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BOOKS

Four Attacks

WHITEWASH: The Report on the Warren Report. By Harold Weisberg. 208 pages. Illustrated. Published by the author, Coq d'Or Farm, Hyattstown, Md. $4.95.

INQUEST: The Warren Comsion and the Establishment of Truth. By Edward Jay Epstein. Introduction by Richard H. Rovere. 224 pages. Illustrated. Viking. $5.

RUSH TO JUDGMENT: A Critique of the Warren Commission's Inquiry Into the Murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald. By Mark Lane. Introduction by Professor Hugh Trevor-Roper. 478 pages. Holt, Rinehart & Winston. $5.95.

THE OSWALD AFFAIR: An Examination of the Contradictions and Omissions of the Warren Report. By Léo Sauvage. Translated from the French by Charles Gaulkin. 418 pages. Illustrated. World. $6.95.

MORNING, AUGUST 14, 1966

On Kennedy Death

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Probe

IT is becoming increasingly clear that we are at the beginning, rather than the end of the investigation into the assassination of President John F. Kennedy in Dallas on November 22, 1963. This may seem surprising in view of the fact that it is now nearly two years since the Warren Commission, after ten months of intensive but intermittent effort, issued its imposing 888-page Report on the assassination, followed a few months later by the even more imposing 26-volume set of Hearings designed to provide the raw material on which the Commission based its findings.

For most Americans, the Warren Commission Report satisfied the need for enlightenment concerning the tragedy, at the same time that it provided assurance as to the fundamental stability of United States internal and foreign policy. Yet a number of nagging questions remained, not only about the crime but about the Warren Commission itself, the nature of its mandate, and the way it had carried out its duties.

Some Questions

Was an adequate effort made to get to the bottom of the mystery? Had the Commission relied too fully on the results of the investigation carried out by the local Dallas police authorities and on the wider but not substantially divergent investigation by the FBI? Was the Commission wise in its decision to interrogate witnesses without the usual safeguards provided by criminal trial procedure, including the participation of an attorney for the defense with the right to cross-examine witnesses? Was it dedicated single-mindedly and fearlessly to the pursuit of the truth, no matter where it might be found, or was it significantly influenced by the desire to reaffirm the soundness of American institutions and to avoid threatening international complications?

Publication of the Hearings, far from quieting the uneasiness

left by the Report, had the effect of greatly extending the areas of speculation. In effect the Hearings offered every reader the opportunity to be his own historian, testing the Commission's handling of the evidence, and his own detective, searching for neglected clues. Furthermore, the Hearings provided new weapons for critics of the Report, for they cast additional light on its investigative techniques and its use of the evidence. Close study of the Hearings disclosed that they did not contain all the evidence needed to support the Report's conclusions. On the other hand, they did contain ample evidence on the basis of which entirely different conclusions could have been reached.

Oswald Held Framed

Criticism of the Warren Commission Report and of the Commission itself is the principal subject of the four books under review. In "Whitewash," Harold Weisberg, a former Government intelligence analyst, rejects the Warren Commission's findings in toto. He maintains that they were simply copied from the original report on the assassination prepared by the FBI, a document which he colorfully characterizes as "a tissue so thin and a polemic so undisguised that it would demean the labors of a hick police force investigating the purloining of a dessicated flounder."

Basing his conclusions primarily on the Hearings, Weisberg analyzes point by point the evidence linking Oswald to the assassination and to the subsequent killing of Dallas Patrolman Tippit and comes to the conclusion that Oswald was little more than an innocent bystander, framed by the Dallas police in order to shield the real criminals.

President Kennedy collapsing in his wife's arms. Courtesy Life Magazine, Copyright 1963, Time, Inc.

Epstein Picks Key Points

As to the identity of the criminals, Weisberg is vague, but he obviously has no doubt as to their general character: fanatics of the extreme right, who organized a conspiracy in which Oswald, a self-proclaimed but misguided Marxist, served as fall guy, and which the Dallas police aided either directly or indirectly. Since the FBI backed up the Dallas police and the Warren Commission in turn accepted the principal conclusions of the FBI, Weisberg believes he is on the track of a crime so monstrous that it adds up to "the most odious event in our national history."

