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WEEKLY REVIEW

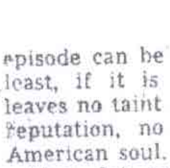
KENNEDY MURDER INQUIRY IS SUSPECT

HUGH TREVOR-ROPER, Regius Professor of Modern History at Oxford, who cables this astonishing report from America, finds that suppressed police and medical evidence eluded the Warren Commission

THE ASSASSINATION of President Kennedy was a great shock to the whole world. To the American people it was more than a shock: it was a humiliation. The shooting of the President, followed only two days later by the shooting of the supposed assassin, Lee Oswald, seemed to show that the leading power of the West, the guardian of its security and culture, rested precariously on a basis of insecurity and violence. In order to reassure the world, President Johnson set up a commission of inquiry charged to discover the true facts. In order to reassure the American people, he must have hoped that the true facts would reveal—especially in an election year—no basic strains in American society. This is, in fact, what the commission has done.

Its report, the Warren Report has answered the factual question. The assassination is explained. The report has also resolved the emotional problem: the assassination is explained away. Oswald, we are assured, shot the President for purely personal motives, explicable by his psychological case history. Jack Ruby shot Oswald on a purely personal impulse, similarly explicable. No one else is involved. The police, which watches over the city of Dallas, may have made errors; so may the secret service, which watches over the security of the President. These errors must be regretted and corrected in future: but American society is unaffected; the episode can be forgotten; or at least, if it is remembered, it leaves no taint in the American reputation, no trauma in the American soul.

Now let me say at once that there is no reason why this explanation, so massively documented, should not, theoretically, be true. Many assassinations, or attempted assassinations, have been the act of isolated, unbalanced individuals. The public has always been too prone to see conspiracy in what is really the effect of nature or chance. The Warren Commission was composed of responsible public men whose officials undoubtedly collected a great deal of matter. Its chairman, however reluctantly he may have accepted the chair, was the Chief Justice of the Supreme Court. Therefore no one should dismiss the report lightly. On the other hand, we need not altogether abdicate the use of reason in reading it.



IF I DISSENT from its findings, it is not because I prefer speculation to evidence or have a natural tendency towards radicalism: it is because, as a historian, I prefer evidence. In this case I am prepared to be content with the evidence actually supplied by the Commission. That evidence is certainly copious enough. Behind the summary, so gleefully and faultlessly endorsed by the Press, lies the full report, and behind the full report lie the twenty-six volumes of testimony on which it claims to lead to the comfortable conclusions of the report. It convinces me that the Commission, for whatever reasons, simply has not done its work, or, rather, it has done half its work. It has reassured the American people by its findings but it has not reassured the world by its methods; it has not established the facts; behind a smokescreen of often irrelevant material it has accepted impermissible axioms, constructed invalid arguments, and failed to ask elementary and essential questions.

At this point I must declare my own interest. In June, 1964, before the Warren Report was issued, I agreed to serve on the British "Who killed Kennedy?" committee. I did this because I was convinced that the composition of the Warren Commission and the procedure which it announced were ill-calculated to produce the truth. They did not guarantee a full examination of the evidence, and there was some reason to fear the relevant evidence might never come before the Commission. The purpose of the committee was to guard against the danger that dissenting evidence might be silenced between political authority and emotional expediency, but at the same time there was no need to prejudge the issue. Truth can emerge even from an official body, and the political composition of the Commission and its defective methods need not necessarily prevent it from reaching valid conclusions, provided that it showed itself capable of independent judgment. I was therefore perfectly willing to examine the report, when it should appear, on its merits, to let it stand or fall, in my judgment, on its handling of the evidence. It is by that standard that I now consider it an inadmissible report. In order to demonstrate this, I shall concentrate on a few central facts which, to me, render the whole report suspect.

First of all there is the attempted arrest of Oswald by Patrolman Tippett. Any reader of the report must be struck by this episode. According to the report, the Dallas police issued the order which led to this attempted arrest *before* any evidence had been found which pointed personally to Oswald. We immediately ask, on what evidence did they issue these orders? To fill the gap, the report mentions one witness, Howard Brennan, who, we are told, saw the shots fired from the sixth-floor window and made a statement to the police "within minutes" of the assassination. This statement, says the report, was "most probably" the basis of the police description radioed (among others) to Tippett.

Now this chain of events is obviously of the greatest importance. It also contains obvious difficulties. Not only does the alleged statement of Brennan seem far too precise to correspond with anything he can really have seen, and the alleged police description far too vague to be the basis of a particular arrest, but the words "most probably," which slide over these difficulties, are unpardonably vague. Any police description leading to an attempted arrest must have been based on some definite evidence—the police must know on what evidence it was based—and it was the inescapable duty of the Commission, which claims to have "critically reassessed" all the evidence, to require the police to reveal the evidence. Either the police description was based on Brennan's statement, or it was not. Certainty, in such a matter, is absolutely essential and easily discoverable. Why then has the Commission been satisfied with the vague phrase "most probably"?

