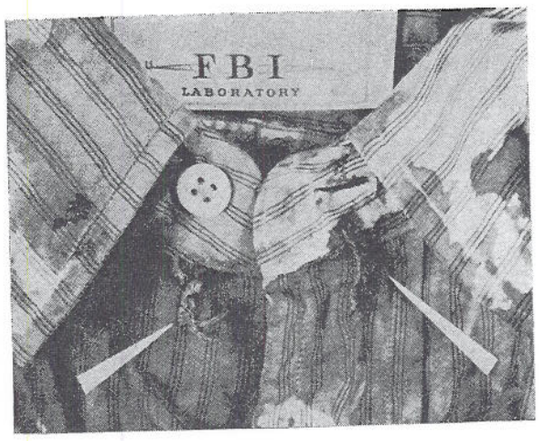
COMMISSION EXHIBIT 385


VIEW OF THE BACK OF PRESIDENT KENNEDY'S SUIT COAT SHOWING BULLET ENTRANCE HOLE.
EXHIBIT 59



Did the bullet that pierced JFK's collar (right) enter through his neck (left)—or his back?

Inquest: How Many Assassins?

The shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald . . . On the basis of the evidence before the commission, it concludes that Oswald acted alone.

—Report of the President's Commission on the Assassination of President John F. Kennedy

With those words, a panel of distinguished Americans headed by Chief Justice Earl Warren wrote an end to the most massive murder investigation in history—and sought to settle the last lingering doubts at home and abroad. But the chorus of dissenters has never been stilled—and last week they were joined by a new, young and disarmingly low-key voice that challenged not only the verdict but the methods of the blue-ribbon court that pronounced it.

The newcomer is Edward Jay Epstein, 30, a lank-haired, hollow-eyed Harvard doctoral candidate who entered the lists by academic accident: he needed a topic for a master's thesis at Cornell. Epstein pored over the public record, burrowed into the National Archives, interviewed five of the commission's seven members and nine of its key staffers—and accumulated his own growing set of suspicions. Now, the thesis has flowered into a book,* and, if its language is largely mild, its judgments are harsh. Far from being exhaustive, the inquiry, as Epstein paints it, was "extremely superficial," a rush job limited by shortages of time and manpower, shot with internal frictions and finally distorted by an overriding desire to settle doubts rather than pursue the truth to its uncertain end. "There is a strong case that Oswald could not have acted alone," says Epstein. ". . . In establishing its version of the truth, the Warren Commission acted to reassure the nation and protect the national interest."

Unlike the polemical dissents that preceded it, Epstein's book wears the cool plausible face of scholarship. It is laced with citations of the record and quotations attributed to commission members and staffers. It offers no fanciful conspiracy theories, raises no serious question that Oswald was involved. It carries an admiring introduction by Richard H. Rovere, The New Yorker's cool-eyed man in Washington, who had dismissed most of the earlier dissents as "transparently malicious or ignorant."

Too Busy: By Epstein's lights, the very make-up of the commission and its staff worked to preclude a really thorough inquiry. The commission members and their senior staff counsel were chosen principally for their eminence—but, says Epstein, their eminence itself meant they were too busy with outside pursuits to give the investigation their full attention. Thus, he says, the amount of testimony the commissioners actually heard ranged from U.S. Sen. Richard Russell's 6 per cent to ex-CIA chief Allen Dulles's 71 per cent—and averaged only 45 per cent per man. Some staffers, Epstein reports, came to regard the formal hearings as a "joke"—and one, when asked what the commission had actually done, replied: "In one word, nothing."

The $100-a-day senior staffers similarly had private practices to tend to and could give the inquiry only part time—as little, in one case, as a few days. "The lawyers would fly back to Los Angeles or Des Moines between every assignment," Epstein quoted one staffer as saying. "That was no way to run an investigation. What we needed was 40 law drones, fresh out of law school, not a handful of high-priced consultants." What the commission had instead was a dozen of lower-priced ($75 a day) junior counselors who did most of the sorting, checking and analyzing of the evidence. And, says Epstein, the most crucial job—establishing all the basic facts of the assassination—fell impossibly heavily on one man, Arlen Specter, then a Philadelphia lawyer, now the city's new district attorney.

