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Warren Commission's Self-Doubts Grew Day by Day

The Warren Commission's examination of the assassination of President John F. Kennedy has been controversial almost since the day it was completed. Recently released commission material has raised new and serious questions about the commission's work. Tad Szulc, a Washington journalist, and the editors of *The New Republic*, have studied the new material. This is the second of three articles on what they found.

Special to the Washington Star

The following is an analytic chronology of some of the events and discussions that took place during the

Warren Commission's executive sessions.

Meeting of Dec. 5, 1963

Chairman Earl Warren suggested that the commission body refrain from hiring its own investigators or obtaining subpoena powers. His colleagues, concerned about their credibility, thought this too self-limiting and made it clear that the commission should have subpoena power. They expressed concern, though, that their investigation might improperly interfere with Jack Ruby's murder trial scheduled for February 1964. It was John McCloy who summed up these problems:

McCloy: Now I have the feel-

ing that the prestige, the standing of this commission, everybody is looking for it to come forward promptly... with an objective, comprehensive report which will lay all the dust, and right across our path is this incident of the pending murder trial. I have a feeling that we have another obligation than the mere evaluation of the reports of agencies, many of which... may be interested, may be involved. There is a potential culpability here on the part of the Secret Service and the FBI, and these reports, after all, human nature being what it is, may have some self-

serving aspects in them. And I think that if we didn't have the right to subpoena documents, the right to subpoena witnesses if we needed them, that this commission's general standing might be somewhat impaired. We could use them of course with great discretion and I certainly wouldn't want them to go running around examining witnesses, but I can visualize occasionally when we will want to examine witnesses...

Finally, under prodding from McCloy, Rep. Gerald Ford, Rep. Hale Boggs and Sen. Richard Rus-

sell, the commission passed a resolution providing for introduction of legislation in the Congress that would grant subpoena powers to the presidential body. But the decision was made not to ask for the power to grant immunity to witnesses.

FROM THE FIRST DAY, the commission was worried about the Texas court of inquiry. Warren described it as a "strange sort of institution" that in the past did not perform very admirably.

Leads of information attributed to the FBI concerning the bureau's initial findings annoyed the commission that first day. The commission was still awaiting the FBI's first full re-

port, and Russell asked acidly, "How much of their findings does the FBI propose to release to the press before we present the findings of this commission?" This was the beginning of a sub rosa, but intense and sustained feud between the commission and the FBI that was to color in significant degree the ensuing proceedings.

Underlining the internal frictions between the attorney general's office and the FBI (the FBI's autonomy within the Department of Justice was a traditional problem facing attorneys general), acting Atty. Gen. Nicholas Katzenbach told the commission that

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although J. Edgar Hoover seemed "utterly furious" about the leaks, there could be no question that the information came from the bureau.

Ford asked the chairman to clarify his plans concerning the commission's meetings later in December because "we have a holiday season coming up, at least I have, with some family plans" McCloy asked, "Can I go to Brazil next week?" Warren suggested an afternoon meeting to keep searching for a general counsel, but McCloy could not make it. "I have this luncheon with the president, whatever it is. They made it very clear to me it was a command performance," he said. The commission adjourned until the next day.

Meeting of Dec. 6, 1963

The commission kept wondering what the FBI was doing and just how much the CIA knew about the assassination. The public was never told about the commission's doubts concerning both the FBI and the CIA. Allen Dulles emerged as an informal spokesman for the CIA, constantly offering his former agency's services and insisting that the FBI transmit its material to the CIA as expeditiously as possible.

When McCloy asked Warren whether he had communicated with the CIA, an exchange ensued which demonstrated how delicately the commission felt it had to act towards the intelligence community.

Chairman: No, I have not, for the simple reason that I have never been informed that the CIA had any knowledge about this.

McCloy: They have.

Chairman: I'm sure they have, but I did not want to put the CIA into this thing unless they put themselves in

McCloy: Don't we have to ask them if we're on notice that they have?

Chairman: We have to do it with all of them. . . We have not done it with any of them yet because we have not been in that position. I think we have to ask them. We have to ask the Secret Service. We have to ask the FBI.

Russell: State Department may have something.

Chairman: Yes, the State Department. And I think we ought to ask the White House direct if they have anything further that they might like to have us consider in connection with this.

Russell: Would it be appropriate for us to seek to get such information as the Dallas police, Texas state police, have or should we get that from the FBI?

Russell's question went unanswered inasmuch as

the commission had not yet resolved the Texas rivalry problem.

