "compelling evidence" led to the conclusion that the President and Connally were struck by the same bullet. The

commission eventually compromised, saying the evidence was "persuasive."

Throughout its report, the commission repeatedly says "probably" when referring to the single-bullet thesis. Nevertheless, for practical purposes, it rejected Connally's testimony.

"The physical evidence appears to have rebutted the commission's basic working hypothesis—that Oswald was the lone assassin," Lane contends. "The commission sought for, and eventually realized, a new solution, but it was able to do so only by departing from the facts."

"Connally's testimony flies directly in the face of the report," Specter admitted. "But he was most probably incorrect. The commission concluded he was wrong."

'The Magic Bullet' Is Found on Stretcher

A closely related problem concerns what Lane has christened "the magic bullet." Some time after the assassination, Darrell C. Tomlinson, senior engineer at Parkland Hospital, saw two stretchers, one on an elevator, the other next to a wall. He moved the stretcher off the elevator, then bumped the other stretcher. Commission exhibit No. 399, a nearly whole 6.5-mm. bullet, rolled out.

Although Tomlinson was unsure as to where the bullet came from, the commission concluded that it came from the stretcher used to carry Connally into the hospital. It also concluded that this was the

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bullet that had passed through the President's neck, Connally's body, right wrist and left thigh.

The near-perfect condition of the missile, however, forced many commission witnesses to dispute this finding, and Epstein and Lane dwell at length on the problem.

A new bullet of the type the commission concluded had hit the President and Connally weighs 160 to 161 grains. Exhibit 399 weighed 158.6 grains, indicating it had lost a maximum of 2.4 grains in wreaking its damage.

Dr. Robert Roeder Shaw, who treated Connally in Dallas, said it was "difficult to believe" Exhibit No. 399 was the source of all of Connally's wounds because there seemed to be

"more than three grains of metal" in the Governor's wrist. An additional fragment of metal, which was not weighed, was left in Connally's thigh.

"I feel there would be some difficulty in explaining all of the wounds as being inflicted by bullet 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet," Dr. Shaw said.

In FBI test-firings of similar bullets through cadaver wrists, every slug emerged flattened and deformed, whereas Exhibit 399 was almost perfect.

Specter asked Dr. Charles Gregory, who also treated Connally, whether the recovered bullet could have passed through the President's neck and still wounded the Governor.

"I believe one would have to concede the possibility, but I believe firmly that the probability is much diminished," said Dr. Gregory.

"The doctors are not able to provide conclusive answers to this," said Specter. "They are able to advance their opinion as to what happened, but their testimony, as a whole, aside from their opinion, is consistent with the bullet having gone through Connally's chest, wrist and thigh."

Specter said the fragments of metal in Connally's body were of "postage-stamp weight." He also said that, once the missile had exited from Connally's chest, it probably tumbled in flight, perhaps entering the wrist broadside, and therefore was not significantly deformed.

"It is a possibility, unusual but a possibility," Specter said. "When it all boils down, the doctors doubt it."

Oswald's Proficiency Is Subject of Debate

The question of Oswald's proficiency with a rifle has also become a matter for debate. Using the Zapruder film as a base of reference, the FBI concluded Oswald was firing at a moving target some 180 feet away. From the first to the last hit, it was found that 5.6 seconds had elapsed. During this time, Oswald was found to have fired three shots.

Using Oswald's rifle, with its scope mounted, three FBI experts fired three rounds each at a stationary target about 45 feet away. All the shots were high and to the right and the firing time required for the three men was nine, eight and six seconds, respectively.

Later, three experts who hold

the highest rating from the National Rifle Association conducted tests, firing at stationary targets but from approximately the same distance as Oswald was said to have fired from. Only one matched the 5.6 second limitation, and one was on target more than twice.

Oswald's record as a rifleman in the Marine Corps showed that, in a scale from low to high of marksman-sharpshooter-expert, he scored two points over the minimum for sharpshooter in December, 1956, but slumped to one over the minimum for marksman in May, 1959. Two Marine firearms experts, however, testified that the shots from the sixth-floor window were "very easy" and "all easy hot."

"The manner in which this testimony was developed indicates that premeditation was involved in the selection process," Epstein states. He claims that the Marine experts were not called until July 24, 1964, more than a month after that phase of the investigation was closed, for the express purpose of calling the shots "easy."

Although puzzling, the question of Oswald's marksmanship appears to be a futile exercise. The President was shot and killed, Connally was wounded, ballistics tests established that Exhibit 399 and bullet fragments in the car came from Oswald's rifle, the rifle was found near the sixth floor window, along with three empty cartridges, and Oswald's palm print was found on the rifle.

Both Lane and Epstein argue that the great number of witnesses who claimed to have heard shots coming from the grassy embankment were largely ignored. A second assassin, they seem to be saying, could have been hidden there.