Specter and his mates, Epstein recounts, labored under heavy pressure to finish the inquiry quickly—so quickly, indeed, that no one man ever had time to read, let alone verify, all the 25,000 uncollated reports that came in from the FBI alone. Yet when two staff lawyers told Warren that they couldn't meet the June 1, 1964, deadline, Warren "reportedly lost his temper and demanded that [they] . . . close down the investigation immediately." Though the deadline was extended by fits and starts into September, Epstein goes on, the pressures for an early close kept mounting—partly out of a desire to dispel the mounting conspiracy rumors, partly (with some spurring phone calls from White House staffer McGeorge Bundy) to get the whole thing over with well before the November election. That crunch, said Epstein, limited the actual field investigating time to a bare ten weeks—and added to the pressure-cooker tensions in a disparate and occasionally fractious staff.

Dismayed: In that atmosphere, Epstein says, some investigative leads were simply lost in the shuffle—among them an FBI report on an eyewitness who said she had seen a second man in the window where Oswald made his sniper's nest. There were smoldering tensions between the commission and the staff: once, says Epstein, the lawyers

*Inquest: The Warren Commission and the Establishment of Truth. 224 pages. The Viking Press. $5.

were so dismayed at the credence the commission gave Marina Oswald's contradictory testimony that they dubbed her "Snow White" and the commissioners the "Seven Dwarfs."

But Epstein's most compelling claim to attention is his attack on the underpinnings of the theory that Oswald acted alone—and his gravest innuendo is that the official autopsy report may have been somehow altered to suit the case.

The single-assassin theory rests, Epstein insists, on the assertion that a single bullet angled downward through JFK's neck, ripped through Texas Gov. John Connally's chest and wrist and burrowed into his thigh. A home movie of the assassination suggests the two men were wounded a half second to 1.8 seconds apart—considerably under the 2.3 seconds Oswald would have needed to hit JFK, throw the bolt of the murder rifle and then strike Connally with a second shot. Thus, by Epstein's reasoning, either both men were hit by one shot—or there were two assassins.

Contradiction: The official autopsy report delivered to the commission in March 1964 and appended to the report tends to support the single-shot theory; it says one bullet passed through Kennedy's neck. But, in the National Archives, Epstein found other, contradictory evidence. He unearthed two unpublished FBI summary reports, dated Dec. 9 and Jan. 13, which disagreed with the published version of the autopsy. By these accounts, doctors found that the first bullet to hit Kennedy penetrated only a short distance into his back, not his neck, and did not exit at all. Appended to the FBI reports were pictures of JFK's jacket and shirt suggesting that the bullet indeed struck his back, nearly 6 inches below the top of his collar. That apparently made it *lower* than the exit wound in the President's throat. In fact, in the commission's own published exhibits, Epstein also found a sketch made by one of the autopsy doctors who placed the wound roughly at the same lower spot.

Yet the Warren report itself repeatedly refers to a wound in the "back of the neck." Instead of supporting that statement with actual autopsy photos, the commission published an artist's drawing placing the entry wound near the base of the neck (page 36). Says Epstein: "If the FBI reports are accurate, as all the evidence indicates they are, then a central aspect of the autopsy was changed more than two months after the autopsy examination, and the autopsy report published in the Warren report is not the original one."

That suspicion of tampering, in turn, led Epstein to believe that the commission was actually announcing "political truth," selecting and arranging the facts to fit the one-man, one-bullet hypothesis. Even at the close, the key question split the commission roughly in half, with Russell, Sen. John Sherman Cooper and Rep. Hale Boggs dubious about the single-shot theory and Dulles, Rep. Gerald Ford and onetime World Bank president John McCloy amenable. In what McCloy called a "battle of the adjectives," Ford urged that the one-shot evidence be termed "compelling" but Russell would stand for nothing stronger than "credible." In the end, the commission settled on "persuasive" and, a bit disingenuously, added that the one-shot theory was "not necessary to any essential findings of the commission."

Defense: It *was* necessary—and advance copies of the Epstein book were barely in circulation last week when commission staffers mounted a point-by-point defense. The flaw in Epstein's argument, they said, was his assertion that the FBI had seen the doctors' report of a "neck" puncture when it wrote its own conflicting account of the "back" wound. Epstein's only cited source for this contention was a senior commission lawyer who had spent only a few days on the job. Actually, one top-ranking staffer said, the autopsy report and photos went to the Secret Service, not the FBI. The FBI version was not an autopsy report at all but hardly more than hearsay: it came from two agents who watched part of the autopsy, heard the doctors talk of their difficulty in tracing the bullet's path, and dashed out to phone in their incomplete report of a "back" wound. The doctors, meanwhile, continued probing, found evidence that the bullet had passed through the President's neck and said so in their official report. One staff higher-up who saw that report on Dec. 20—months before the single-shot theory was even advanced—now says flatly: "It was identical with the one in the Warren report."

