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Warren Panel, Under Attacks, Stands Firm on Its Findings in Kennedy Death 3 Years Ago

By PETER KIHSS

On the third anniversary of President John F. Kennedy's assassination today, the two-year-old Warren Commission report on his death is the subject of intensive attacks. But commission members uphold their findings that a lone assassin, Lee Harvey Oswald, was guilty.

Malcolm Kilduff, acting White House press secretary on the fateful day in Dallas, upholds the finding against Oswald as the lone killer. He does this in a taped Westinghouse Broadcasting Company interview to be aired today.

But Mr. Kilduff disputes the commission theory that a bullet that he said was "in almost perfect condition" could have hit both President Kennedy and Gov. John B. Connally Jr. of Texas.

Earl Warren, Chief Justice of the United States, the commission's chairman, is still declining public comment, his office said yesterday. But Newsweek magazine quoted the 75-year-old Justice yesterday as having told a Johnson Administration official recently:

Moyers Cites Johnson

"I was a district attorney in California for 12 years, and I tried a number of murder cases [an average of 15 a year]. If I were still a district attorney and the Oswald case came into my jurisdiction, given the same evidence I could have gotten a conviction in two days and never heard about the case again."

In Austin, Tex., Bill Moyers, the present White House press secretary, was asked for comment by President Johnson on Life magazine's editorial call this week for a new official inquiry.

The magazine had cited Governor Connally's renewed view after restudy of the assassination movie film, that he and President Kennedy had been hit by separate shots.

Mr. Moyers referred newsmen to a news conference statement on Nov. 4 in which President Johnson said that if there were any evidence causing any reasonable person to have a doubt about the report, "I am sure that the commission and the appropriate authorities will take action that may be justified."

In New York yesterday, one Warren commissioner, Allen W. Dulles, said yesterday:

"I find there is nothing new or startling in this Life article—except its conclusions."

Mr. Dulles said that "in the recent publicity, including the Life article, I have found no

new evidence to justify any reconsideration or any change in the conclusions of the commission."

Another commissioner, Senator John Sherman Cooper, Republican of Kentucky, was on his way home from Madrid to Washington. But an associate said the senator had been saying that everything brought up in recent books and articles had been pursued and deliberated over by the commission and that there were errors in some of these writings.

In Winder, Ga., Senator Richard B. Russell, Democrat of that state, declined comment on the dispute over the report yesterday.

The other members of the seven-man Warren commission—Representatives Gerald R. Ford, Republican of Michigan, and Hale Boggs, Democrat of Louisiana, and John J. McCloy, New York banker and lawyer, were reported unavailable for comment yesterday, as was Governor Connally.

Other commission sources observed that they had received testimony from Governor Connally on April 21, 1964, that he believed he had been wounded at a time identified by frames "231 to about 234" in a series of motion pictures taken by an amateur photographer, Abraham Zapruder, of Dallas.

In his restudy for Life this month, Governor Connally picked out the 234th frame as the most likely point. This was nine to 24 frames—or 0.5 to 1.3 seconds—after what the commission said were the probably points between which President Kennedy could have suffered his first wound.

Oswald's rifle required 42 frames, or 2.3 seconds, between shots.

The commission met this timing problem by suggesting that one bullet had wounded both the President and the Governor, which would account for a time difference in reactions by the two men.

In the current issue of Frontier magazine, Jacob Cohen, a former professor at Yale and Brandeis Universities, asserts that the exhibit bullet considered to have inflicted both wounds weighed 158.6 grains the day after the assassination, compared with 160.85 to 161.5 grains for new bullets.

Theory by Lane

Mr. Cohen contends this would account for the "imprecise" medical estimate that 3.1 grains had been left in Governor Connally's wrist and leg.

Mark Lane, whose book "Rush to Judgement," criticizing the Warren report, has become the nation's non-fiction best-seller, made available yesterday a new

chapter written for a French translation to be published by Editions Arthaud this week.

In this Mr. Lane offered a five-shot hypothesis. This would have a bullet strike President Kennedy in the back, and a second bullet hit him in the throat from the front. A third bullet would hit Governor Connally. A fourth would miss the President's limousine, but shatter off a sidewalk curb to graze a spectator, James R. Tague, in the face. A fifth fired from the right would inflict the fatal head wound on President Kennedy.

Mr. Lane noted that the alleged Oswald rifle could not fire five shots in the time indicated. He said his hypothesis "rests upon the facts which show conclusively that shots were fired from two directions, and that assertion of course precludes the possibility that there was a lone assassin."

In his taped interview to be heard here today over radio station WINS at 11:30 A.M. and 8 P.M., Mr. Kilduff recalled he was riding in the fourth car behind the President, while acting as press secretary. He said he and others in the car, as well as Secret Service agents, believed there were three shots.

He and Governor Connally, he said, believed the first shot hit President Kennedy in the neck. (The Warren Commission holds a shot that hit Mr. Kennedy at the base of the back of the neck came out the front and wounded Governor Connally.) It was the second shot, Mr. Kilduff contended, that hit the Texas Governor.

Kilduff Criticism

Mr. Kilduff, who left the White House staff in June, 1965, after three years' service, said there had been about 34 books and articles written questioning the Warren report.

"I think they are pure garbage" written for "personal gain," he said.

Mr. Kilduff charged that a book by William Manchester, "The Death of a President," from which Look magazine is to publish excerpts in an issue going on news stands next Jan. 10, was in violation of a "written agreement" that it would

not be published until at least Nov. 22, 1968.

The former White House press aide said he knew that the original agreement with Robert F. Kennedy, the President's brother, "stated that the complete text shall be reviewed by Mrs. John F. Kennedy and Robert F. Kennedy and the text shall not be published unless and until approved by them."

"I have reason to know," Mr. Kilduff added, "that Mrs. Kennedy has at no time given either oral or written permission for publication of the book or

any portion thereof prior to Nov. 22, 1968."

A spokesman for Robert Kennedy, now Senator from New York, said yesterday that Mr. Kennedy had no comment on the Kilduff charge. Mr. Manchester was reported by The Associated Press to be traveling with his family in Europe and "unavailable for comment."

Look magazine said, "we have received no request from any member of the Kennedy family for a change from the publicly announced Look issue date."

In his interview, Mr. Kilduff said President Johnson had been frustrated in a desire to accompany Mrs. Kennedy from the plane as the late President's body was being brought out at Andrews Air Force Base.

Instead of steps, he said, a forklift had been set up, and this was immediately filled by members of the Kennedy staff and Secret Service agents while the new President could not reach Mrs. Kennedy.