It is easy to see why the police prefer vagueness in this matter. If the description was based on Brennan's statement, then we immediately ask another question. For Brennan (according to the report) did not only give a general description of the man who fired the shot: he also gave a particular description of the window from which he fired. Why then, we naturally ask, did the police broadcast the vague description of the man, but make no immediate attempt to search the precisely identified room? That room was searched only later, in the course of a general search of the whole building. On the other hand, if the police description was not based on Brennan's statement, it follows that the police used other evidence which they have not revealed to the Commission. Either of these consequences raises further questions of great importance. By calmly accepting the comfortable phrase "most probably," the Commission saved itself the trouble of asking these further questions.

When we turn from the prelude to the aftermath of Oswald's arrest, the same pattern repeats itself. After his arrest, Oswald, we are told, was warned by Captain Fritz, chief of the homicide bureau of the Dallas police, that he was not compelled to make any statement, but that any statement which he made could be used in evidence against him. After that, Oswald was interrogated, altogether for twelve hours, by the F.B.I. and police, mainly by Captain Fritz. And yet, we are told, Fritz "kept no notes and there were no stenographic or tape recordings." This, I do not hesitate to say, cannot possibly be true. How could any statement made by Oswald be used against him if his statements were unrecorded?

Even in the most trivial cases such a record is automatically made—and this case was the assassination of the President of the United States. If no record was available to the Commission, there can be only one explanation. The record was destroyed by the F.B.I. or the police, and the Commission, with culpable indifference, has not troubled to ask why. In the introduction to its report the Commission expresses special gratitude to the Dallas police for its readiness to answer all questions. The reader can only marvel at the Commission's readiness to accept every answer —provided that it came from that source.

If the police withheld or suppressed its evidence, at least there was one other source on which the Commission might have drawn: the medical evidence of the President's wounds. Unfortunately, here too we quickly discover the same pattern of suppression. On medical evidence alone, the doctor who examined the President concluded that he had been shot from the front, and all police investigations were at first based on that assumption. This meant that the President—if indeed he was shot from the book depository—must have been shot either as his car approached the building or, if the building had been passed, at a moment when he had turned his head towards it. When both these conditions were ruled out by photographs, the police concluded that the shots must have come from behind, and the doctor was persuaded to adjust his medical report to this external police evidence.

WHEN THE Commission "critically re-assessed" the evidence, it naturally had a duty to re-examine the medical evidence undistorted by police theories. Unfortunately it could not do so: the purely medical evidence was no longer available. The chief pathologist concerned, Dr Humes, signed an affidavit that he had burned all his original notes and had kept no copy.

Only the official autopsy, compiled (as is clearly stated) with the aid of police evidence, survives—and the Commission, once again, has accepted this evidence without asking why, or on whose authority, the original notes were destroyed. Police evidence withheld, police evidence destroyed, medical evidence destroyed, and no questions asked. This is an odd record in so important a case, but it is not the end.

According to the report, a specially constructed paper bag was afterwards found in the room from which Oswald is alleged to have fired the shots, and the Commission concludes that it was in this bag that Oswald introduced the fatal weapon into the building. Since this conclusion is in fact contrary to the only evidence printed by the Commission, it seems strange that the police should have to admit that the bag, too, has since been destroyed. It was, we are told, "discoloured during various laboratory examinations" and so "a replica bag" was manufactured under police orders "for valid identification by witnesses." In other words, the police destroyed the real evidence and substituted their own fabrication. The replica may well have been a true replica, but we have to rely on a mere assertion by the police. Finally, to complete this record of suppression and destruction, there is the destruction of the most important living witness, Oswald himself.

Oswald was murdered, while under police protection, by Jack Ruby, an intimate associate of Dallas police. Ruby's close association with the Dallas police is admitted in the Warren Report, and it is undeniable that he entered the basement, where he murdered Oswald, by either the negligence or the connivance of the police. But how did he enter? Once again, the details are of the greatest importance—but the police are unable or unwilling to say, and the Commission is unwilling to press them. All that we are told is that, after his arrest, Ruby refused to discuss his means of entry: he was interrogated in vain. But then, suddenly, three policemen came forward and said that, within half an hour of his arrest, Ruby had admitted to them that he had entered by the main street ramp just before shooting Oswald—after which Ruby himself adopted this explanation of his entry. These three policemen, we are told, did not report this important piece of evidence to their superiors, who had been vainly interrogating Ruby on precisely this point, "until some days later." Why, or in what circumstances, Ruby made this interesting admission, and why the three policemen did not pass it on for several days, are clearly important questions. But the Commission evidently did not ask them. It was content to repeat what it was told by the police, with the saving adverb "probably."

