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# Warren Report Criticism

**RUSH TO JUDGEMENT.** By Mark Lane. Holt, Rinehart & Winston. 478 pages. \$5.95.

**WHITEWASH.** By Harold Weisberg. Privately printed. 208 pages. \$4.95.

President Johnson set up a commission of eminent Americans, headed by Chief Justice Warren, to investigate and report on the assassination of President Kennedy.

Since the commission labored and brought forth its findings (basically, that Lee Oswald was alone in his mad act), a number of individuals have set themselves up in judgment over the Warren Commission. The motives of these critics are not particularly important, but their impact, particularly outside the United States, has been enormous.

These self-appointed critics have succeeded to a remarkable degree in creating doubt that anything done by the Warren Commission will bear scrutiny. Whether they intended it or not, the critics have nurtured the idea that somehow there was an unholy alliance involving Oswald, his slayer Jack Ruby, murdered policeman J. D. Tippit and extremists of either the left or right. Further, the critics have created the impression that the FBI, Secret Service and Dallas police collaborated with the Warren Commission to conceal or distort any evidence pointing to the truth.

The first critic to rush into print with his version of what really happened was Thomas Buchanan, an expatriate American who pitted his conclusions against those of the commission in a book heavy with Marxist theory.

Another critique was the product of a bright student's master thesis. Harold Weisberg published his own book, hinted that publishers live in fear of governmental wrath if they dare dispense criticism of the commission. In view of the proliferation of such printed criticisms, his fretting about "Big Brother" and the publishers' cowardice is strange.

Indeed, Mark Lane's attack on the Warren Commission will be a special offering of the Book-of-the-Month Club and has been selected by the Mid-Century Book Club for September.

But what basis is there for criticism of the Warren Commission's performance or for suspecting odious and undivulged depths to the crimes committed in Dallas? To believe much of what Lane and Weisberger have to say is to stipulate that the commission was careless and lazy at best or attempting a massive cover-up of a monstrous and far-reaching plot at worst.

I can accept human error by the commission and its staff but not their involvement in Machiavellian designs. I can accept the possibility that the FBI is capable of error but not Weisberg's conclusion that the FBI report "is a tissue so thin and a polemic so undisguised that it would demean the labors of a hick police force."

For the most part, the critics use the evidence with which the Warren Commission worked but arrive at diametrically opposite conclusions. If the commission chose to accept the evidence or recollection of one set of witnesses, Lane is sure to lend more weight to witnesses or evidence which seems to contradict. Lane's work teems with the expressions: "as seems likely"; "is most unlikely"; "this would indicate," et cetera ad nauseam.

Lane, among other points, concludes four shots were fired at the Kennedy car while the commission concluded there were three. Lane is certain of the sequence of shots in terms of where they struck whereas the commission, with all the resources of government, could not be. Lane also is critical that the commission did not probe more deeply into the shots he indicates may have been fired head-on into the Kennedy car from a knoll near the overpass it was approaching.

Who does Lane propose the commission should have questioned? No other gunman or weapon was found. No shells were found on the knoll. And Weisberg, undermining his theories, writes that anyone can quote medical evidence to almost any end. Both he and Lane make much of the original impression of some doctors that the wound in the President's throat was a wound of entrance, in short, fired from in front of the car and hence impossible for Oswald to have fired.

One of Lane's less subtle techniques is to lambast the commission for accepting the word of an unpromising witness like Mrs. Helen Markham, who saw the fatal shooting of Tippit. But Lane does not boggle at shifting the stick to his other hand and whacking away at the commission for not accepting Mrs. Markham's recollections as to other events.

It is even less easy to explain why Lane testified before the commission, since he was not a witness to anything. His credentials were that he was chairman of a citizens committee of inquiry, an organization he founded. Lane also became attorney for Oswald's mother and attempted unsuccessfully to represent Oswald's interests before the commission.

I do not question the right of Lane or Weisberg to play the game of demolishing the commission report, splitting hairs finer than the breath of angels or of having theories of their own about the plot to kill Kennedy. But unless I am prepared to believe that the entire apparatus of the American government was involved in the plot and the subsequent inquiries, then I conclude that both authors are well-intentioned amateur detectives at best or guilty of committing balderdash to paper at worst.

