BOOKS. EPSTEIN

The New Republic, p. 23 25 June, 1966

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Americans who go abroad are startled that many foreigners remain deeply skeptical of the official version of the assassination of President John F. Kennedy. The Americans can't understand it; didn't the Warren Commission's Report close the case? As a matter of fact, no; the Report was careful to say that "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."

That greatly understates the areas of fuzz. In an article in The New Republic on December 21, 1963, called "Seeds of Doubt," Jack Minnis and Staughton Lynd wondered how a shot fired from behind could have wounded Kennedy in the front of his neck, how three shots could fire what seemed to be at least four bullets, and how a bolt-action rifle, subsequently ascertained to have a defective telescopic sight, could fire off three accurat shots in five-and-a-half seconds. Substantially the same questions still lacked satisfactory answers when the Warren Report appeared September 28, 1964, and still do.

There were over 100 eye-witnesses of the assassination, including trained observers - FBI, Secret Service and police; movie- and still-cameras recorded the event; the Warren Commission investigated for 10 months. Yet Harold Weisberg isn't far wrong when he writes: "There is no single thing that is proved beyond reasonable doubt about the marksman, the rifle, the ammunition, the shooting or the number of shots, except that the President was killed ... and Governor Connally was wounded."

Weisberg and Epstein have independently ransacked the 26 volumes of testimony and exhibits and the two FBI reports on which the Warren Report is based; additionally, Epstein interviewed members of the Commission and its staff, in pursuit of his master's thesis on government at Cornell University. He evoked some staggering admissions. The Commission seems to have done its job in an atmosphere of internal muddle and wrangling. The assistant counsel were deeply unhappy about the Report and tried hard to have it written differently. They felt they knew far more about the case than the seven Commissioners did, Epstein says "the entire task of ascertaining the basic facts of the assassination fell upon one lawyer - Arlen Specter." Wesley J. Liebeler told Epstein most of the Commissioners were absent most of the time, that they would stop by the hearing "a few minutes," ask a question which "blew the lawyer's entire line of questioning," then rush out "to make a quorum or something." Commission hearings began at 9 a.m. so Chief Justice Warren could officially open them before leaving for the Court at 10 a.m. The Commission averaged only seven hearings a month; only one was open to the public. The 10 months' investigation really boiled down to 10 weeks.

The staff lawyers were especially mad about the Commission's genteel handling of Marina Oswald. Norman Redlich complained that Mrs. Oswald "lied to the Secret

Service, the FBI and this Commission repeatedly on matters which are of vital concern to the people of this country and the world," but the Chief Justice declared himself "a judge of human beings" and had faith in her. The staff lawyers derisively called her the seven Commissioners' Snow White. A tenth of the hearings was devoted to her testimony, but Epstein concludes the discrepancies in it "were never satisfactorily resolved."

The single most astounding thing that both Epstein and Weisberg fasten on after brooding over the 26 volumes of testimony has nothing to do with Marina, however. The Commission never saw the photographs and X-rays of Kennedy's body which were made at the autopsy as a matter of routine in a case of violent death. These were handed over to the Secret Service. Instead of seeing them, the Commission had to make do with an "artist's conception." Even this odd procedure mightn't have raised questions, since the Commission had a written autopsy report and listened to the man who signed it, Commander James J. Humes, the Navy pathologist. But the autopsy report and the "artist's conception" maintain that a downward-travelling bullet that entered the back of the President's neck came out the front of his throat, lower than the entry wound, and this is flatly contradicted by a chart of the body prepared by Humes himself during the autopsy; by the FBI's report on the President's wounds; by the actual bullet-holes in Kennedy's jacket and shirt; by Secret Service man Clint Hill who attended the autopsy; and by Secret Service man Glen A. Bennett, who saw a bullet hit the President's back (not neck) and to whose account the Warren Report claimed it gave "substantial weight." All of this contrary evidence plainly indicates a back wound six inches below Kennedy's neckline and made by a bullet that couldn't possibly have exited from the front of the President's throat unless it was travelling up and not down.

Weisberg points out that the Report showed absolutely no curiosity about those glaring contradictions. Epstein notes the Commission queried the FBI about some parts of its report, but asked no questions about theFBI's version of the autopsy findings.

The FBI said medical examination of the President's body showed that the bullet that hit him in the back penetrated "less than a finger length." The FBI implied this was the bullet found on a stretcher in the Dallas hospital. But the Commission had another use for this bullet. It said it came out the front of Kennedy's throat and then inflected all Connally's wounds. According to the Report "there is very persuasive evidence from the experts" that this is what happened. There wasn't. Doctors and ballistics experts were wary of this theory and Connally himself and his wife thought the Governor and the President were hit by separate shots. The Report rejected their opinions and Norman Redlich, special assistant to the Commission's General Counsel, told Epstein why: "To say that they were hit by separate bullets is synonymous with saying that there were two assassins."

Epstein and Wesiberg are concerned with such unresolved mysteries as the number of shots fired at Kennedy and Connally, where the shots came from, Oswald's abilities as a marksman, Oswald's connections, if any, with the FBI and CIA. Both are concerned also with the Commission's arbitrary way with witnesses - it seemed to pay most attention to the ones it wanted to believe, and when it suited its book it was attentive to witnesses whose testimony it otherwise brushed aside. Mrs. Eric Walther and Arnold Rowland claimed they saw a second assassin and were passed over; much more wäight was given the eye-witness testimony of Howard L. Brennan, the only person claiming to identify Oswald as Kennedy's assassin, though Brennan's testimony contained one major error of fact and he admitted to the Commission that he had lied to the police.

Weisberg notes that the killing of Patrolman J.D. Tippit also raised questions about the number of shots fired. The Warren Report didn't include an autopsy report on Tippit but said his body contained four bullets; however, the exhibits include a Dallas police case report that Tippit was shot three times, "one time each in the hand, chest and stomach." The Warren Report said that "five shots may have been fired even though only four bullets were recovered" from Tippit's body. The Report had to account somehow for a discrepancy between those bullets and the cartridge cases witnesses said they saw the killer discarding.

The FBI was still investigating the assassination when the Warren Report went to press. On September 16, 1964, the FBI finally tracked down, in California, a witness who was able to tell them about a man who closely resembled Oswald, called himself "Leon Oswald," was in Dallas about the time of the assassination, and was introduced to a Cuban family as "an expert shotman." Weisberg suspects this may have been the man who was seen practising with a rifle in Dallas, before the assassination. Whoever he was, he wasn't Lee Harvey Oswald.

Epstein does a scalpel job on the Warren Report. Weisberg, a former Senate investigator, attacks more like a Marine with a machine-gun. Some of his shots are wild, but many of them inflict wounds, perhaps fatal. He admits the Warren Commission makes an easy target and that it failed to take cover. "There is a lemming-like quality to the performance of the Commission. It is almost as if they sought the destruction of their Report. Throughout its record are do$_z$ens of places where they almost asked for this." Epstein helps explain why. Weisberg believes that "members of the Commission have substantial doubts." According to Epstein, the staff, not the Commission, did most of the work on the Repèrt; and the staff certainly had doubts. The Warren Report may now have been shot to death and require a full autopsy.