

THE NEW YORK TIMES.

Warren Panel Critic Scores Garrison

By PETER KIHSS

Edward Jay Epstein, one of the first best-selling critics of the Warren commission's investigation of President Kennedy's assassination, has written a 25,000-word attack on District Attorney Jim Garrison's inquiry and charges of conspiracy in the President's death.

A Federal judge has currently stayed the New Orleans District Attorney's prosecution of Clay L. Shaw, a businessman arrested March 1, 1967, on such charges, pending a ruling on defense complaints of "misuse and abuse" of the district attorney's powers.

Mr. Epstein's report said that "in the year I have been studying Garrison's investigation and have had access to his office, the only evidence I have seen or heard about that could connect Clay Shaw with the assassination has been fraudulent — some devised by Garrison himself and some cynically culled from criminals or the emotionally unstable."

The new report by Mr. Epstein, whose book, "Inquest," first came out in June, 1966, was published yesterday in the issue of The New Yorker magazine dated July 13.

In Cambridge, Mass., the 32-year-old author, who is teaching urban politics at Harvard University this summer, said he was expanding it for December publication by Viking Press as "The Tangled Web."

In New Orleans, Mr. Garrison was reported as not immediately available for comment yesterday when an effort was made to reach him by telephone.

'Prepared to Believe'

Mr. Epstein wrote that he had been "prepared to believe that District Attorney Garrison's claims might have some substance" when the Shaw arrest was first announced. This was because of his own view that Chief Justice Earl Warren's commission had been constrained by "bureaucratic pressures" and "limits of time."

He said he had been welcomed by Mr. Garrison in mid-April, 1967, and, with Jones Harris, a New York independent investigator, he had been "allowed to examine objects seized from Mr. Shaw's home and designated 'evidence'" despite a judge's order against disclosures.



Sandy Noyes

Edward Jay Epstein

Mr. Harris, he said, found a five-digit number, "19016," in a Shaw address book identical to a number preceded by two Cyrillic letters in an address book owned by Lee Harvey Oswald, the man the Warren Commission concluded was the sole Kennedy assassin. He charged that Mr. Garrison had "constructed a piece of evidence" by an alleged code seeking to link the two.

The case on which a three-judge panel ruled Mr. Shaw could be held for trial, Mr. Epstein wrote, "was based on the allegations of two witnesses who had both waited four years before disclosing uncorroborated stories and who both subsequently cast considerable doubt on their own testimony."

His references were to Perry

Raymond Russo, who asserted he attended a meeting with men he identified as Mr. Shaw, Oswald and David W. Ferrie, now dead, discussing the planned assassination, and Vernon E. Bundy, who testified he saw Mr. Shaw meet Oswald on a lakefront.

A 'Pyrrhic Victory'

Mr. Epstein asserted a perjury conviction of Dean Andrews, a lawyer, was a "Pyrrhic victory" for Mr. Garrison because of a prosecution

charge that Mr. Andrews had "foisted on the world" the name of "Clay Bertrand." This, Mr. Epstein said, raised a question as to Mr. Russo's identifying Mr. Shaw by that name after his memory had been jogged by "truth serum."

Mr. Epstein wrote that Mr. Garrison's statements had built up to a theory of a 16-man team of assassins at five spots. The sixteenth, Mr. Epstein asserted, was "extrapolated from two photographs" interpreted by Mr. Garrison as showing that a .45-caliber bullet that killed the President wound up in matted grass. He said the prosecutor had cited this to support "the theory that an assassin was in a sewer."

A man Mr. Garrison theorized as diverting attention from the assassins by simulating an epileptic fit has been identified, Mr. Epstein said, as an employe of The Dallas Morning News who fainted 20 minutes before the Kennedy motorcade arrived.

Analyzes 'Eight Items'

Mr. Epstein quoted Thomas Bethell, a Garrison aide, as reporting "concern among the staff members" when Mr. Garrison ordered a warrant of arrest for conspiracy against Edgar Eugene Bradley, a Los Angeles radio fund-raiser. Mr. Epstein said "there was nothing in the files on Bradley except [an] anonymous letter" alleging that a Eugene Bradley once made "inflammatory comments on President Kennedy."

Mr. Epstein analyzed "eight specific items" that he said Mr. Garrison had cited as linking the Central Intelligence Agency

with a Kennedy assassination conspiracy.

Three of these, he said, were "unverifiable" claims of (1) a picture of Oswald with an agent in Mexico City, (2) files on Mr. Ferrie and (3) Kennedy autopsy pictures and "other vital evidence."

A fourth item, he held, was a misinterpretation of a document title to suggest that Oswald was involved in a spy plane project. A fifth, he went on, was a contention that the C.I.A. had destroyed a memorandum on Oswald's activities, although a copy appears in Volume XVIII of the Warren documents.

A sixth item — the contention that Oswald had a "C.I.A. babysitter" — refers, Mr. Epstein asserted, to a New Orleans order of Jan. 20, 1961 for 10 trucks for a purchaser named "Oswald," accompanied by a "Joseph Moore." Mr. Epstein said Lee Harvey Oswald was then in the Soviet Union.

A seventh item—a reference to a "C.I.A. courier"—involves a convicted bank embezzler whose story of delivering \$50,000 to "a dead ringer for Oswald" in Mexico in 1962 has been rejected by the Garrison staff, Mr. Epstein said.

And the eighth item, Mr. Epstein said, was Federal refusal to provide Mr. Garrison with "any information" on a C.I.A. assassination role.

Assertions Challenged

Mr. Epstein accused Mr. Garrison of giving "false or capacious" examples of alleged news suppression. As for a statement that there were no Oswald fingerprints on the alleged assassination gun, Mr. Epstein said that there were fingerprints that "could not be positively identified" but that a palmprint on the barrel's underside had been identified by three experts as Oswald's.

An assertion that "nitrate tests exonerated Lee Oswald" was "questionable," Mr. Epstein said. He reported paraffin casts found nitrates on both Oswald's hands although not on his check and none on a Federal Bureau of Investigation agent who had fired the rifle three times.

A contention that it was "virtually impossible for Oswald" to go down four floors before being seen after the assassination was "specious," Mr. Epstein said, because the time was uncertain and "could have been as long as five minutes."

Mr. Epstein said that Mr. Garrison had charged in a Texas telecast that President Johnson had "issued the Executive order concealing vital evidence for 75 years." Mr. Epstein asserted there was "no such Executive order," although many investigative files had been withheld for this period as exceeding "the lifespan of persons likely to be mentioned."

As for the Warren commission documents, Mr. Epstein said McGeorge Bundy, acting for the President, had asked the Archivist of the United States to waive the 75-year ban "wherever possible."

He said virtually all documents that could be declassified by Bundy guidelines had been opened to public scrutiny by the time Mr. Garrison started his investigation.