I don't think anyone knows all the truth. I stood in the basement of Dallas' police station and saw Lee Oswald gunned down 12 feet from me and I thought I saw Jack Ruby as a very short old man in an overcoat. But I cannot substitute the theories of Lane or Weisberg for the anguished and sincere conclusions of the men appointed to come as close as humans can to the ultimate truth of the bloody affair in Dallas.

—JEREMIAH O'LEARY



you want us to live, in a society in which there may remain a single ~~question~~ <sup>unanswered</sup> ~~to~~  
~~be answered~~ that it is within the capacity of man to answer? Can there be any doubt

about the adequacy of the investigation <sup>and</sup> ~~with~~ the institution of the presidency or

any incumbent ever being safe? President Kennedy was bestowed the dubious epitaph

of a most questionable inquest. *This WHITE WASH parallels with the Commission's  
 own evidence*

Motive? What is the function of the serious writer in our country? Need

I invoke the inspiring words of the late President in his "ask not" inaugural, or

those of ~~his~~ the poet he loved, "I have promises to keep, and miles to go before

I sleep". Self-appointed critic? What else is O'Leary, even if ~~the~~ <sup>another</sup> self-appointed,

~~critic~~, his editor, ordered it? There is nothing wrong with O'Leary's self appointment.

I assumed an identical responsibility, with this difference: no body paid me for it.

A neat twist of his words is intended to tell the reader publishers did not  
 fear this subject. Yet on the inside back cover of WHITEWASH is the facsimile of one  
 of the many publishers' letter quoted in WHITEWASH. After praising the book, which he  
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 such letters, Mr. O'Leary? ~~Yes~~ Be my guest. But there is an <sup>2</sup> essential dishonesty  
 in all this that can be accidental only if O'Leary didn't read the book he pretended

to review. WHITEWASH was finished not in September 1966, when the book clubs suddenly find this subject can be profitable, <sup>but</sup> ~~WHITEWASH was finished~~ in February 1965. It was published more than a year ago. It is the book that broke the ice, that made the subject acceptable. It is still the only really definitive work on the subject, the only one to restrict itself 100% to the Commission's own evidence. And, readers, please note, O'Leary was not able to <sup>point</sup> single out a single error in fact. <sup>^</sup> Neither has any of the many officials to whom copies were sent, any of those connected with the Commission who have read it. Those lawyers and judges who have written me after reading <sup>it</sup> have an opposite view from O'Leary. Again, he can see the letters.

The Commission could not be certain of the sequence of the shots, "with all the resources of the government". Had O'Leary either read or understood my chapter on the Number of Shots <sup>would</sup> he never have made such a public blunder, such a fine display of ignorance of the most basic information of the tragedies of which he says he was himself an observer. One shot, the Commission says, missed the motorcade entirely. Another exploded in the President's head and was fatal. This left but a single bullet to inflict all seven non-fatal injuries on both men and to have remained virtually intact, unutilized and undeformed while striking all those bones in three parts of the Governor's body alone. There exists the motion picture of the entire assassination, Commission Exhibit 904. The rifle required a minimum of 2.3 second for only reloading.



upon which the entire case hangs inflicted all <sup>7 non-fatal</sup> ~~the~~ injuries. ~~XXXX~~ The representation of the report is contrary to all of the medical testimony and evidence on this, including the autopsy doctors, who I quote ( page 165), who used such phrases as "most unlikely", "extremely unlikely", "cannot conceive". O'Leary fell into the prepared trap, a devise<sup>3</sup> manufactured by the assistant counsel, the substitution of a ~~hypothetic~~<sup>2</sup> case for the real situation and the confusing of the two in the Report. He asked the doctor for an opinion, specifically saying "not this particular bullet, but any bullet, a bullet" - could a bullet have inflicted these wound. Thus was eliminated the controlling condition, that the specific bullet, not fragment, not be deformed or mutilated, and lose practically none of its weight in fragments. It is this sort of thing I ~~was referring to when I say~~ quotes ~~could be made to any end.~~ Again, it is all, ~~and in great~~ <sup>referred</sup> and thoroughly factored detail, in WHITEWASH.

