

THE WARREN REPORT

What a CBS Study Found

This week, in a series of four one-hour broadcasts, CBS-TV took a searching look at the Warren Report and the controversy around it. The series was based on a nine-month investigation by the network's news staff. Here, with the supporting evidence necessarily limited by space, the New York Post presents the major conclusions reached in the study, as set forth by Dan Rather on a CBS Radio condensation.

RATHER: On Nov. 22nd, 1963, a tragic and momentous event took place: the assassination of a President of the United States. The nation mourned and the nation was suspicious. Rumor had it that the assassination had been the result of a conspiracy, a left-wing plot, said some; a right-wing plot, said others. A Castro plot was theorized and, you could even believe in a plot aimed at boosting a Texan into the White House . . . It was 10 months after the assassination when the Warren Commission presented its findings. One finding: no evidence of any "conspiracy."

MARK LANE: The first shot struck the President in the back of the right shoulder, the second in the throat from the front. Two more bullets were fired. Another, fired from the rear, struck Gov. Connally in the back. Five bullets, fired from at least 2 different directions, the results of a conspiracy.

RATHER: In addition, the Commission found no evidence of any conspiracy, the Warren Commission found no evidence that anyone assisted Lee Harvey Oswald in the assassination.

JIM GARRISON: We have even located photographs in which we could—we have found the—men behind the grassy knoll and the stone wall before they'd dropped completely out of sight. There were

five of them.

RATHER: That was New Orleans District Attorney Jim Garrison . . . Obviously, he does not believe the two key findings of the Warren Report. Neither, apparently, do most Americans. Public opinion polls indicate that 2 out of 3 of us do not believe the Warren Commission . . . To sum up the doubter's argument, Mark Lane, who has earned considerable money with books and lectures criticizing the Warren Commission's findings:

LANE: There was one basic conclusion, I think, which can be supported by the facts, that was the Commission's conclusion that (Jack) Ruby killed (Lee Harvey) Oswald, but, of course, that took place on television. Outside of that there's not an important conclusion which can be supported by the facts.

RATHER: Arlen Specter answers. Specter is now the District Attorney of Philadelphia but in 1964 he was one of the principal investigators for the Warren Commission.

SPECTER: I would say, after having prosecuted a great many cases, that seldom would you ever find a case which was as persuasive that Oswald was the assassin and, in fact, the lone assassin.

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RATHER: What is the case against Oswald? He did own a rifle. That rifle was found in the Texas Schoolbook Depository. He took it to the Book Depository the day of the assassination. His rifle was fired from the building. Oswald was in the building when the shots were fired. These are the facts. They are what lead Arlen Specter and the Commission to con-

clude that Oswald was the assassin. CBS News, after its own thorough reinvestigation, agrees. Oswald was the assassin. But, was he the lone assassin? The Commission said he was. CBS News went back over

the other questions related to that. Number one, only if all the shots came from the same direction could Oswald have been the only person who fired and, only if they came from inside the Book Depository could they have been fired by Oswald. Governor Connally and his wife were riding with Mr. Kennedy when the President was shot.

CONNALLY: All of the shots came from the same place: from back over my right shoulder. They weren't in front of us or they weren't at the side of us. There were no sounds like that emanating from those directions.

MRS. CONNALLY: All the shots came from the same direction.

RATHER: In another car in the motorcade was Texas State Highway Patrolman Herschel Jacks, riding with Vice President Johnson.

JACKS: The car had just completed its turn and I felt a blast which appeared to be a rifle shot coming from behind me. I heard three shots and I turned and looked up to the Book Depository.

(The broadcast then quoted the two Oswald co-workers who were in the window below him, heard the shells drop and were convinced that the shots came from that point.)

RATHER: Mrs. Carolyn Walther was standing down on Houston St. at the time, the Depository off to her right. She doubts the shots came from the Depository Building although she did, she says, look that way. Mrs. Walther was not interviewed by the Commission. Five hundred fifty-two witnesses were interviewed by the Commission and its staff, many of them at very great length. In the judgment of CBS News, much of their testimony was considerably less relevant than Mrs. Walther's. That is certainly the judgment of Edward Jay Epstein, the young scholar who wrote "Inquest."

