

CBS NEWS INQUIRY
"The Warren Report"
Part IV
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With CBS NEWS Correspondents

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and

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EXECUTIVE PRODUCER: Leslie Midgley

WALTER CRONKITE: Good evening. For the past three nights we have been examining the circumstances of the assassination of President John F. Kennedy. On Sunday, we returned to Dealey Plaza to recreate that fatal motorcade ride beneath the windows of the Texas School Book Depository.

Believing that rifle tests conducted by the Warren Commission were less than adequate, we conducted new tests, more closely simulating the conditions of the actual murder. We found hitherto undiscovered evidence in film of the murder itself, that the killer had more time than the minimal 5.6 seconds indicated in the Warren Report to get the shots off. And we concluded that beyond reasonable doubt, Oswald was indeed at least one of the killers.

But was there more than one? On Monday night, we interviewed eyewitnesses who said all the shots came from the School Book Depository. And others equally insistent that there were shots from the grassy knoll overlooking the motorcade itself.

We tested more exhaustively than did the Warren Commission the extremely controversial single bullet theory, found that one bullet could, indeed, have wounded both the President and Governor Connally. We heard autopsy surgeon, James Humes, break three and a half years of silence to report that he has re-examined the X-rays and photographs of the President's body, and still has no doubt that all the shots struck from behind.

We concluded that in the absence of solid evidence that there were other assassins, and with the indications that one killer could account for all the shots, there was no second gunman. But, even as the only gunman, was Oswald, as the Warren Report suggests, a lone madman? Or was he the trigger-man for a conspiracy to kill the President?

On Tuesday, we considered such frequently mentioned indications of conspiracy as the murder of Officer J. D. Tippit, found that he was legitimately ordered from his normal patrol area as part of a redeployment of police forces to cope with the assassination. Found too, that a partial description of the assassin, broadcast on police radio, could account for Tippit's stopping Oswald.

We found the nightclub owner, Jack Ruby, the man who killed Oswald, was a strange, mercurial creature given to hitting first and asking questions afterward. And none of his closest associates would credit Ruby with the ability to keep a secret very long.

We presented the conspiracy theories of New Orleans District Attorney Jim Garrison, theories which Garrison says he will present in a court of law, but which today remain a series of largely unsupported statements. And we concluded that, for

now at least, no conspiracy theory of the assassination has been proved.

Tonight, we turn from the assassination to the Warren Commission itself. Having found that the Commission's conclusions, in the main, still stand up almost three years after published, we now ask our fourth and last fundamental question: Why doesn't America believe the Warren Report?

ANNOUNCER: This is a CBS NEWS INQUIRY: "The Warren Report." Here is Walter Cronkite.

CRONKITE: Tonight, as in our preceding reports, my colleague Dan Rather and I are going to break this fundamental question into subsidiary questions. For the first part of the broadcast, we will ask: Should America believe the Warren Report? We will explore just how well and honestly the Warren Commission operated, to what extent it deserves belief.

The second question will be: Could America believe the Warren Report? And we'll try to determine whether there are elements in the way people, and particularly Americans, think about great events, which would prevent their accepting the Warren Report, however trustworthy it might be.

But this final broadcast will be different. The questions we will ask tonight, we can only ask. Tonight's answers will be not ours, but yours.

RATHER: As we take up whether or not America should believe the Warren Report, we'll hear first from the man who perhaps more than any other is responsible for the question being asked. Mark Lane, lawyer and former New York State Assemblyman, was the gadfly of the Warren Commission. He demanded the right to appear before it as a defense counsel for the dead Lee Harvey Oswald. Refused, he began his own investigation of the President's death, a study that produced first the best selling attack on the Warren Commission, "Rush To Judgment," and now a movie of the same name.

Mark Lane has lectured all over the world on his own theories of the assassination, theories which he spelled out for Bill Stout.

MARK LANE: There was one conclusion, one basic conclusion that the Commission reached, I think, which can be supported by the facts, and that was the Commission's conclusion that Ruby killed Oswald. But, of course, that took place on television. It would have been very difficult to deny that. But, outside of that, there's not an important conclusion which can be supported by the facts and--and this is the problem.