As the result, no doubt, of his extreme views, together with his tendency to indulge in emotional rhetoric, Weisberg was unable to find a publisher for his manuscript and was reduced to publishing it at his own expense. Far more fortunate was Edward Jay Epstein, a young graduate student in political science at Cornell (now working for his doctorate at Harvard), who parlayed a master's thesis on the Warren Commission into a highly successful book. Notwithstanding its occasional academic dryness, the book has the distinction of being the first critique of the Warren Commission Report which has made a real impact on American thinking.

A cynic might say that the principal reason why Epstein's book has attracted so much attention is that, unlike Weisberg and most other critics of the Warren Commission Report, who overwhelm the reader with a mass of controversial detail, Epstein wisely limited himself to a few key questions and hammered them home in a way which made it difficult to ignore them.

His basic purpose, he tells us,

EDWARD JAY EPSTEIN

was to discover how the Warren Commission operated—how it organized its work, how it conceived of its function, what limits it set to its investigation, and how it selected from the mass of conflicting evidence those details on which it based its findings.

Epstein's most searching question concerns what he regards as the irreconcilable split between the commission's function, "which was to ascertain the facts," and its "ultimate purpose," which was "to protect the national interest by dispelling rumors." If there had been no conflict between function and basic purpose—in other words, if there had been no truth in any of the rumors which sprang up after the assassination—there would have been no difficulty. Since this was unfortunately not the case, in Epstein's view, the commission had to make a choice, and it allowed its investigation to be dominated by the desire to dispel rumors at the expense of fearlessly searching for the truth.

As a test question Epstein considers in detail the evidence on the shots which hit President Kennedy and Texas Governor

Connally. (In a regrettable lapse from standard academic procedure Epstein neglects to give credit to any of the earlier studies in which this question was taken up, even though the problem of the number and source of the shots has become a major issue in the continuing investigation and has been treated by several writers before Epstein, among them Weisberg.)

The Number Of Shots

The evidence, Epstein maintains (in agreement with most other critics), virtually rules out the conclusion reached by the Warren Commission that only three shots were fired and that they all came from the sixth floor of the Texas School Book Depository building in which Oswald worked. This conclusion in turn fatally undermines the Commission's finding that Oswald was the sole assassin and opens wide the door to speculation as to further assassins, with the inevitable corollary of a conspiracy. Epstein refrains, however, from pursuing the question beyond this point, contenting himself with showing how the three-shot hypothesis forced it to select and interpret the evidence in order to buttress its conclusions.

In carrying out his study Eptein worked not only with the Report and Hearings but also with some of the raw investigative reports which have been deposited in the National Archives and with the working papers of the Commission. In addition he was able to interview five of the seven members of the Commission (but not its chairman) and a number of its staff members. Although there have been criticisms of Epstein's use of this material, his account of how the Commission operated is a valuable contribution to knowledge.

Lane's Book Impressive

Probably the best-known critic of the Warren Commission, from the moment of its establishment, has been Mark Lane, a New York lawyer who originally entered the case as the attorney retained by Mrs. Marguerite Oswald, Lee Harvey Oswald's mother, to defend her dead son before the Commission, and who continued to devote his full time to the case even after Mrs. Oswald terminated the relationship. Lane's book is an impressive legal defense of Oswald, covering the same ground as Weisberg and (in part) Epstein, but enriched by far greater detail and benefitting from the skill of a mind trained in the techniques of trial procedure and criminal investigation. Inevitably it is also a searching critique of the Warren Commission, although Lane, unlike Weisberg, generally preserves an air of detached irony in scoring his points at the Commission's expense.

MARK LANE

Like Weisberg, Lane makes a case for Oswald's innocence, but he refrains from speculating on what individuals or groups were in fact guilty if Oswald was not the assassin. The general trend of his thinking, however, is clear enough, and Professor Trevor-Roper, a prominent English historian who contributed the preface to the book, found little difficulty in drawing some tentative deductions from Lane's presentation of the evidence. Although he is careful to avoid outright accusations, Trevor-Roper directs the reader's attention to the political right wing, the Dallas police, and the criminal underground as the areas most likely to yield a solution to the mystery.

Leo Sauvage's Account

As Americans too often tend to forget, the drama of the assassination and its investigation was played not merely before a national audience; the attention of most of the world was riveted on Dallas in late November, 1963, and public opinion abroad has continued to manifest a lively interest in the problem. Nowhere have interest and speculation been more intense than in France, and no one has done more to influence French thinking on the subject than Leo Sauvage, a French newspaper correspondent in America who made a first-hand study of the assassination and its consequences. It is good, therefore, that Sauvage's book, first published in France in 1965, has now been made available in an excellent American translation. (The author tells us that an American edition was nearly ready for publication in September, 1964, but was withdrawn by the publisher immediately after the release of the Warren Commission Report.)