EPSTEIN: I'm not sure the Commission went below the surface . . . the Commission did seem to bring forth most of the testimony, most of the relevant witnesses but you can show examples of other witnesses the Commission didn't call (besides Mrs. Walther).

RATHER: Carolyn Walther was questioned by the FBI. Also questioned by the FBI was James Altgens, an Associated Press photographer. He took a series of still photographs of the assassination. In time, he was interviewed by the Commission, but he was very nearly passed over, apparently through sheer carelessness . . . Now let's get back to the question of whether it can be established that all of the shots which hit the President came from the rear.

(Here, quoting fresh interviews with Capt. James J. Humes, who performed the autopsy, and Dr. Malcolm Perry, who treated the dying President at Parkland Hospital in Dallas, Rather said CBS was satisfied that there were only two entrance wounds, both fired from the rear.)

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RATHER: The most dramatic and most important single piece of evidence of the assassination is the eight millimeter color film taken with an amateur movie camera by Abraham Zapruder. That film, contrary to what many critics claim, also indicates the President was shot not from the front, or side, but from the rear. We are still considering now the Warren Report's contention that there was only one assassin. Another part of that contention rests on the conviction that all the wounds suffered by President Kennedy were inflicted by no more than three shots. We have heard eye-witnesses' testimony that was con-

tradictory. Here, again, the Zapruder film is invaluable. It indicates three shots. Something else perhaps can be determined by the Zapruder film, the amount of time between shots. This is crucial, because if the time between shots was less than the time necessary for Lee Harvey Oswald to operate his cheap bolt-action rifle, then obviously it would be physically impossible for Oswald to have been the lone assassin.

(The Warren Commission concluded that Oswald fired three shots in a maximum time span of 5.6 seconds. It decided the rifle could not be fired three times in less than 4.6 seconds. CBS's own tests showed that Oswald's rifle could have been fired three times in less than 4 seconds. Beyond this, expert analysis of the Zapruder film for CBS showed that Oswald probably had more than the 5.6 seconds allotted him by the Warren report. Disturbances on the camera frames, which could have been caused by shots startling the photographer, showed the assassin could have had 8.35 seconds.)

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RATHER: Let's take just a moment to sum up two basic conclusions of the CBS News Inquiry. Lee Harvey Oswald did fire three shots at the Presidential motorcade that fateful day in Dallas. And there was no second assassin. There is not a single item of hard evidence to substantiate that there was any second assassin. Now, concerning its conclusions about any conspiracy, the Warren Commission said it "found no evidence that either Lee Harvey Oswald, or Jack Ruby, was part of any conspiracy, domestic or foreign, to assassinate President Kennedy." The popular impression is that these words preclude the possibility of any conspiracy. But the words say only that the Warren Commission could find no evidence that there was a conspiracy. And not coincidentally, Jack Ruby, passed two lie detector tests, denying he ever knew Oswald, denying he was part of any conspiracy. Jim Garrison says he has evidence of a conspiracy, not just a theory—but solid evidence.

GARRISON: We have conversations about the assassination. We have money passed . . . We have individuals involved in the planning, and we can make the case completely . . . We have solved the assassination of President Kennedy beyond any shadow of doubt. I can't imagine that people would think that—that I would guess and say something like that rashly . . . We're in the process of developing evidence.

RATHER: What is known of what Garrison says is his evidence is generally quite complicated, and—to some—comically so. For example, there is Garrison's effort to prove a prior relationship between Lee Harvey Oswald and the man who killed him, Jack Ruby. In 1963 Ruby had an unlisted telephone number. In Oswald's address book was a Dallas Post Office box number. The numbers are not the same. And the letter prefixes to the numbers, P O for post office and W H for Ruby's Whitehall exchange are not the same either. Or, are they? They are, by a complicated formula Garrison furnished, and which was explained a few days later by Louisiana Sen. Russell Long.

LONG: You take the P and the O, and you use a telephone dial, P gives you seven, and O gives you six. You add seven and six together, you get 13. Then you take the one nine one oh six (19106), and you work on a A B C D E basis—so you put A—A falls—comes ahead of E. Then you put B behind C. And you reconstruct the numbers, and that—and then you subtract 1,300, which you got from the P. O. and that gives you Ruby's unlisted telephone number.