And what the Commission was thinking and what they were doing is still hidden from us, of course. The minutes of the Commission meetings are locked up in the National Archives and no one can see them. A vast amount of the evidence, F.B.I. reports, C.I.A. reports, which may be directly related to the information we should have, are also locked up in the Archives. No one can see that.

The photographs and X-rays of the President's body, taken at the autopsy in Bethesda, Maryland, taken just before the autopsy was begun, taken by Naval technicians, which in and of themselves might resolve the whole question as to whether or not there was a conspiracy, cannot be seen by anyone today and, in fact, not one member of the Warren Commission ever saw the most important documents in the case, the photographs and the X-rays. And not one lawyer for the Commission ever saw--was curious enough to examine the most important evidence.

I think the villain was the desire of government officials to be nice, to see to it that nothing would upset the American people, that the apathy which has seized us for all of these years be permitted to remain uninterrupted by a factual presentation of what happened. The American people would have been upset surely if they were told there was a conspiracy which took the life of your President.

CRONKITE: But Mr. Lane, who accuses the Commission of playing fast and loose with the evidence, does not always allow facts to get in the way of his own theories. In "Rush To Judgment," for example, he writes: "The statements of eyewitnesses close to the President tended to confirm the likelihood that the shot came from the right and not from the rear." Lane then quotes Associated Press photographer James Altgens, and another eyewitness, Charles Brehm, as giving testimony that would support the idea of a killer on the grassy knoll. Yet Mr. Altgens, as we saw Monday night, is entirely certain that all of the shots came from behind, a fact that Mr. Lane does not mention.

As for Mr. Brehm, Eddie Barker discovered that he holds no brief either for the grassy knoll theory or for the use of his words by Mark Lane.

EDDIE BARKER: Well now, some critics of the Warren Report have taken your testimony, or interviews with you, to indicate that you thought the shots came from behind the fence over there. What about that?

CHARLES BREHM: Well, as I say, it was not a number of critics. It was one critic, Mark Lane, who takes very great liberties with adding to my quotation. I never said that the -- any shot came from here like I was quoted by Mr. Lane. Mr. Lane would like me to have positively identified the -- what I saw fly over here -- his skull -- although I told him I could not -- I did not -- I thought it was but I could not. So, he has added

his interpretations to what I said, and consequently that's where the story comes from that -- that I said that the shots come from up there. No shot came from up there at any time during the whole fiasco that afternoon.

CRONKITE: Nor are these the only examples of Mr. Lane lifting remarks out of context to support his theories. Perhaps the most charitable explanation is that Mark Lane still considers himself a defense attorney for Lee Harvey Oswald--and a defense attorney's primary duty is not to abstract truth, but to his client.

There exists, however, a less partisan, and therefore perhaps more disturbing critique of the Warren Commission Report.

RATHER: One of the most influential attacks on the work of the Commission is the book, "Inquest," by a young scholar named Edward J. Epstein. It began as a thesis in political science, Mr Epstein deciding to find out just how the Warren Commission had gone about solving this crime of the century.

He studied the 26 volumes of hearings, then interviewed five of the seven Commission members, General Counsel J. Lee Rankin and some of the Commission's top investigators. And the pattern that began to emerge disturbed him.

EPSTEIN: Well, there were three, I think, levels of complaint. The first one was the institutional, you might say: the general problem that a government has when it searches for truth. The problem of trying to have an autonomous investigation, free from political interference and at the same time, it's dealing by its very nature with a political problem.

The second level might be called the organizational level of - was the Warren Commission organized in a way that prevented it from finding facts. And here my findings were that by using a part time staff and by the Commission's detaching themselves from the investigation--in other words, not actively partaking in the investigation--it raised some problems as to whether the Warren Commission's investigation went deep enough, so that if there was evidence of a conspiracy, they would have in fact found it.

The third level of my criticism concerned the evidence itself, and this concerned the problem of when the Warren Commission was come--confronted with a very complex problem. For example, the contradiction between the F.B.I. summary report on the autopsy and the autopsy report they had in hand -- how they solved this problem, whether they simply glossed over it or whether they called witnesses and -- and this -- this, of course, brought up the questions of -- of a second assassin.