While there may be disagreement over the direction of the shots, it is undisputed that po-

lice attention was centered on the Texas School Book Depository within minutes of the shooting. Before the lead car of the motorcade had reached the triple underpass, Dallas Police Chief Jesse Curry had given orders to "surround the building."

Furthermore, the evidence is unquestionably strong that the shots did come from above and behind the President's car.

Both the President and Connally suffered wounds that clearly were inflicted from behind. The inside of the windshield contained a residue of lead and was cracked from the inside, indicating a bullet from the rear. A chrome strip above the visor in the driver's side was dented, although the source of the dent was never identified.

Concealed Evidence Is Hinted by Lane

Where Epstein has carefully chosen several major issues to develop, Lane has attempted to discredit the entire case against Oswald by hinting at a sordid concealment of evidence by the commission. In many instances, he and Hugh Trevor-Roper, the Oxford historian who wrote the introduction to his book, try to exploit seemingly frivolous hypotheses.

Discussing a paraffin test given to Oswald, the commission said a positive response was recorded from Oswald's hands, while his cheek produced a negative response. Paraffin tests have been regarded as indicating whether the subject has recently fired a weapon. The commission disregarded whatever could be deduced from the positive response of Oswald's hands, stating the test "is completely unreliable."

Lane, however, arrives at the rather startling conclusion that "a positive response on both hands and a negative response on the face is consistent with innocence."

Trevor-Roper, who has made an avocation of pursuing conspiracy theories about the assassination, asks the rhetorical question:

"... how was it that, in all Dallas, the police, in the person of Patrolman Tippit, contrived, almost at once, to pounce on one man and one man only, and that man, according to their subsequent insistence, the real murderer?"

Either Trevor-Roper has never seen a police department

function when a major crime has been committed, where suspicious persons for blocks around are routinely stopped, or he has lost his perspective on the matter. Dallas police undoubtedly stopped hundreds of persons that Friday to ask questions. But only one of them murdered Tippit, and the weight of the evidence points to Oswald as the murderer.

Lane continually refers to the commission as "biased" and comes very near an outright accusation that it suborned perjury.

Part of the commission's case against Oswald is based on the testimony of three Negro men who were on the fifth floor of the School Book Depository at the time of the shooting. These men said they heard the sound of gunfire coming from the floor above and also heard shells dropping to the floor. Lane dismisses this testimony by stating:

"They (the three Negro men) lived in the intolerant climate



Arlen Specter

of Dallas; they were questioned by commission counsel who called them 'boys.' It is not unreasonable to conclude that many forces combined to impose on their testimony a uniform fidelity to the official point of view."

The composition of the panel would seem to be proof against this type of charge leveled by Lane. Headed by Chief Justice Warren, who only reluctantly agreed to serve, the commis-

sioners are men of unquestioned integrity. Warren, however, may be found to have been right in originally refusing to serve. The case of Jack Ruby, convicted of murdering Oswald on Nov. 24, 1963, could travel to the Supreme Court for review, and Warren might have to disqualify himself.

While the stature of the commissioners seems to provide against fraud, Epstein contends that, because they were such important men, the investigation suffered. He found that the average attendance at hearings of the commission was 45 percent. Dulles scored the highest, with 71 percent, while Russell was low, with only six percent. The business obligations of the senior staff counsel members also prevented them from fully participating, Epstein states, which threw the heaviest workload on the junior staff counsel.

Since the investigation was broken down into five distinct areas, Epstein says evidence tended to be overlooked if one team uncovered it and found that it didn't pertain to their area of investigation. This happened, he claims, with the statement of Mrs. Eric Walthers, who told the FBI she saw two gunmen in the School Book Depository. Her statement was never called to the attention of the commission and she was never interrogated by the staff.

Another Epstein contention is that the commission, either consciously or subconsciously, was preoccupied with protecting the nation against rumors of conspiracies and intricate plots at least as much as it was interested in uncovering the circumstances of the assassination. This he describes as a search for "political truth."

Informer Rumor Cited by Epstein

As an example, Epstein points to an early rumor that Oswald was an undercover agent for the FBI, receiving informer's fees of \$200 a month and was assigned informant's No. S-179. In Oswald's address book was the name and license plate number of FBI agent James Hosty. Although the information in Oswald's address book was recorded in an FBI report, the reference to Hosty was deleted. The FBI explained the deletion by saying that it knew why Hosty's name appeared in the document.

Epstein charges that the commission never investigated the rumor and followed Rankin's advice that the "dirty

rumor" must "be wiped out."

"The surest and safest way to dispel the rumor was not to investigate it, but to keep secret the allegations and publish only the affidavits of denial," Epstein states.

Although it is true that there are parts of the commission's case against the presence of a second assassin that are seemingly inconsistent, and there is evidence of possible selection of evidence to reinforce that case, there is also a wealth of material linking Oswald firmly to the assassination. This includes:

—A direct chain of evidence between Oswald and the Mannlicher-Carcano rifle found on the sixth floor. Handwriting analysis disclosed that Oswald, using an alias, purchased the weapon from a Chicago mail order house.