RATHER: And, so, what Garrison says he has is the key to a code which converts Ruby's phone number into a post office box number, which he says appears in an address book belonging to Oswald—and, in an address book belonging to Clay Shaw—a

socially prominent New Orleans resident Garrison says was also a conspirator.

SHAW: I have not conspired with anyone, at any time, or any place, to murder our late and esteemed President John F. Kennedy or any other individual. I did not know Lee Harvey Oswald, nor did I ever see or talk with him or anyone who knew him at any time in my life."

RATHER: One man who spoke out against Garrison's investigation was William Gurvich—Garrison's chief investigator until his resignation this week.

GERVICH: I decided that if the job of an investigator is to find the truth, then I was to find it. I found it and this led to my resignation. The truth, as I see it, is that Mr. Shaw should never have been arrested.

BILL REID (Station WWL, New Orleans): There's been talk of allegations of wrongdoing, or collusion, of possible bribery on the part of investigators, or certain investigators for the District Attorney.

GERVICH: Unquestionably things have happened in the District Attorney's office that definitely warrant an investigation by the parish grand jury as well as the federal grand jury.

REID: Would you say that his methods were illegal?

GURVICH: I would say very illegal and unethical.

REID: Do you believe M. Garrison had knowledge of these laxities?

GUURVICH: Of course he did. He ordered it.

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RATHER: The phone number of a man named James Hosti appears in Oswald's notebook, along

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with Hosti's name and license plate number. This is significant because of Hosti's job — a Dallas FBI agent . . . One report of a connection between Oswald and the FBI came to the attention of the Warren Commission at one of its first meetings. It was not the FBI that reported it. And consider the way the question of an Oswald-FBI link was investigated: the Commission did not launch any independent investigation. It simply accepted FBI Director Hoover's sworn denial that Oswald was ever employed in an capacity by his organization. Veteran Washington newsman Richard Rovere wrote: "There are disturbing indications that some kind of Oswald link with the FBI, the CIA, or some government agency may not be totally unfounded." The Commission seems to have handled the whole explosive question of such an alleged link in the manner least calculated to wind up inspiring national confidence.

(Here Rather turned to the "single bullet" theory, citing tests made for CBS by Dr. Alfred G. Olivier, the expert on wound ballistics who was consulted by the Commission. The doctor, using gelatin blocks designed to simulate human tissue, satisfied CBS that a single bullet could indeed have wounded both the President and Gov. Connally.)

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RATHER: Our inquiry has tended to substantiate the Warren Commission's basic findings. But, it has also brought into serious question some of the Commission's investigatory procedures. For example, we have reported about witnesses never called by the Commission, or nearly passed over by it. Also the way it probed the possibility of a connection between Oswald and the FBI. For the CBS News inquiry, for the first time, a Commission member consented to discuss publicly the Commission's work and its findings, its procedures and its attitudes. Commission

member John J. McCloy, internationally known lawyer, diplomat, and adviser to Presidents, was interviewed by Walter Cronkite.

CRONKITE: Mr. McCloy, however objectively the Commission may have set about its work, the report itself, it seems to us, may just as well have been entitled the case against Lee Harvey Oswald. Are you satisfied that as much effort was put into challenging that case as into establishing it? In other words, did the accused man get a fair trial?

McCLOY: This was an investigation and not a trial. We didn't have any plaintiff and defendant. This wasn't what is known as an adversary proceeding. We were all called upon to come down there to, I believe the wording was, directly from the President: to satisfy yourself—that is, the Commission—what were the relevant facts in relation to this assassination. And that's the base from which we started.

CRONKITE: The Commission came into being late in 1963 and went through to September, '64. Could you have used more time? There is this charge that your conclusions were rushed.

McCLOY: The conclusions were . . . arrived at in our own good time. I think that there's one thing that I would do over again. I would insist on those photographs and the X-rays having been produced before us . . . I think that we were perhaps a little over-sensitive to what we understood was the sensitivities of the Kennedy family against the production of colored photographs of the body and so forth. But, those exist. They're there. We had the best evidence in regard to that pathology in respect to the President's wounds.