RATHER: One of the men Mr. Epstein interviewed for his "Inquest" is Arlen Specter, now District Attorney of Philadelphia, but in 1964, one of the principal investigators for the Warren Commission, charged with establishing the basic facts of the assassination. Mr. Specter thinks the Commission did its job well and came up with the right answers.

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, and we convict people in the criminal courts every day right here in City Hall, Philadelphia. And the times the death penalties are imposed or life imprisonment - so that - so that the case does fit together.

RATHER: In separate interviews we asked critic Epstein and investigator Specter to discuss some of the central issues that must determine how well or how badly the Warren Commission did its work.

EPSTEIN: Part of the job of the Warren Commission was restoring confidence in the American government. And for this he had to pick seven very respectable men, men who would lend their name and lend probity to the report. And so that the problem was, in any seven men he picked of this sort, they would have very little time for the investigation.

They would also have two purposes. One purpose would be to find the truth, all the facts. The other purpose would be to allay rumors, to dispel conspiracy theories and material of that sort.

SPECTER: My view is that there is absolutely no foundation for that type of a charge. When the President selected the Commissioners, he chose men of unblemished reputation and very high standing. The Chief Justice of the Supreme Court of the United States would have no reason whatsoever to be expedient or to search for political truths. Nor would Allen W. Dulles, the former head of the C.I.A., nor would John McCloy, with his distinguished service in government, nor would the Congressional or Senatorial representatives.

Now, the same thing was true of the staff members. When it came time to select the individuals to serve as assistant counsel and general counsel, men were chosen from various parts of the United States who had no connection with government.

EPSTEIN: For example, there were rumors concerning the F.B.I. or various intelligence agencies. I noticed that there were a number of memorandums where the--where--from Warren to the Secretary of the Treasury, who was in charge of the Secret Service, assuring that their findings wouldn't impair the efficiency or the morale of the Secret Service. And the same

thing again with the F.B.I., a question of whether there was ever any possible connection between Oswald--and by connection I don't mean anything sinister, I simply meant that he was furnishing information and there were some rumors to this effect--and they, rather than investigating these rumors, they preferred to give it to the F.B.I. to investigate the rumors themselves. As J. Lee Rankin, their General Counsel, said, they would rather that agency clear its own skirts. Well, what this meant, of course, is that if the F.B.I. would have discretion if it did find a connection between Oswald and itself, the discretion of either reporting it or not reporting it.

SPECTER: In the main, the F.B.I. conducted the basic line of investigation. But the Commission used its independent judgment wherever, say, the F.B.I. or the Secret Service was involved itself so that they would not investigate themselves on the subjects where they were directly involved, and I think the Commission showed its independence in that regard by criticizing the Federal Bureau of Investigation and by criticizing the Secret Service where the facts warranted such criticism.

On every subject where the Federal Bureau of Investigation had contact with the area of investigation with which I was intimately connected, I was fully satisfied with their thoroughness and with their competency and with their integrity.

CRONKITE: Despite Mr. Specter's defense, it is the opinion of CBS NEWS that the role of the F.B.I. as well as the Secret Service, both in the assassination and its aftermath, has been less than glorious. And, to some extent, the performance of these agencies weakens the credibility of the Warren Report. As to what the F.B.I. and the Secret Service did wrong before the assassination, we need look no further than the Report itself.

It notes the Secret Service agents assigned to protect the President had been drinking beer and liquor into the early hours of the morning, that no search was made of buildings along the route, and that, quote: "The procedures of the Secret Service, designed to identify and protect against persons considered serious threats to the President, were not adequate prior to the assassination," end of quote. That is, the Secret Service should have known about Lee Harvey Oswald.

But the Report goes on to point out that if the Secret Service did not know about him, the F.B.I. did, and did not see fit to mention his existence to the Secret Service. The report issues a mildly phrased yet devastating rebuke to the F.B.I., charging that it took an unduly restrictive view of its responsibilities. Knowing what the F.B.I. knew about Oswald, the Report says, an alert agency should have listed him as a potential menace to the President. Yet, after the assassination, the Commission itself relied heavily on these two agencies as its investigative arms.

