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NEWS CONFERENCE #102

Joe Ball

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ANNOUNCER: The following program is brought to you in living color, on KNBC-TV.

BILL BROWN: Good evening and welcome to "News Conference." I'm Bill Brown, KNBC News. Our guest tonight on "News Conference" is the Honorable Joseph Ball, a distinguished attorney, who served as senior counsel to the Warren Commission in the investigation of the assassination of President Kennedy. Here with me to question Mr. Ball is the regular "News Conference" panel, NBC correspondent, Elmer Peterson, and KNBC Reporter, Jack Latham. Our "News Conference" begins after this message.

BILL BROWN: The assassination of President John Kennedy 15 months ago and the circumstances surrounding the apprehension and subsequent slaying of his accused assassin will provide food for thought for generations to come. Our guest tonight on "News Conference," Joe Ball, a Los Angeles attorney who was in the center of the official investigation following the assassination. As counsel to the Warren commission, he conducted more than a hundred deposition hearings with witnesses to the events surrounding the tragedy. Let's begin our questioning of Mr. Ball with this from Jack Latham.

JACK LATHAM: Mr. Ball, one of the greatest criticisms of the Warren Commission report was that it was conducted in secret, but it should have been a public affair. As the senior counsel for the Commission what is your answer to that criticism?

MR. BALL: The witnesses were examined before the Commission, in private, because it was considered an investigation and not the same as a public trial. Some of the witnesses did appear in public, if they requested. If a witness would request to appear before the public, why they were given that privilege. Mr. Lane asked for a public hearing and he was given one. I don't think it in any way affected the sincerity or the integrity of the investigation.

JACK LATHAM: As far as you're concerned that was the correct way to conduct it?

MR. BALL: I think so, it saved witnesses embarrassment.

JACK LATHAM: You mentioned Mark Lane. He was certainly one the principle critics of the results as printed in the Warren Commission Report. Mr. Lane was a guest here on this program some weeks ago. At that time I asked him for his credentials as a legitimate critic of the Warren Commission Report. He gave them to us, such as they were. I'd like to ask for your opinion of Mr. Lane's credentials as a legitimate critic of the Report.

MR. BALL: Well, I think Mr. Lane, as any other American, has a right to read the report and criticize it. I don't think he has any special privilege, though, other than any other American citizen to criticize the Report. He had no standing before the Commission. He asked to appear as attorney for the deceased Oswald and the Commission replied that as it was not a trial of a murder case or such as that, it was an investigation, that no adversary could appear before the Commission. And that's another answer to what you asked me a moment ago. This was an investigation of fact, and we were attempting to find the truth. It may have been that many facts would have been discovered that should not have been disclosed until the final report was determined, because reputations might have been injured. The Commission investigated, weighed the evidence and then gave its report, and avoided any preliminary publicity.

JACK LATHAM: Well, Mr. Ball, from where you stand, what was the key conclusion reached in the Warren Commission Report?

MR. BALL: And that is that Oswald was the assassin of President Kennedy, and he did so unaided by anyone. He did it alone.

ELMER PETERSON: Mr. Ball, as Jack Latham has said, "Criticism of the Warren Commission Report continues both in this country and in Europe." One criticism is that the report was too long, that it contained a tremendous amount of minor detail, and that this obscured in many ways the chain of reasoning and that this made it difficult for many people to read the report and to grasp the essential facts. Do you agree with that in any way?

MR. BALL: No, I don't agree with that. This report was made for history. All of the findings of the report are based upon evidence which was taken under oath before the Commission, or deposition before Commission counsel.

ELMER PETERSON: Well, it may have been written for history, but it's also written for current times. Now one criticism is that even newsmen have had to proceed by summary of the conclusions of the Report, that few people have waded through 700 pages. Couldn't it have been produced in a more simple form?

MR. BALL: No, because the subject matter was complex. The assassination itself and the identity of the assassin is established in two chapters, chapters 3 and 4, which can be read by anyone, say, within an hour. The other chapters deal with other subject matter, the possibility of a conspiracy that might have been responsible for this un-

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fortunate assassination, or the relation of the services, FBI, Secret Service, CIA and the like. There were different problems involved altogether.

MR. PETERSON: Another published criticism, Mr. Ball, is that the Report was written by lawyers. It's said that, I think, only 5 of 29 persons involved were not lawyers. The criticism has been it might have been well to have had some psychiatrists, or newsmen even, or somebody who might have approached the thing in a manner other than legal. Would you agree with that?