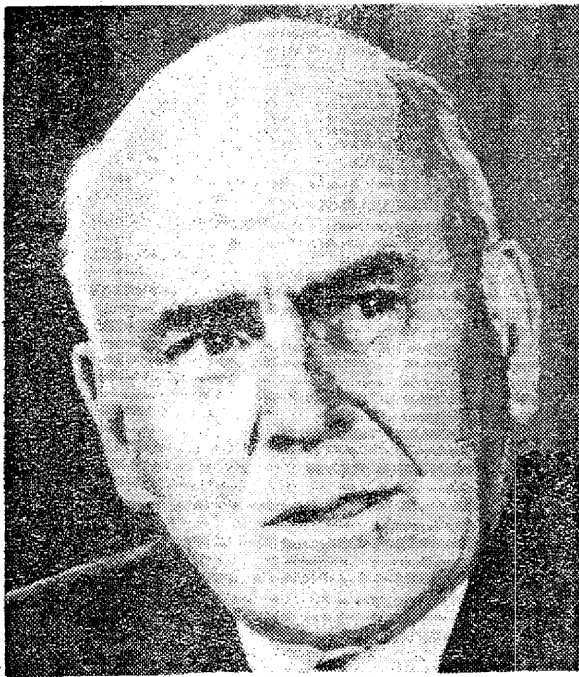
CRONKITE: How do you account for the fact that the disbelievers outnumber the believers by such a wide margin?"

McCLOY: Maybe there's a general distrust of government agencies. I don't know . . . There were competent people on that Commission, people who were used to dealing with FBI reports, appraising them, weighing them, taking many of them for something



HENRY STEELE COMMAGER

"I see no value, really, in another investigation."



JOHN J. McCLOY

"This was . . . not a trial."

less than their face value. They went at this thing and they came to this conclusion and there was nothing fraudulent about it, there was nothing sinister about it either conscious or subconscious in my judgment . . . We may have erred somewhere along the line, but so far I haven't seen any credible evidence which dispels the—the soundness of the fundamental conclusions that we came to.

RATHER: Why then, doesn't America believe the Warren Report, as opinion polls show most Americans do not . . . For a historical perspective, historian Henry Steele Commager was interviewed by Morley Safer.

COMMAGER: Well, I do think that there has come up in recent years particularly since the coming of the Cold War, something that might be called a conspiracy psychology, a feeling that great events can't be explained by ordinary processes, that if anything goes wrong—whether it's a great thing like the so-called loss of China, or a minor—a particular thing, like a discovery of espionage somewhere or the terrible fact of the assassination, is not to be explained as other historical events, but by some special standard of explanation, to be applied to the United States.

And the point is that the ordinary rules for the rest of the world don't hold for us. And so with a great number of the things that are ordinarily explained by the normal processes of history, are not to be explained by this—because they don't apply to the United States. We are expected always to be victorious, and always to triumph, and so forth and so forth.

To this came the McCarthy era, with the miasma of suspicion, with the ceaseless insistence on conspiracy, and dirty work at the crossroads, everywhere. And we were—I think we had been persuaded very largely since the beginnings of the Cold War to be more receptive to conspiracy theories. I don't think we'd become paranoid. But we were on the road to a paranoid explanation of things."

SAFER: Do you think that a second investigation, an independent investigation, into the assassination of the President is any more likely to be believed than

the Warren Report?

COMMAGER: No. I see no reason to suppose that anyone who—that doesn't believe the first, will believe a second, or a third, or a fourth. The conspiracy theory, the conspiracy mentality will not accept ordinary evidence. And if another investigation were to be held and came up to—came to the same conclusion, as I'm inclined to think it would, who knows?—I think the—it would be found just as unsatisfactory, and the critics would say, "Well, of course, this too is part of the Establishment. The Establishment appointed this. They want this kind of an explanation. And we don't believe any of it, because we know there's dirty work at the cross-roads somewhere. They're covering things up." So I see no value, really, in another investigation.

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RATHER: CBS News correspondent Eric Sevareid's role in our inquiry has been to stand off a bit, observe and analyze.

SEVAREID: When this reporter returned home after the first year of World War Two in Europe, I made a few speeches to American groups. Intelligent, middle-class, town hall kind of audiences. But almost invariably some man, or group of men, would get me aside after the speech and say, in effect, "Now, tell us the real low-down."