Still, some staffers were unhappy with the autopsy. There was even talk, one insider disclosed, of exhuming JFK's body for a second look. All this could presumably be resolved by the autopsy photographs; but, for announced reasons of taste, they have never been published —and they are still unavailable. There is only the rough sketch Epstein cited, and one staffer dismissed that as merely "approximate." The doctor who drew it —never questioned by Epstein—had testified that the wound actually was higher than the exit point on Kennedy's throat. Moreover, one staffer noted, Kennedy had his arm up waving at the crowd; that might have tugged his shirt and coat up high enough to account for any discrepancy between the locations of the wound and the holes in the cloth. Epstein considered and rejected that possibility—but he did not take up the alternative hypothesis that JFK might have been bent forward enough to place even a back wound higher than the exit hole in the throat.

Protest: The accounting, in short, left staff alumni hopping mad. "Everyone's yelling 'misquote'," said one; several protested to the publisher, and one dashed off an angry letter ("Frankly, I am appalled by the inaccuracies of the book . . .") to Epstein's thesis adviser, Cornell's Andrew Hacker. Most agreed that the investigation had been conducted under intense pressure—one called it "extraordinary in my experience"—and that it might have left some loose ends. But they denied that the commission was inattentive. "They had a fully responsive and involved role," one said. "Warren, in particular, almost killed himself with exhaustion working on this."

Several also denied that the burden of establishing the facts fell on Specter alone—or that his growing commitment to the single-bullet hypothesis had foreclosed any meaningful investigation of the two-gun alternative. "We had kept an open mind on the two-assassins theory throughout that phase of the investigation," Specter himself

Specter: 'An open mind'

Marc Green

Epstein: Judging the judges

said, "but there was convincing evidence against it."

And therein lay a central point sometimes blurred in the doubters' continuing fascination with the microscopic details. Once it satisfied itself that Lee Harvey Oswald acted alone, the Warren Commission faced the impossible task of proving a negative proposition. If it did not complete that proof, there remains an impressive record that it tried. "There is not one shred of evidence, not a single hard fact, in the 26 volumes of the record or in the additional material at the Archives, that demonstrates there was more than one assassin," a member of the commission staff said. "But there will always be loose ends. You could review that record and prove Joe Stalin did it if you wanted to. Nothing will ever kill the morbid curiosity."

CIVIL RIGHTS:

Moderate vs. Militant

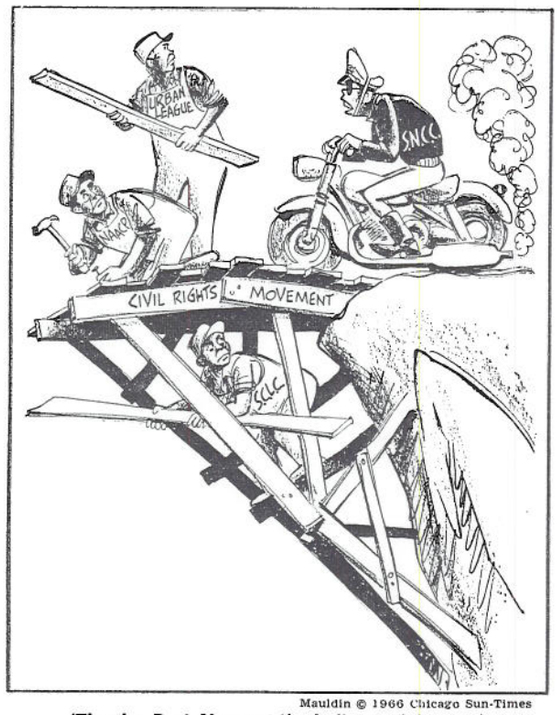
From the outset, it was feared that the 2,500 delegates to the White House Conference on Civil Rights would be faced with a bitter fight between moderates and militants. Several skirmishes with sniping from the flanks broke out, but it all ended in remarkable harmony—due in good measure to the tactics of no less a political infighter than Lyndon B. Johnson himself.