The commissioners' travels kept interfering with the group's work. Boggs said he had to catch a plane. McCloy announced that "I'm going to leave on Sunday for London for a day. I have to go over and make a speech. and come back the same day. It's crazy" But McCloy also had to catch a plane that same afternoon.

Meeting of Dec. 16, 1963

On Dec 9, the commission received a five-volume report from the FBI —and the bureau again came under attack. Voluminous as it was, the FBI report utterly failed to satisfy the commission on any number of critical points.

Chairman: Well, gentlemen, to be very frank about it, I have read the FBI report two or three times and I have not seen anything in there yet that has not been in the press.

Ford: I've had a terrible time trying to read some of the notes of Oswald and I think that, as a convenience to us, it would be very helpful if it was typewritten up so that it would be very readable. (This is a reference to Oswald's diary and his other writings.)

Boggs: There's nothing in there about Gov. Connally.

Sen. John Sherman Cooper: And whether or not they found any bullets in him.

McCloy: This bullet business leaves me confused.

Chairman: It's totally inconclusive.

Russell: They couldn't find where one bullet came out that struck the president and yet they found a bullet in the stretcher.

McCloy: I think you ought to have the autopsy documents.

Chairman: By all means we ought to have the medical reports. I had the feeling that, after studying this (FBI) report, unless we had the raw materials that went into the making of this report and had an opportunity to examine those raw materials and make our own appraisal, that any appraisal of this report would be little or nothing.

Russell, ever suspicious of the intelligence agencies and uncannily prophetic, urged

"I think one study should be made just from the standpoint of every one of these reports, if we are ever to reconcile all of this contradictory rumor, the relationship of the Secret Service and the FBI and the police department there, and things of that nature. I hope the commission will agree to get some man who will look for the weakness and possible contradictions, and study it solely from that standpoint. Unless some man devoted his whole time on it we could shove over a question that could be raised five or six years from now that would make us look as if we'd been careless."

Even after reading the FBI report, the commission showed itself to be totally confused about the events in Dallas as they related to the details of the actual assassination, where the bullets were fired from at President Kennedy, what were the angles and trajectories of the fatal shots.

BY THIS POINT, J Lee Rankin was serving as general counsel and participating in the executive session.

McCloy: I think we ought to take a look at the grounds and somebody ought to do it and get the picture of this angle to see if it is humanly possible for him to have been hit in the front from a shot fired from that window. Maybe it is. Then there's the question, should we not interview Connolly very quickly, and the widow? That's a very sensitive thing. I don't think you should cross-examine her, but, after all, she was a witness right alongside of her husband when the bullet struck.

Rankin: What are you going to do with the President and Mrs. Johnson? They were there, too.

Pages: They were not in the same car.

McCloy: I think somebody ought to be interviewing Mrs. Kennedy pretty quickly.

The FBI's greatest vulnerability at that point was the fact that it had failed to inform the Secret Service ahead of time of Oswald's presence in Dallas. He had returned to the Dallas area from Mexico on Oct. 4, 1963. Subsequent testimony would show that the CIA watched him in Mexico during the seven days he spent there applying for Cuban and Soviet visas; it claimed later it even had photographs showing him visiting the two embassies. But, evidently, the CIA was not talking to the FBI, and the FBI was not talking to the Secret Service or, for that matter, to the Dallas police.

What the commission did not know when it studied the Dec. 9 FBI report was that Oswald had written a threatening letter to the by-

reau's Dallas field office two weeks before the assassination to discourage agents from additional interviews with his Russian-born wife. FBI agents talked to Marina after Oswald's return from Mexico, but, inexplicably, not to him.

The last time the bureau had talked to Oswald was in August 1963 in New Orleans, at his request, after being arrested for causing a disturbance while distributing leaflets of the Fair Play for Cuba Committee. The Warren Commission, in fact, never knew about Oswald's threats to the FBI. This was revealed only in 1975, when FBI Director Clarence Kelley admitted that Oswald had written such a letter (he had delivered it to the FBI) and that FBI agents had destroyed it, apparently without reporting to Washington.

In retrospect, the FBI's inexplicable performance was even worse than suspected at the time, now it looms very suspicious indeed.

The commission divided over whether to interview Mrs. Kennedy.

McCloy: One thing I have some doubt about is whether you're going to let such a long time elapse, between the date of the assassination and the middle of January, before you interview the chief witness, Mrs. Kennedy. I just think that it's going to look strange if we don't. I don't know who has interviewed her. Maybe some people have, maybe they have not, but I think we ought to satisfy ourselves that we interviewed her.

Boggs: I have talked to a friend of mine who told me about riding to the scene of the tragedy, the hospital, and he told me what transpired in the hospital room, and the extent of the wounds. In fact, the president was undoubtedly dead before he ever arrived at the hospital. None of this appears in these reports. Nothing but the autopsy.