MR. BALL: It depends upon your viewpoint. If you wish a literary document I have no doubt that a historian could have styled the Report better, but the lawyers were skilled in investigation and reporting on facts and drawing inferences from facts, and I think that they did a creditable job, if that's the purpose of the Report.

MR. PETERSON: Well, the argument here, I think, would be that human factors were involved...very complicated factors were involved, and there are experts in other fields who are trained to deal with those as well as lawyers.

MR. BALL: We had advice from psychiatrists. Dr. Oberholzer was an advisor to the Commission on any psychiatric problem that might have been involved.

MR. PETERSON: Well, may I ask you this, then, Mr. Ball? Looking back on the Report now, and looking back on your work for the Commission, would you now have done it in any different way as far as secrecy is concerned, and as far as length of report is concerned, and as long as the whole procedure is concerned?

MR. BALL: I would have done it no different. I would have conducted the investigation in the same way as we did. Go into the field, talk to witnesses, examine them under oath, draw our conclusions from the report, as lawyers, and submit them to the Commission for their decision. Now, the length of the Report, as I say again, can't be avoided because of the complex problems we had to deal with. Not only the assassination, but we had to consider plans for the future, whether or not the services could better cooperate in the future.

BILL BROWN: Mr. Ball, let's talk about a specific for a moment. There was speculation by Mark Lane, and there has been by others, about the possibility of the fatal shots not being fired from the Texas Book Depository to the rear of the President's car, but from a grassy knoll across the freeway near the railroad tracks to the front of the car. What did the facts disclose about this?

MR. BALL: ~~The facts disclosed, without question, that the shots came from the Texas School Book Depository. That happens to be the part of the investigation of which I had charge. It was established from several factors. First: There was a witness that was above that grassy knoll, in a tower, a railroad tower, who testified that in his opinion, the shots either came from the Texas School Book Depository or the overpass, and that no shots came from where his tower was located. Secondly: There were no people there. Most of the people were down watching the parade, and he had a good view of it. The overpass: There were 12 people on the overpass, and 2 police officers were also on the~~

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overpass. We took depositions of everyone of them, and they testified that no shots came from the overpass. Third: Three colored boys who were on the 5th floor of the Texas School Book Depository, watching the parade were directly underneath the 6th floor window. They testified that three shots came from directly above them. Now that means that there was only separating these men from the place where the shots were fired, a ceiling maybe 3 or 4 feet. This was an old ceiling. There was actually light that you could see from the 5th floor to the 6th floor. They testified that they heard the shots and they not only heard the shots, but they heard the sound of the bolt, and they heard the sound of the shells striking the floor. Three shells were found on that floor, on the floor of the 6th floor, near the window, and a gun was found on that 6th floor from which those shells had been fired, so I think there was no evidence whatsoever that you could rely upon--from which you could draw the conclusion that the shots were fired from any other source except the Texas School Book Depository.

MR. BROWN: You are satisfied, then, I take it from the evidence that your investigation uncovered, that the grassy knoll theory as the hiding place of the assassin was totally false.

MR. BALL: Well, we ran down every possible lead, we examined every witness who indicated that they thought the shots might have come from that direction, and we found no substantial evidence at all from which you could draw that conclusion. You have to take opinions of people, that shots came from that direction, as contrasted with the facts that cartridges were actually found on the 6th floor of that building which had been fired by a gun found on the 6th floor of the Texas School Book Depository Building.

JACK LATHAM: Mr. Ball, as senior counsel for the Commission you have been criticized by a number of people from the standpoint of your interrogation of that man, Weitzman, in Dallas, that you didn't ask him the correct questions, or perhaps, enough questions to reach any kind of a conclusive report on his knowledge or aspects of that particular situation. What's your reaction to this criticism of yourself, in regard to Weitzman?

MR. BALL: Well, Sidney Weitzman was a Deputy Constable of the County of Dallas. He heard the shots and he ran to this grassy knoll up a slope, north of Elm Street, looking for the possible assassin and he found no one. He talked to a railroad yardsman, but he didn't get his name. Then he went to the 6th floor of the Texas School Book Depository and his main contribution to the investigation is that he discovered a gun on that floor. He was examined by me in Dallas. I took his deposition. I talked to Mr. Weitzman of course, before I examined him, and I found out that he had talked to no one, he had taken no names on the grassy knoll, but he had discovered the gun, so I examined him on that subject matter. I then asked him questions that were in his affidavit, as to where he had gone before he had gone to the 6th floor of the Depository Building, and he told me that he gone up there. He had talked to a railroad yardsman. I was criticized only because I didn't ask the railroad yardsman's name, but Mr. Weitzman didn't have that name and I knew that before the examination.