Did their performance improve? We know that some of the tests conducted by them for the Warren Commission were unsatisfactory. In the first of these broadcasts we pointed out that to simulate Oswald's problem of hitting a moving target from a sixty foot high perch, the F.B.I. conducted its firing tests on a fixed target, from a 30-foot height. Certainly, if CBS NEWS could duplicate the conditions of the actual assassination for a firing test, the feat's not beyond the capability of the F.B.I.

RATHER: There is also the case of the famous exhibit 399, the bullet which the Commission thought wounded both the President and Governor Connally, winding up on the Governor's stretcher in Parkland Hospital. Critics of the Report, you will remember, insist it couldn't have hit both men, but must have been found on the President's stretcher. Yet, part of the now permanent confusion surrounding the bullet and where it was found, must be charged to the cavalier attitude of agents of both the F.B.I. and the Secret Service at Parkland Hospital.

On Monday night, hospital attendant Darrell Tomlinson described how, in shoving a stretcher into place, he dislodged a spent rifle bullet. Mr. Tomlinson quite properly sent at once for the hospital's chief of security, O. P. Wright. Mr. Wright describes what happened then:

WRIGHT: I told him to withhold and not let anyone remove the bullet, and I would get a hold of either the Secret Service or the F.B.I., and turn it over to them. Thereby, it wouldn't have come through my hands at all. I contacted the F.B.I. and they said they were not interested because it wasn't their responsibility to make investigations. So, I got a hold of a Secret Serviceman and they didn't seem to be interested in coming and looking at the bullet in the position it was then in.

So I went back to the area where Mr. Tomlinson was and picked up the bullet and put it in my pocket, and I carried it some 30 or 40 minutes. And I gave it to a Secret Serviceman that was guarding the main door into the emergency area.

BARKER: Mr. Wright, when you gave this bullet to the Secret Service agent, did he mark it in any way?

WRIGHT: No, sir.

BARKER: What did he do with it?

WRIGHT: Put it in his lefthand coat pocket.

BARKER: Well now, did he ask your name or who you were or any question at all about the bullet?

WRIGHT: No, sir.

BARKER: How did the conversation go? Do you remember?

WRIGHT: I just told him this was a bullet that was picked up on a stretcher that had come off the emergency elevator that might be involved in the moving of Governor Connally. And I handed him the bullet, and he took it and looked at it and said, "O.K.," and put it in his pocket.

CRONKITE: There is little to praise in such treatment by the F.B.I. and the Secret Service of perhaps the most important single piece of evidence in the assassination case. Moreover, the Warren Commission seriously compromised itself by allowing the Secret Service, the F.B.I. and the C.I.A. to investigate questions involving their own actions.

RATHER: The Commission had before it the hard fact that Oswald's notebook contained the name, phone number and license plate number of Dallas F.B.I. agent, James Hosty. The F.B.I.'s explanation was that Hosty had asked Ruth Paine, with whom Marina Oswald was living, to let him know where Oswald was staying, that he jotted down his phone number and that Marina under prior instructions from her husband, also copied down Hosty's license plate.

CRONKITE:

The question of a link between the killer and the F.B.I. was indeed a legitimate part of the investigation. The Commission's handling of that question is scarcely justifiable. What it did was to accept as conclusive sworn affidavits from J. Edgar Hoover, and other F.B.I. officials, that Oswald was never employed in any capacity by the F.B.I.

The Commission says it also checked the F.B.I.'s own files, but mentions no other investigation. It followed the same curious procedure with the C.I.A., taking the word of top C.I.A. officials that Oswald had no connection with that agency either. The Commission then came to the sweeping conclusion that there was absolutely no type of informant or undercover relationship between an agency of the U. S. Government and Lee Harvey Oswald at any time.

Now, elsewhere, the Warren Report argues persuasively the difficulty of proving a negative, of proving in that case that Oswald was not a member of a conspiracy. You will remember that it hedged its conclusion, saying only that there was no evidence of a conspiracy.

Yet the Commission had no hesitation in asserting another far reaching negative: that Oswald was not involved with any agency of the U. S. Government ever. Oswald's mother, Marguerite, has always maintained that her son was a government agent--she favors the C.I.A.--and that he was innocent of the assassination.

BARKER: Mrs. Oswald, what sort of proof do you have that your son was an agent of this government?