McCloy: We have to get that fast from the one that was closest to him, within a foot of him, when the bullet struck.

Russell: I wouldn't like for the whole commission to do it (question Mrs. Kennedy). If someone wanted to interview her that's different. I don't think she's the principal witness.

Ford: That's what I was going to suggest. Someone who knows her best and has known her for a period of time. It can be done most informally.

Chairman:
Gentlemen. . . When you're going to talk to someone like Mrs. Kennedy I think we ought to know exactly what we want to find out from her, exactly what we have to have from her. I just can't see that we can proceed that way with her because it doesn't seem an honorable way.

McCloy: I think a month is going to go by before you're in that position, and

Funkhouser: is dangerous

Chairman: Do you think she'll forget, Jack?

McCloy: Yes your mind plays tricks with you. She's got it very definitely in mind now, and I'm told that she's physically in a position where she can do it, but I don't have that at first hand. She may not be the chief witness as to who did the job. She's the chief witness as to how those bullets hit her husband. She saw both of them. This is looming up as the most confusing thing that we've got

Chairman: I wonder if the report we get from the Secret Service wouldn't pretty much clear that up if it doesn't, good Lord, what can they report to us on that will help us. They were there, right at the car, and know exactly what happened.

Boggs: Well, this FBI report doesn't clear it up

Chairman: It doesn't do anything.

Boggs: It raises a lot of new questions in my mind.

Meeting of Jan. 21, 1964

The commission was faced with the dilemma of whether to speed up the publication of the report because of the campaign year or hold it back ending the outcome of Jack Ruby's trial. Americans were never informed about this consideration at the time. Nor were they told that Warren set a secret target date to complete the investigation, if possible, before the Democratic and Republican conventions.

After discussing Oswald's financial status (and the fact the State Department had loaned Oswald the necessary funds to return to the United States with his wife in 1962 and that Oswald had since repaid the loan), and listening to Allen Dulles' suggestion that a study of past assassinations may provide clues for the motive in the Kennedy killing, Warren raised the fundamental question of when the commission's report could be completed.

Chairman:
Gentlemen. . . It is not too early for us to start thinking about when we anticipate quitting. I think if this should go along too far and get into the middle of a campaign year that it would be very bad for the country to have this thing discussed at that particular time. On the other hand, if we were ready today we couldn't put the report out because of the Ruby situation, and how long that will take, of June, as a target date to finish this thing up and have our report ready and filed.

Russell: I see no objection to a tentative date. I wouldn't want to be bound too tightly by it because you never know where we will be with respect to it.

Ford: That may be pushing it a bit, but I think it is good to have a push.

Chairman: Some pressure on us to get something done.

Waltkin told the commission that it would take the members 20 days to read and digest the raw material already accumulated in the files. He added that if all necessary information were available, the staff could do "quite a job" of putting it together in 27 days. Dulles responded that about two thirds of the material was of "no importance," but the commission should rely on the staff to pick out what is essential from the mass of material. "It is as high as this room now," he said, "but we can browse around if we have time."

Such was the commission's concern over possible criticism that they decided to keep some information concerning interrogation secret, even from the staff.

Ford: You are right. Somehow these things might leak and somebody could be criticized within the group. This would be not only at the top of my head but also on it.

Chairman: Whatever we do, we should get out of the room, even to our staff. This is no secret.

Ford: Yes, that's right.

The commission had been in existence for over six weeks, but it had not yet inspected the scene of the crime. This point was probably hidden. The eight top-notch lawyers in the room - the seven court historians and the new attorney - could not decide whether they were in the danger of being subpoenaed as witnesses. This was one of the episodes in which the work of the commission turned on the ability.

Again, the commission found itself in a conflict with Texas. The Dallas district attorney and Ruby lawyers, as Warren put it, "demanded that we give them everything we have. They wrote a jury argument to support it." Then, as it turned out, the FBI was part of this problem, too.

Chairman: The trouble is we are in a little bind there because the FBI has written to these people and has said, "Now, we are perfectly willing for you to have anything that the commission says you might have"

That is what you might expect, they are passing the buck.

The commission voted to advise the Texas lawyers it could not comply with the request, but Warren said that a letter also had to be sent to FBI Director Hoover, who "has put us in a bind." The commission apparently saw it as another FBI attempt to disseminate its conclusions. Warren put it strongly in his letter to Hoover:

"The commission has authorized me to advise you and other federal agencies that it will not respond favorably to such requests and that it will not urge you or them to make deviation from your own judgment of what is required of your agency by law"