Far less analytical in his approach than Lane or Weisberg, Sauvage has written a lively newspaperman's account, which is particularly good in describing the development of the case through the spring of 1964. Although he appears in general to be sympathetic to America, Sauvage is strongly critical of the Dallas police, the press, the FBI, and the Warren Commission, and he is able to draw an effective contrast between American ideal standards of public conduct and the not infrequent lapses of which officials have been guilty.

The Attack On Walker

Like Lane and Weisberg, Sauvage attempts to exculpate Oswald, but he goes further than either in offering an alternative explanation. His suggested solution is a conspiracy by white racists, angered by Kennedy's sponsorship of measures to improve the position of

the Negro and seizing on Oswald as a convenient scapegoat.

In their effort to establish Oswald's innocence Sauvage, Lane and Weisberg tend to deal just as cavalierly with the facts as, in their view, the Warren Commission did. A crucial problem is the evidence linking Oswald to the attempted assassination of retired Maj. Gen. Edwin A. Walker in the spring of 1963. The critics maintain that the sole evidence of Oswald's complicity in the Walker case is the testimony of his widow, Marina Oswald. By emphasizing Marina's frequently conflicting testimony (on other matters) in her various appearances as a witness before the Warren Commission, they attempt to undermine her general credibility and thus to eliminate Oswald entirely as a suspect in the Walker episode.

Quite apart from the question of Marina's credibility, however (and on this point it is essential to evaluate her testimony with the greatest care, neither accepting nor rejecting it *en bloc*); there is independent corroboration of Marina's story with regard to the attack on General Walker, a fact which none of the critics seems to have noticed. George De Mohrenschildt, one of the witnesses whom the Warren Commission interrogated at length, and who knew Oswald as well as any of his acquaintances in the Dallas area, told the commission that he had accidentally stumbled onto evidence of Oswald's guilt a few days after the attack on General Walker was made.

Oswald Not Cleared

In addition, we have the sheet of instructions which, according to Marina, Oswald left with her for guidance after his expected arrest for the assassination of General Walker. Evaluation of this unsigned and undated memorandum admittedly presents special problems, but it is at least clear that it demands more serious consideration than any of the critics have accorded it. (Sauvage carelessly bases his description of it on a second-hand reading which is demonstrably incorrect.)

The critics, in short, have been more successful in their efforts to discredit the Warren Commission and its solution of the crime than in providing one of their own. In particular, they have so far failed completely in their efforts to separate Oswald from the assassination. It is hardly possible for a detached observer to read through the voluminous testimony on Oswald's personality and background provided by a host of witnesses in the Hearings without reaching the conclusion that in some way he played a key role in the assassination, even though it may turn out that he was not the only assassin, or perhaps not, in any direct sense, an assassin at all.

The Situation Now

Where, then, does the problem stand at present? The work of the Warren Commission has been revealed to be seriously flawed, though its reasons for proceeding as it did remain obscure. Posterity may come to regard the Commission's report as a skillful but far from definitive presentation of one possible hypothesis among several, but it is unlikely to assign the Commission as black a mark as its critics would wish. Especially by its courageous decision to publish its Hearings, the Commission demonstrated that its fundamental commitment was to the truth, and for this it deserves full recognition.

Since the Warren Commission's work has aroused well-

The shooting of Oswald.

founded criticism, should it reply to its critics, or should a new Government-sponsored investigation be undertaken? Both suggestions have been made, but it seems doubtful that any useful purpose would be served by proceeding along these lines. Epstein's demonstration of the basic dilemma which confronted the Warren Commission would retain its validity for the work of any other Government-appointed body of investigators. The search for the truth from here on can best be left to private initiative—to amateur detectives, lawyers, newspapermen, or scholars of various disciplines.

It is vital, of course, that the still existing evidence should be carefully preserved as far as possible; anyone having first-hand knowledge of any aspect of the assassination should prepare a written, signed and dated record of what he or she knows, regardless of how much or little it may conform to prevailing theories. Out of the clash of opinions and hypotheses, out of the welter of conflicting evidence, it is not too much to hope that some day the full truth about the assassination of President Kennedy may emerge.

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