I do not find it comfortable to defend Mark Lane, for neither my book nor I am in sympathy with ~~the~~ doctrine ~~of~~ <sup>of</sup> (his), that the Commission members personally, and especially the chairman, ~~are responsible for~~ <sup>brought about</sup> the terrible disgrace that the Report is. O'Leary wants to know why Lane testified "since he was not a witness to anything". Had O'Leary read the books he supposedly ~~was~~ <sup>would</sup> reviewing he ~~neved~~ have pulled this one. First, the commission's major witnesses, Marina, also witnessed none of the assassina-

tion. ~~But~~ the reason Lane testified is because the Commission called him. This is  
~~clear both times he testified, and is made clear by the chairman himself. It is~~  
~~not so easy to learn as it might be because the report gives the wrong reference~~

But perhaps O'Leary did read one chapter of Lane's book, where this lawyer pretends  
 these is something *w*rong, even sinister, in the Commission's taking hearsay evidence  
 (exactly the only kind he could himself give) and with which he verbally clobbers  
 the chief justice. As any Washington reporter should know, it is essential *to* such  
 proceedings - and it is also quite proper - that they take hearsay evidence. Such  
 bodies, including Congressional committees, are not - and cannot be - bound by the  
 rules of evidence.

This so-called review is its own kind of testimonial to the content, *dis*ability  
 and approach of WHITEWASH. There are 110,000 words in it, and not one ~~has~~ <sup>does</sup> O'Leary  
 even try <sup>to</sup> ~~and~~ prove ~~one is~~ wrong. He ~~instead~~ <sup>substitutes</sup> his own unwillingness to believe

what he cannot refute. *No* does he even allude to the entirely irrefutable photo-

graphic evidence printed in WHITEWASH alone of the books, <sup>proving</sup> ~~showing~~ this evidence  
 was ~~totally~~ tampered with, some of it actually destroyed. *In fact, he really say nothing  
 about my book, or not in  
 any way say what it says.*

Only because the Commission could depend upon this attitude in the press could  
 its staff dare <sup>my</sup> prepare a report so violently opposed to its best evidence. And only

this attitude of uncritical acceptance allows the report to stand. WHITEWASH is the first and the only complete critical analysis to which the press should have subjected such a document. Only because you failed in your responsibility, Jeremiah O'Leary, did I have to assume it. We shall now have to leave the judgement to history, which I do, content in the conviction that it will soon be written, not as with "Lincoln," be disputed after 100 years.

P.S. You may take little comfort from another error, that impact has been "enormous" <sup>but</sup> particularly outside the United States. Already we have mail from most of the states, and 9,000 copies have been sold, without a cent to spend for advertising or public relations. People are interested, always did suspect they were not told the truth about the assassination of President Kennedy, and want the truth to come out. Too bad an important paper like the Star could not examine the evidence, not its writer's preconceptions and prejudices.



Harold Weisberg  
Hyattstown, Maryland 20734  
August 21, 1966

Editor, The STAR  
Washington, D. C.

Dear Sir:

Your journalistic embodiment of all three fabled monkeys, Jeremiah O'Leary, in the polemic pretending to be a review of my book, **WHITEWASH: THE REPORT ON THE WARREN REPORT**, commits exactly the same errors he attributes to critics of the Commission. His axe-swing is practiced but, having sharpened the weapon, he uses the wrong end. And his display of ignorance of what he pretends to inform your readers about is monumental.

There is nothing to compel either the STAR or O'Leary to like or approve criticism of the Commission. However, once he writes about it, he assumes the obligation to inform your readers honestly, approach his task honorably, and be familiar with or at least understand that of which he is writing.

Perhaps worse, he displays a lack of understanding of the responsibilities of citizens, especially of writers, in a democratic society that, coming from a reporter, is stunning.

The nasty innuendo with which he begins cannot be ignored. He questions the "motives of those (self-appointed) critics", not to address himself to those motives, but to say they "are not particularly important". His motive is clear: slur, insult; to do with nasty inference what he cannot do with fact.

A president of the United States was murdered, Mr. O'Leary. Do we live, or do you want us to live, in a society in which there may remain a single unanswered question that it is within the capacity of man to answer? Can there be any doubt about the adequacy of the investigation and the institution of the Presidency or any incumbent ever being safe? President Kennedy was bestowed the dubious epitaph of a most questionable inquest. This **WHITEWASH** proves with the Commission's own evidence.

Motive? What is the function of the serious writer in our country? Need I invoke the inspiring words of the late President in his "ask not" Inaugural Address, or those of the poet he loved, "I have promises to keep, and miles to go before I sleep?"