—Positive ballistics tests showing two bullet fragments found in the President's car and Exhibit 399 were fired from Oswald's rifle to the exclusion of all other weapons. The fragments apparently came from the bullet that struck the President's head.

—Oswald's palm print on the rifle and his presence near the sixth-floor window moments before the murder.

—Oswald's unexplained flight from his place of employment at midday. Flight from the scene of a crime has long been recognized as an indication of the presence of a consciousness

"Because of the difficulty of proving negatives to a certainty the possibility of others being involved with either Oswald or Ruby cannot be established 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."

—The Warren Report, Summary and Conclusions.

of guilt, and, as such, has been regularly accepted as evidence by the courts.

"I don't think the commission ever said everything perfectly pointed to a closed case," Ford said. "There were some areas where judgment had to be exercised.

"We didn't say then or in the future there will be no evidence (that the commission had not uncovered), but there is no evidence today. There are theories, yes; but no new evidence.

"But the commission's conclusions are valid; we examined all the theories and could find nothing to substantiate them, because they just didn't hold water."

'Distortions' Cited In Epstein's Book

David Belin, a staff attorney who was assigned to work on the identity of the assassin, said Epstein's book is loaded with "distortions" and "artificial scholarship" held together by "fabrication."

As an example of Epstein's alleged inaccuracy, Belin points out that the author described him and Joseph Ball, the senior counsel with whom he worked, as "experienced criminal trial lawyers."

"Actually, I have been involved in only one criminal jury trial—and that was to defend a client who was charged with operating a motor vehicle while intoxicated," said Belin. He did not say how many

non-jury criminal trials he has been connected with.

"There was no avenue of investigation which we overlooked," said Specter. "There simply was no evidence of a second assassin.

"We looked to see if there was any evidence of a conspirator who fired from the knoll or the overpass and we found no such evidence.

"There were thousands of leads from all over the country about a second assassin, a tremendous number of leads, and we ran them down. There has been criticism that we believed, the commission believed, Oswald was guilty and that precluded the investigation of others. That was just not true. Oswald at a minimum was the number one suspect and we certainly examined every part of his life, his defection to Russia, his return, everything. But we looked and looked for an accomplice and we could find not one single, solitary shred of credible evidence that there was one."

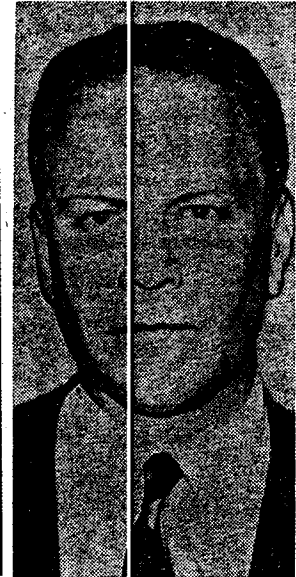
There is no credible evidence of a second assassin. There are curious contradictions that challenge the absence of a second assassin.

Unexplained and seemingly inexplicable circumstances shroud the assassination.

The disappearance of the X-rays and photographs, the dispute over the autopsy report, conflicting eyewitness testimony over the number of shots fired and their direction, the strangely intact condition



Chief Justice Earl Warren



Rep. Gerald R. Ford

of Exhibit 399 and the uncanny marksmanship attributed to Oswald all cause doubts.

Discreet Questioning Causes Concern

Warren's extremely discreet questioning of Mrs. Kennedy, in private and with some of her testimony classified, and his almost equally gingerly handling of Oswald's wife, Marina, cause concern about the thoroughness of some aspects of the investigation.

When it became apparent that Marina was telling conflicting stories almost every time she appeared before the commission, Philadelphia lawyer Coleman and special assistant Redlich insisted that she be cross-examined. When Rankin refused to permit this, Coleman threatened to resign and Redlich said Marina had "lied repeatedly" on matters of "vital importance.

Tales have also filtered out about serious disagreements

between staff members, one of whom has been quoted as saying the members of the commission had "nothing" to do with the probe.

And, while the commission has denied that there was pressure exerted to have its report completed before the 1964 Presidential elections, one commission source said that pressure was indeed exerted, and that the pressure came from the White House.

Added to these curious factors is the insatiable curiosity attaching to such an extraordinary event as the assassination of a chief of state. Under such conditions, unanswered questions, inconsistencies, weaknesses and theories can be woven into a legend to parallel the official version of what actually happened, and the legend can survive as long as interest in the event survives.

What remains is the knowledge that a President is dead, as is the man who almost certainly was his assassin. Both died violently under somewhat peculiar circumstances. But the body charged with determining facts, the Warren Commission, after accumulating almost 17,000 pages of testimony, concluded that each was a victim of individual derangement.

For many, if not most, that explanation will be sufficient. For others, who have been asking themselves "Why?" since Nov. 22, 1963, there is now perhaps still another disquieting question.

How?