JACK LATHAM: Well, Mr. Ball, in this particular category, why did Mr. Weitzman run up the grassy knoll in the first place?

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MR. BALL: Because he thought, from the sound of the shots, that the shots came from that direction.

JACK LATHAM: Wasn't that almost in the opposite direction from the Book Depository?

MR. BALL: That was at right angles from the position--right angles from the path of the bullet. And when a bullet goes through the air it produces shockwaves in advance of the bullet and it sends out a sound at right angles to the path of the bullet. And we found many people who believed that the shots had come from the grassy knoll. We found many people who thought it had come from the overpass, and many who thought it came from the Texas School Book Depository. So we could place no reliance at all in the direction--the impression the people had as to the direction of the sound.

MR. BROWN: Why was it sir, that Mr. Weitzman, after running up the grassy knoll, talking to the railroad yardman, determining evidently that there was no gunshot from there, why did he, then, immediately proceed to the Book Depository?

MR. BALL: He didn't. He came back from the railroad yard and he and a number of other policemen went into the Texas School Book Depository because the substantial opinion about there at that time was that the shots had come from the Depository. So he went into the building along with about 25 other law officers and searched the building. And he was just one of many. He was lucky enough to find the gun.

MR. LATHAM: Mr. Weitzman's authority, or the reference to him as an authority on guns has been questioned by a number of people. Did it not turn out that Mr. Weitzman was an authority on guns?

MR. BALL: Weitzman said that he was experienced in guns, knew the make of guns, knew the general appearance of guns, and I think that Weitzman was an experienced man in guns, let's say.

MR. LATHAM: Well, getting into that a little further, if I am correct, I believe that he did refer to the gun in the first place as a Mauser of some sort, and then later it was determined that it was not a Mauser at all, but an Italian--a Mannlicher--built for the Italian Armu or some such thing. How did this discrepancy occur? Why did it occur, in your opinion? Can you tell us that?

MR. BALL: There is no discrepancy. Mr. Weitzman say this gun hidden behind boxes. He was 5 feet away from it, and as a good police officer he didn't touch it until the officer came along who could test it for fingerprints. He saw that it was a bolt-action gun, a Mauser type gun, so he drew the conclusion that it was a Mauser. When the police officer picked it up he saw that it was an Italian, Mannlicher-kind of gun. And that is the Italian Mauser. You can't tell the difference between the Italian Mauser and the German Mauser at 5 feet. It's a bolt action Mauser. The basic patent is the Mauser.

MR. PETERSON: Mr. Ball, a certain amount of organized criticism has developed as regards the Warren Commission Report. I refer to the Citizens' Inquiry Committee, for example. Were you surprised, personally, that this criticism developed this way?

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MR. BALL: Yes, I was, because I didn't think it was founded on fact.

MR. PETERSON: How do you explain it if it's not founded on fact?

MR. BALL: There's a certain number of people in every nation, I suppose, who wish to find conspiracy in almost every way of life. This, I suppose is the 5 or 10 percent of our people who are naturally suspicious, or suspicious of this report as they are of any governmental report.

MR. PETERSON: To what extent did the Commission actually examine this question of conspiracy?

MR. BALL: Very thoroughly.

MR. PETERSON: Was there any indication at all that the conspiracy might have involved Communist China, for example?

MR. BALL: No, there was no evidence whatsoever of that. This question, of course, was one of our prime objects of investigation, because when we started we had no idea as to whether or not there was or was not a conspiracy. As lawyers we were given sort of a broad mandate by the Commission, with no instructions but just to go into the field and find out everything we could and we were given all the investigative facilities available. We attempted to determine if it's what they call a right-wing conspiracy or a left-wing conspiracy, because the papers were full of such gossip, and we found nothing, we found no evidence whatsoever of conspiracy.

MR. PETERSON: Well, now, looking ahead, do you see any possibility of new evidence developing which might change the findings of the Report, basically, or bring evidence of conspiracy?

MR. BALL: I'm not able to prophecy the future. I'll say this: That with all the facilities of our government available to us as independent investigators, under no instructions whatsoever, we found every bit of evidence that was possible to find, by men who were honestly trying to find evidence, now it may be that in the future something may develop that we didn't discover, but at the present time we don't know of any evidence that isn't available that isn't in the Report.

MR. PETERSON: Then you feel that the criticism being exercised in this country and abroad serves no good purpose?

MR. BALL: The criticism being exercised here and abroad is absurd, because it's not based on fact.