A neat twist of his words is intended to tell the reader publishers did not fear this subject. Yet on the inside back cover of **WHITEWASH** is the facsimile of one of the many publishers' letters quoted in **WHITEWASH**. After praising the book, which he need not have done, he said, "Certainly one day soon you must find the publisher with the enthusiasm and courage necessary." Would you like to see a choking file of such letters, Mr. O'Leary? Be my guest. But there is an

essential dishonesty in all this that can be accidental only if O'Leary did not read the book he pretends to review. WHITEWASH was finished not in September 1966, when the book clubs suddenly find this subject can be profitable, but in February 1965. It was published more than a year ago. It is the book that broke the ice, that made the subject acceptable. It is still the only really definitive work on the subject, the only one to restrict itself 100% to the Commission's own evidence. And, readers, please note, O'Leary was not able to point out a single error in fact. Neither has any of the many officials to whom copies were sent, any of those connected with the Commission who have read it. Those lawyers and judges who have written me after reading it have an opposite view from O'Leary. Again, he can see the letters.

The Commission could not be certain of the sequence of the shots, "with all the resources of the government". Had O'Leary either read or understood my chapter on "The Number of Shots", he would never have made such a public blunder, such a fine display of ignorance of the most basic information on the tragedies of which he says he was himself an observer. One shot, the Commission says, missed the motorcade entirely. Another exploded in the President's head and was fatal. This left but a single bullet to inflict all seven non-fatal injuries on both men and to have remained virtually intact, unmutilated and undeformed while striking all those bones in three parts of the Governor's body alone. There exists the motion picture of the entire assassination, Commission Exhibit 904. The rifle required a minimum of 2.3 seconds for only reloading. The camera exposed 18.3 frames of film per second. Therefore, not even allowing for Oswald's incompetence and the time required for sighting and firing, there had to be 42 frames of film at least between shots. Unless this one shot, which could not possibly have assumed the burden the Commission placed upon it, was fired only during the 20 frames, 205-225, when the President's car was hidden from the camera by a road sign, the Report is entirely wrong. O'Leary was deceived by one of the Commission's regrettable but all too common lapses, also quoted in WHITEWASH on page 157, "Although it is not essential to any findings of the Commission to determine just which shot hit Governor Connally ...". The opposite is both obvious and true.

"No other gunman...was found." First, Oswald was not found as a "gunman". The rifle was not on him. Second, it is not in the Report, but a number of other suspects were arrested, even before Oswald was, as WHITEWASH shows by quoting what was denied the reader of the Report.

On one quotation O'Leary is right. I do say "one can quote the medical evidence to almost any end." But he took it out of context. I did not say the medical evidence could be quoted to support the conclusions of the Report that this one particular bullet upon which the entire case hangs inflicted all seven non-fatal injuries. The representation of the Report is contrary to all the medical testimony and evidence on this, including the autopsy doctors, whom I quote (page 165), who used such phrases as "most unlikely", "extremely unlikely", "cannot conceive". O'Leary fell into the prepared trap, a device

manufactured by the assistant counsel, the substitution of a hypothetical case for the real situation and the confusing of the two in the Report. Counsel asked the doctor for an opinion, specifically saying, "not this particular bullet, but any bullet, a bullet" - could a bullet have inflicted these wounds. Thus was eliminated the controlling condition, that the specific bullet, Exhibit 399, not fragment, not be deformed or mutilated, and lose practically none of its weight in fragments. It is this sort of thing I meant about medical quotes. Again, it is all, in great and thoroughly referenced detail, in WHITEWASH.

I do not find it comfortable to defend Mark Lane, for neither my book nor I am in sympathy with his doctrine, that the Commission members personally, and especially the Chairman, brought about the national disgrace that the Report is. O'Leary wants to know why Lane testified "since he was not a witness to anything". Had O'Leary read the books he supposedly reviews, he would have never pulled this one. First, the Commission's major witness, Marina Oswald, also witnessed none of the assassination. The reason Lane testified is because the Commission called him. This is made clear by the Chairman himself. But perhaps O'Leary did read one chapter of Lane's book, where this lawyer pretends there is something wrong, even sinister, in the Commission's taking hearsay testimony (exactly the only kind he could himself give) and with which he verbally clobbers the Chief Justice. As any Washington reporter should know, it is essential to such proceedings - and it is also quite proper - that they use hearsay. Such bodies, including Congressional committees, are not - and cannot be - bound by the rules of evidence.

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Yours truly,

Harold Weisberg

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