Much more could be said about the Warren Report: about its selective standards of confidence, its uncritical acceptance (or rejection) of evidence, its reluctance to ask essential questions. It would be easy to lose one's way in the mass of detail. I have concentrated on one question. I have stated that, although the composition and procedure of the Commission are highly unsatisfactory, its report could still be credible provided that the Commission showed itself capable of independent judgment. All the instances I have given show clearly that it had no such independent judgment. Committed by its own choice to receive most of its evidence from police or F.B.I. sources, it never subjected this evidence to proper legal or intellectual tests. Never looked beyond that evidence, never pressed for clear meaning or clear answers. The claim of the Commissioners that they "critically reassessed" the police evidence is mere rhetoric. Their vast and slovenly report has no more authority than the tendentious and defective police reports out of which it is compiled. And of the value of those reports no more need be said than that even the Warren Report can only acquit the Dallas police of worse charges by admitting its culpable inefficiency.

Where then does the Warren Report leave the problem of President Kennedy's assassination? My own belief is that the problem remains a mystery. Nothing in the Warren Report can be taken on trust. There is no evidence that Oswald took the gun into the book depository, nor that he fired it. He may have done so, but it is still to be proved. The evidence laboriously presented by the F.B.I. and the Dallas police against Oswald is no stronger than the evidence incidentally admitted against themselves by their suppression and destruction of vital testimony. The best that can be said of the Warren Commission is that it has given publicity to the prosecutor's case. The case for the defence has not been heard—and until it is heard, no valid judgment can be given.

More significant is the question, why has the report been so uncritically hailed by the Press of America and even of Britain? I find this a disturbing fact: it suggests a failure of the critical spirit in journalism. In part this is explicable by mere technical necessity. A work like the Warren Report (or the Robbins Report) appears to be well documented. It is issued under respectable public names. It is too long to read—and its authors, recognising this fact, obligingly serve up to busy journalists a "summary and conclusions" in which the chain of reasoning is concealed. The journalist who has to express a hasty but emphatic judgment glances at the document, weighs it, reads the summary, and then plumps for a safe opinion. That may not necessarily be an endorsement of the document—but it will be a safe orthodoxy.

There is an orthodoxy of opposition, even of "liberalism," which is no less smug and unthinking than the orthodoxy of assent. Sometimes the two orthodoxies coincide. It seems that in respect of the Warren Report they do coincide. The Warren Report has satisfied the Left, because it exonerates the Left: it gives no countenance to the theory of a Communist plot. Equally, it has satisfied the Right because it exonerates the Right: it reveals no "fascist" plot either. Moreover it pleases both great parties in America: on the eve of an election either of them might have been split by uncontrolled accusations. Fortunately the report does not touch either party, even at its extreme edges. Nor does it touch the sensitive soul of the American people. Unfortunately, it may not touch the real facts either.

That acceptance of the Warren Report is emotional, not rational, is shown in many ways. Several of its most vocal supporters have had to admit, in controversy, that they have not read the text. Even those who have avoided this admission often show a surprising unfamiliarity with its contents. And anyway, documented or undocumented, the attacks of the orthodox on the heretics have been of a virulence incompatible with reasonable belief. When Lord Russell argued his dissent, he was attacked by "Time" magazine, and in England by the "Guardian," as a senile dotard whose beliefs could be dismissed unexamined. His supporters were declared to be psychological cases. The "New York Herald Tribune," having published a personal attack on him, refused in advance to publish any reply.

MR MARK LANE, the American lawyer whom the Warren Commission refused to admit as counsel for Oswald, appointing instead an "observer" who was content merely to observe, has made a series of formidable criticisms of the report. They are documented, reasoned and, in my opinion, generally conclusive. For his pains, he has been subjected to an incredible campaign of vituperation in the American and even the British Press. To the Press, it seems, the report is a sacred text, not to be questioned by the profane. And yet, behind the Press, there still stands the public: a public which, I believe, is becoming increasingly sceptical both of the Press and of the report.

The American public does not much discuss the report. The same psychological causes which excite the Press to shrillness drive the public into silence: for both shrillness and silence are protections for uncertainty. When I offer to discuss the report with Americans, many of them evade the offer. Some say frankly that they have not read the report but are determined to believe its conclusions: they are so reassuring. But many are sceptical. In fact, a recent poll showed that a majority of Americans were sceptical. No doubt the majority had not read the report either—but in such an atmosphere there is hope that the matter is not yet closed. Orthodoxy is not yet final; heresy may still be heard.