

Warren Report Under the Microscope at UCLA

Professor Directs Massive Analysis of Challenged Findings on Assassination

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Nagging doubts about the Warren Commission reports on the assassination of President John F. Kennedy are being explored in a massive study at the UCLA law school.

Directing the project is Prof. Wesley J. Liebeler, who served as an assistant counsel on the commission staff. Twenty law students, most of them in their third year, are participating.

Each has been assigned a particular topic in the report. They will go through the record, analyze the evidence on both sides and perhaps

suggest what the commission should have gone into more thoroughly.

Results of the seminar will serve as the basis for some of the things to be said in a book which Liebeler plans to write.

Liebeler frankly admits the study was spawned by two books critical of the Warren report—"Rush to Judgment," by attorney Mark Lane, and "Inquest," by Edward Jay Epstein.

Although Liebeler himself has been critical of some of the things done by the commission staff and is quoted extensively in the Epstein

book, he is thoroughly in accord with the commission findings.

And he is appalled at the nature of the attacks questioning the conclusion that Lee Harvey Oswald was the assassin and acted alone.

Liebeler and his fellows on the commission staff are particularly incensed at what they claim to be misstatements or distortions of the record. He says he has found at least 15 in the Lane book.

In assessing Lane's treatment of the subject, Liebeler said he is "forced to the conclusion of dishonesty." He is kinder to Epstein by labeling him merely "incorrect."

Liebeler said Epstein, who wrote his book originally as a master's thesis in government at Cornell University, was overwhelmed by the stir it caused and has since been convinced to abandon some of his contentions.

"What is needed at this point," said Liebeler, "is one piece of work which sets forth both sides objec-

tively. Lane doesn't. Epstein doesn't.

"There is evidence in the record not entirely reflected in the text of the Warren report. That doesn't mean it wasn't considered.

"It needs to be put in one short, concise place so that the readers can then make up their own minds."

Liebeler is even wary of published accounts of the controversy.

As an example, he cites a wire service report this week quoting him as saying autopsy X rays of President Kennedy showed all shots fired at him were from behind and above.

"I did not state that this was shown by the X rays, but rather that it was shown by the autopsy itself," Liebeler said.

"I did not and could not have made the statement about the X rays themselves showing that the shots were fired from behind and above for the simple reason I have never seen the X-rays.

"In addition, while I am not an expert on such matters, I doubt that X-rays could show such a thing one way or the other."

But Liebeler believes the pictures of the President's wounds would more likely confirm the findings. And he thinks such material, which he understands has been turned over to the Justice Department by the Kennedy family, should be made available to a responsible body.

He said the commission's working papers, now secreted in the national archives, may be available for scrutiny within 60 days.

The university will be asked for funds to permit students to go to Washington to analyze this material and perhaps to do further research in Dallas, Liebeler said.

Besides reviewing the record, the students may also interview experts—such as pathologists—to see if some more investigation ought to be done.

Writing Criticized

But Liebeler emphasizes that his criticism of the commission staff work was directed not at the investigation—which he believes was thorough—but at the writing of the report.

"The time rush basically affected how the report was written, not the investigation," he said.

Liebeler said Epstein is incorrect when he suggests that the commission took only 10 weeks for its work. He said it basically lasted at least seven months—and some further investigations were carried on even beyond that.

For example, he had raised a question about a print of Oswald's palm reportedly listed by Dallas police from the underside of the rifle which fired the fatal shots. FBI tests showed no such print, nor even any evidence that a print had been lifted.

But Liebeler saw that the matter was pursued in Dallas after the commission's basic investigation had been completed. Further investigation of the lifted palm print showed markings proving that it could have come only from the rifle in question.

These are the topics Liebeler has assigned his students to explore:

1—How did the police get the description that was sent out over the police radio and what is the likelihood that it led to Oswald's arrest? General treatment by the Warren report of eye-witness identification of Oswald.

2—Evidence on Oswald's rifle capability.

3—Source of the shots.

4—Did Oswald purchase the rifle and keep it in his possession until the time of the assassination?

5—Did Oswald bring the rifle into the Texas School Book Depository on Nov. 22, 1963, or at any other time?

6—Was Oswald at the window at the time of the assassination?

7—Did Oswald kill Officer J. D. Tippit?

8—What did Oswald do from 12:30 p.m. to the time he was arrested in the Texas theater?

9—Did Oswald earlier shoot at retired Maj. Gen. Edwin A. Walker?

10—Analysis of the story that Oswald had a sight mounted on a rifle at a gun shop in suburban Irving, indicating he owned another rifle.

11—Analysis of the testimony by Sylvia Odio suggesting that Oswald may have been involved with Cubans in a conspiracy.

12—Were Oswald and his killer, Jack Ruby, known to each other before the assassination or involved in any kind of conspiracy, directly or indirectly?

13—Make the strongest argument that (a) Oswald was not involved in the assassination at all and (b) that he did not do it alone. Defend the report on these propositions.

14—Where was the bullet found that was recovered after the assassination?

15—Medical evidence relevant to the one-bullet theory.

16—Other physical facts on the bullet—trajectory, fire-arms identification, weight, etc.

17—Did the bullet go through the President's body as suggested by the one-bullet theory, and if not, when was the President hit, what hit him and where is it?

Wrote Chapter

Liebeler's specific task for the Warren Commission was to write the chapter dealing with Oswald's background and possible motives, plus about one-fifth of the chapter on possible conspiracy.

But he also reviewed the chapter on the assassin. He wrote a critical memo which succeeded in bringing about some changes in the text—although not all he wanted, he says.

An honor graduate of the University of Chicago law school in 1957, the 35-year-old Liebeler practiced law in New York before he was assigned to work with the commission. He is now in his second year as an acting professor at UCLA.

He believes that even though not all of the evidence introduced before the commission would be admissible in a murder trial, there probably was sufficient physical evidence to have convicted Oswald had he lived.

But Liebeler raises a deeper and perhaps even more intriguing question, in the light of the current controversy over free press and fair trial.

Where could Oswald ever have gotten a fair trial?