This was my first adult encounter with that strain of permanent skepticism about what they read or hear, that runs through so much of the American people. This distrust governs people's feelings toward government and public events more than their feelings toward one another in their daily life. Part of

(MAGAZINE PAGE FIVE) 27

the impulse is simply that traditional Yankee horse trader desire not to be taken in. Part is the wish to be personally "in the know," one up on the other fellow.

But this automatic reaction that there must be conspiracy somewhere, and the prevalence of this devil theory of politics, this probably has increased among us, as Prof. Commager suggests, as a result of World War II and the Cold War that followed.

What fed the conspiracy notion about the Kennedy assassination among many Americans was the sheer incongruity of the affair. All that power and majesty wiped out in an instant by one skinny weak-chinned little character. But this almost unbelievable incongruity has characterized nearly every one of the assassinations, and attempted assassinations, of American Presidents. Deranged little men killed Lincoln, Garfield, McKinley, tried to kill President Theodore and Franklin Roosevelt. Only the Puerto Rican attempt on President Truman represented a real conspiracy.

There are still people who think Adolf Hitler is alive, people who think the so-called learned Elders of Zion are engaged in a Jewish plot to control the world. The passage of years, the failure of anybody anywhere to come up with respectable evidence does not shake the people who cling to these illusions.

And, so, three and a half years later there are people who still think some group of men are living somewhere, carrying in their breasts the most explosive secret conceivable—knowledge of a plot to kill Mr. Kennedy. These imagined men supposedly go about their lives under iron self-discipline, never falling out with each other, never giving out a hint of suspicion to anyone else.

And nearly three years after the Warren Inquiry finished its painful and onerous work, there are not only the serious critics who point to the various mistakes of commission or omission, mistakes of a con-

sequence one can only guess at; and of a kind that have probably plagued every lengthy voluminous official investigation ever staged. There are also people who think the Commission itself was a conspiracy, to cover up something.

In the first place, it would be utterly impossible in the American arena of a fierce and free press and politics to conceal a conspiracy among so many individuals who live in the public eye. In the second place, the deepest allegiance of men like Chief Justice Warren, or John McCloy, does not lie with any President, political party, or current cause. It lies with history, their name and place in history. That is all they live for in their later years. If they knowingly suppressed or distorted decisive evidence about such an event as a Presidential murder, their descendants would bear accursed names forever.

The notion that they would do such a thing is idiotic.



RATHER: Three years ago, after CBS News had studied the Warren Commission Report for the first time, we summed up our feelings about it. We said, the report almost certainly was not correct in every detail. But we concluded that its basic findings were correct, on the basis of the evidence available.

Now we have studied the report again, this time with the benefit of three years of controversy—all of the critics' books, and our own no-holds-barred investigation. We did our best to find new evidence. All legitimate leads, and many not so legitimate, were followed up. This is what we found:

Lee Harvey Oswald was in the Dallas School Book Depository when the President was killed.

The gun which killed Mr. Kennedy was there with Oswald.

The evidence is substantial that Oswald fired it.

All of the shots that killed the President and wounded Gov. Connally came from the rear. This point is a proven medical and scientific fact—not speculation.

"Oswald had ample time three shots. Probably even more than the 5.6 seconds the Warren Commission figured he had. Considering the distance and angle, it did not require an expert marksman to hit the President and Gov. Connally in the number of seconds Oswald had to do it.

Gov. Connally, himself very nearly killed in the shooting, is convinced that Oswald alone was responsible, with no conspiratorial connections.

The family of the slain President, including his brothers, agree.

That is what we know.

Certainly, there remain doubts. The answers to some questions leave us restless. We are not entirely convinced that Oswald never at any time had any connections with the FBI, the CIA, or some other government undercover agency. The Kennedy autopsy photographs and X-rays should be made public, or at least submitted to appraisal from outside the government. And the theory that a single bullet struck down both the President and the Governor has too much of the long arm of coincidence about it for us to be entirely comfortable.

But Oscar Wilde said, "Truth is seldom pure, and never simple."

So it is with the Warren Commission Report. It is not pure. It is not simple. But it has stood the test of time. It is as close to the whole truth as we have. As close as we are likely to get, about what happened that dreadful day in Dallas.