MR. BROWN: Mrs. Oswald, the mother of Harvey, maintains that her son was in the employ, from time to time, of the CIA. Was there any evidence of that that ever came out?

MR. BALL: None whatsoever. Not even the remotest suspicion. Not even circumstantial evidence that would justify it.

MR. BROWN: What sort of a witness would you call the elder Mrs. Oswald, what sort of a person?

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MR. BALL: Oh, rather flamboyant, I'd say, with a desire to be heard.

MR. BROWN: You think that this might, perhaps, account for the stories that she's told.

MR. BALL: I think so. I think that she was impressed with her position in history as the mother of the assassin of the President.

MR. BROWN: Did you conduct any sort of an investigation, or did any one else connected with the Warren Commission conduct an investigation of the possibility that Oswald might have been employed by the CIA?

MR. BALL: We certainly did.

MR. BROWN: And there were categorical denials of this by CIA?

MR. BALL: Oh, there was no question about it. There was also a rumor that he was an FBI agent, and there were not only categorical denials, but certain witnesses came before the Commission that said it couldn't possibly be true. People close to Oswald.

MR. LATHAM: Mr. Ball, that New York attorney, again, Mark Lane, has steadfastly maintained that the most important witnesses, on the day of the assassination, were never called before the Commission for interrogation. Is that true?

MR. BALL: No, that's not true. Every witness that we knew of was called before the Commission. I know of no witness to the assassination that wasn't called before the Commission, and he hasn't named any. Now, as to the murder of Tippett, we called, I think, 12 witnesses who testified to the murder of Tippett, and established, I think, conclusively not only from the identification witnesses but also from the ballistic evidence, that Oswald's gun murdered Tippett. Later on some investigators found 2 witnesses of which I had no knowledge myself before, who testified the certain circumstances as to the murder of Tippett, the fact they had witnessed certain things afterwards, but their evidence, even though it had been produced, would not have changed the result any.

MR. LATHAM: Is it not true, Mr. Ball, that the physicians at Park Lane Hospital in Dallas, in their preliminary report or statements, said definitely the neck wounds of the President's were entrance wounds.

MR. BALL: No, they did not. Dr. Perry was called and found a wound in the neck of the President. The President was for all purposes, dead. He did a tracheotomy. He opened up the windpipe with his knife. They never turned the President over and they never saw the headwound or the wound in the back. At a news conference held an hour or two later, in what he described as bedlam, he said the the neck wound might possibly and he used that word, "possibly," be an entrance wound. That's quoted in the New York Herald Tribune of that date, however, and Dr. Perry so testified before the Commission, his memory of the appearance of that neck wound which, of course, was destroyed when he did the tracheotomy, might either have been an entrance or an exit wound--he was unable to determine.

MR. PETERSON: Mr. Ball, nothing has been more interesting than some of the foreign reaction to the Warren Commission Report. European papers, for example, have--some have claimed at least--that it was a patriotic

gesture, others have claimed that it was--that it involves a mystery too profound to be grasped, to be understood. Would you agree to that at all?

MR. BALL: No, I do not. First of all, it was not a patriotic gesture. We had 14 lawyers that were charged with the investigation and we divided our work and we were under no instructions from anyone at all. I handled that case as I would any other lawsuit that was given me by a client, and I went into the field to try to find that evidence and it would have pleased me greatly to have found evidence that had not been found by the FBI or the Secret Service or Time Magazine or Life Magazine. We developed facts without any purpose at all except to find the truth.

MR. LATHAM: Mr. Ball, in conclusion is there even the barest thread of evidence of any kind to make an American citizen still wonder about the assassination of the President?

MR. BALL: None whatsoever. The evidence is conclusive. If you read it you can take the evidence which was presented to the Commission under oath, and read it, and if there's proof beyond a reasonable doubt available, it's available here, and secondly, remember this. The men of the Commission were men of integrity, chosen for integrity. The lawyers chosen by the Commission, who were in charge of the investigations have no purpose at all, no interest at all except to find facts.

MR. BROWN: Mr. Ball, and gentlemen, I'm afraid I'm going to have to interrupt at this point because our time is up. "News Conference" will be back after this message.

MR. BROWN: Mr. Ball, our thanks to you, sir, for a most informative half-hour. If you would like a written transcript of tonight's program, please send ten cents to "News Conference," Post Office Box 4000, North Hollywood, California, and please specify the Joseph Ball "News Conference." "News Conference" will be back next Saturday at this same time and we hope that you will join us then. In the meantime, for the panel and myself, thank you and goodnight.

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