

NY-3/2 AN OPEN LETTER
TO CHIEF JUSTICE EARL WARREN,
CHAIRMAN OF THE PRESIDENTIAL COMMISSION
TO INVESTIGATE THE ASSASSINATION
OF PRESIDENT KENNEDY

Dear Mr. Chief Justice:

Together with the shock and grief with which most of mankind reacted to the assassination of President Kennedy, many people have experienced a terrible fear: Could it be that his life was taken in an organized attempt to alter the policies of the United States? Could it be that within our national structure of political and military power there operated an internal opposition which tried to achieve its ends by having the Chief Executive felled? Could it be that there was a criminal plot not only against the person of John F. Kennedy but also against his attempts to bring the Cold War to an end?

History teaches us that whenever a head of state is assassinated there is a strong likelihood of a political plot behind the act. It also teaches us that at times the plotters hold such positions of power as enable them to divert suspicions from themselves, or to intimidate into silence those who suspect them.

When the alleged assassin of the President was himself assassinated, millions of Americans began to wonder whether we will ever learn the truth about the essential facts of the tragic days in November. Uncheckable rumors were circulating in the nation, suspicions were carried by word of mouth, contradictory reports were appearing in the press, and the Dallas authorities were behaving strangely.

Against this background you, Mr. Chief Justice, were appointed by President Johnson to head an investigative commission. Enlightened people everywhere hailed your appointment. Counting on your consistently manifested integrity and judiciousness, they were certain that whatever you might announce to be the truth about the assassination could be taken at face value, that your findings would be accepted as the final word. It had been a terribly frustrating thought that we may never learn the truth about the assassination, a frustration which your appointment dispelled.

Then came your first public comments on the investigation. The press quoted you as saying that if any testimony before your commission contained information affecting national security, its release "might not be in your lifetime." At least one newspaper quoted you as adding, "and I say that seriously."

The following day, however, you were alleged to have said that you

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had been "a little facetious." We, Mr. Chief Justice, think too highly of you to assume the possibility that in your first public comment on so historic an investigation you were "facetious."

The contingency situation for which you claimed the prerogative of suppressing information in fact obtains; any testimony pertaining to the assassination of a United States President *ipso facto* affects national security. But it would seem that there can be only one set of circumstances in which disclosure of information might result in public peril: if the assassination was plotted by individuals so powerful that an attempt to expose them might trigger off a challenge to the country's political stability.

You, Mr. Chief Justice, were quoted as saying that Mrs. Marina Oswald, the widow of the alleged assassin, is not in protective custody, that she is a "free agent," who can come and go at any time, and that "there is no compulsion of any kind." The unsuccessful attempts of Mrs. Marguerite Oswald, the mother of the alleged assassin, to contact her daughter-in-law strongly suggest that you have made this statement without adequately investigating the post-assassination association between Mrs. Marina Oswald and the security agencies that have been supervising her.

Mrs. Marina Oswald appeared before your commission after six weeks of maintaining no communication except with security agents and persons authorized by those security agents. She was quoted in the press as having testified that "the facts presented to her since the assassination would not permit her to reach any other conclusion"

than that her husband killed President Kennedy. In your public comments about her testimony you seem to have accepted Mrs. Marina Oswald's testimony at its face value without disclosing any awareness of the need to inquire into the possibility that it did not derive from free and uncoerced judgment.

Mrs. Marguerite Oswald contended her son to have been an agent for the Central Intelligence Agency and protested his innocence. Despite this, you, Mr. Chief Justice, were quoted in the press as having concluded that Mrs. Marguerite Oswald "had not given . . . any facts that would change the picture . . ." You have obviously assessed her testimony as well as that of Mrs. Marina Oswald without waiting for an opportunity to consider it within the context of all the evidence.

A key question to be answered by this investigation is who killed President John F. Kennedy. On this your commission seems to have arrived at a conclusion even before having gathered all the evidence. While announcing the belated appointment of a lawyer to protect the interests of the late Lee H. Oswald, it disclosed that the investigation has "not caused the commission to doubt the reasonableness of the action of the authorities in charging Oswald." This statement bespeaks a reversed procedural sequence of the gathering of evidence following the reaching of a verdict.

These circumstances, Mr. Chief Justice, make us wonder whether there is accord between the public conception of your task and your own conception of it. It seems probable that you intend to make only such public disclosures about the investigation as would, in your opinion, serve the public interest. We, however, believe your task to

be judicial, not political. We think your primary duty to be to discover the truth, whatever it is, about a tragic national event and to tell this truth to *this* generation. You hold no mandate to cause or avert political events by suppressing information. Let us as a nation chart our destiny in full awareness rather than be manipulated by any one man or commission.

In a sense, it is immaterial how accurately the conjectures in this letter assess your motives. What is important is the fact that, after several of your public comments, it is no longer possible to be sure that yours will be the final truth about the assassination of President Kennedy. The frustration of possibly not learning the truth is revived. However strong may be your noble desire to act in the public interest, it can give us a feeling of being protected by you, not a certainty of being fully and correctly informed.

It seems to us that with such doubts raised in the minds of people the world over, your and your commission's effectiveness as fact-finders with regard to the assassination has been impaired. The nation's need to fully ascertain the facts continues, however, and should be acted on in ways most conducive to generating public trust. It therefore seems to us that at this point the most meaningful service you, Mr. Chief Justice, can render on this issue is to help bring about a new investigative body, composed of prominent public officials and distinguished private citizens to ascertain and publicly disclose all the facts pertaining to the assassination.

As a publication dedicated to the eradication of all restrictions on thought and seeking alternatives to the many wrongs in the structure of our national life, we have devoted much space to analyzing facts pertaining to the assassination of President Kennedy. As such a publication, we believe we are speaking for many Americans, and not only Americans, when we respectfully call on you, Mr. Chief Justice, to tender your resignation as the Chairman of the Presidential commission.