As delegates convened in Washington's rambling Sheraton Park Hotel, the local militants were out in as much force as they could muster. "Uncle Tom Must Go!" shrilled a scraggle of pickets rounded up by Washington civil-rights gadfly Julius Hobson, who had predicted a turnout of 1,000 placard-bearers and chanters but produced only 50.

But if the al fresco protests were something of a flop, there was still plenty of discontent and skepticism on the inside. "This is nothing but a big public-relations gimmick," griped Cecil Moore of the Philadelphia NAACP. Then he added, "I believe in the President, though. He's a rebel who got Christianity late, and that's the best kind of Christian." But the militants clearly harbored no such reasonable sentiments toward either Mr. Johnson or the conference. Indeed, CORE national director Floyd B. McKissick had denounced the whole thing as "rigged" before it started, and set about determinedly from the beginning to try to use the conference as a backdrop for a resolution calling for a U.S. withdrawal from Vietnam.

While the delegates wrangled, the White House watched. On the evening of the opening day, dissidents like comedian Dick Gregory, who boycotted the proceedings, held a rally three miles from the Sheraton Park and indulged themselves in some frenzied outbursts. Gregory said he wished he would find the next lost U.S. nuclear bomb. "I'll take it down to D.C. and go over to the White House to negotiate," he shouted. "I'll shout up at Big Daddy's window, 'Wipe the barbecue sauce off your mouth and come on down. I want to talk to you, boss'."

Spoiling Attack: But the boss had something else to do. As Gregory's sardonic barbs melted in the evening cool, the President, who had been following the conference's progress, made a surprise appearance at the Sheraton Park and undertook to spoil the militants' efforts to divide the delegates.



Mauldin © 1966 Chicago Sun-Times

'Thanks, Dad. Now get the hell out of the way'

"I have come here at the end of a long day," he said, "to tell you that we are moving, and that we shall not turn back." Then he solemnly cautioned: "Do not expect from me, or any man, a miracle. No national government, however enlightened, can by itself change the conditions of Negro life in America." That won him a standing ovation.

The President's low-key message and the moderates' earnest desire to keep the conference moving carried the day. CORE director McKissick's attempt to debate Vietnam was soundly defeated. "Hell, we may be colored, but we're Americans and we want responsibility in this thing like anyone else," snapped Philadelphia's Cecil Moore. "To confuse Vietnam with civil rights is all wet."

The delegates solidly supported the far-reaching civil-rights blueprint drawn by the planning council (NEWSWEEK, June 6) and voted additional proposals for self-government for the city of Washington and stiffer enforcement of Federal rights law.

McKissick and other militants, as well as some moderates, remained unconvinced. The conference, McKissick announced, was a "hoax." But others, like Asbury Howard, an obscure Negro delegate from Bessemer, Ala., found some cause for hope. "I don't know what'll come of these resolutions or those good-sounding ideas," he said, "but these people came to Washington, they heard the President, the Vice President . . . They heard their words and the tone in which they said them, and they'll go home now feeling a confidence and spirit they've never felt before. Now doesn't that mean something?"

CONGRESS:

Low-Gear Year

Five months of the Congressional session had slipped by when Lyndon Johnson, leaning back in a big black leather chair, hands clasped behind his head, called reporters into the White House Cabinet Room last week and said: "We are very pleased with what the Congress is doing . . . I don't think we should panic because we have some problems." But the President's determined air of confidence was sharply at odds with his own acid comments in the same room on the previous evening. On that occasion LBJ had huddled with Democratic Congressional leaders to ponder the lawmakers' woefully meager results.

The Congress that Mr. Johnson so proudly hailed as "the fabulous 89th after its abundant accomplishments in 1965 is clearly stuck in low gear. In fact, the normal tempo on Capitol Hill—a slow start capped by a fast second-session finish—is being dramatically reversed. So far, Congress has enacted a scant 10 per cent of the more than 125 legislative requests from LBJ this year. It has passed only two truly major measures: a cold-war GI bill of rights (conceived in the Congress and then reluctantly endorsed by the Administration) and a $6 billion tax increase to help finance the war in Vietnam. The legislators viewed passage of the tax bill more as a painful duty than as an "accomplishment."

As a result of the languid pace on Capitol Hill, President Johnson's promise to wrap things up in time for Congress