MARGUERITE C. OSWALD: Now, proof, Eddie - that's a very strong question. I think the Warren Commission members themselves gave Marguerite Oswald the proof. They want us to believe that Lee Harvey Oswald went to Russia as a defector. And yet he got out of the Marine Corps three years before his hitch was up on a Dire Need discharge. Now, this is documented. This is what they tell the American people. They go into great details, that Lee Harvey Oswald got out of the Marine Corps three months ahead of time because his mother had an accident - which was the truth, and it all went through the Red Cross legitimately.

And when he came home, he stayed with his mother three days. We sort of know that story. And then he left for Russia. And, so, this is supposed to be all cut and dried. But when you read the Warren Report, and when you know the case - and this is my case, and my son's - so I know it, then you see a little part where the Warren Commission says, the documentation says, that Lee Harvey Oswald was given a passport by the State Department to travel to Russia, the Dominican Republic, Cuba, and et cetera; and at that time these countries were not restricted.

Now, how can Lee Harvey Oswald get out of the Marine Corps three months ahead of time on a Dire Need discharge, and at the same time be issued a passport to travel?

CRONKITE: The evidence is overwhelming that Mrs. Oswald is wrong as to whether her son did assassinate the President. Yet, there remain disturbing indications that she may not be quite so wrong about some kind of link between Oswald and various intelligence agencies of the United States. The question of whether Oswald had any relationship with the F.B.I. or the C.I.A. is not frivolous. The agencies, of course, are silent.

Although the Warren Commission had full power to conduct its own independent investigation, it permitted the F.B.I. and the C.I.A. to investigate themselves - and so cast a permanent shadow on the answers.

(ANNOUNCEMENT)

ANNOUNCER: A CBS NEWS INQUIRY: "The Warren Report," continues. Here again is Dan Rather.

RATHER: More than one critic of the Warren Report has attacked it over the question of witnesses: which ones it heard, and which of those it decided to believe.

Once again Edward Jay Epstein:

EPSTEIN: I'm not sure that the Commission went below the surface, but then no one could be sure of whether they did or not because from what's visible, what we can see, the Commission did seem to bring forth most of the testimony, most of the relevant witnesses. Whether these witnesses were saying all they knew, or whether there were other witnesses they should have called is another. I think there are. You can show examples of other witnesses the Commission didn't call.

There was a witness, Mrs. Eric Walther.

MRS. CAROLYN WALTHER: When I saw this man in the window with a gun, and there was another man beside him, and he was holding the gun down. His arms were resting on the window.

EPSTEIN: Well, they never called her, nor did a Commission lawyer ever investigate her, or go down and ask her any questions.

RATHER: The Warren Commission and its staff interviewed 552 witnesses. Their testimony takes up these 26 thick volumes. Yet the question of whether it interviewed the right witnesses, and how it evaluated the testimony it did hear, are basic to any decision on how well it did its job.

For instance, what about Mrs. Carolyn Walther, who saw two men and a gun in a different window of the School Book Depository, and who never got to tell her story to the Commission?

CRONKITE: David Belin, an attorney for the Commission staff, who had a hand in the decision not to call Mrs. Walther after her interviews with the F.B.I., has said that the Commission simply could not hear every single person who had been in the plaza that day. He pointed out that Mrs. Walther's woman companion, standing next to her, told investigators Mrs. Walther had never mentioned seeing any men. Nevertheless, among those 552 witnesses who were called by the Commission were many whose testimony was considerably less relevant than Mrs. Walther's.

Perhaps the Commission should have had the chance to decide whether or not she saw what she says she did.

RATHER: Right now, long after the fact of the Commission Report being out, right now, what bothers you most about the Report? Are there any - is there a central question, or central questions that bother you most?

EPSTEIN: There is one central question that does bother me, and that is - involves the autopsy that was performed on President Kennedy. And there was a conflict - really, a contradiction, between the F.B.I. report on the autopsy, which the F.B.I. says they received from the autopsy doctors - at least they said in these reports, and the autopsy report published by the Warren Commission. And I don't think we have to get into the exact details, but it wasn't absolute - if one was true, the other couldn't be true. It concerned the path of the bullet through President Kennedy's body. The F.B.I. said it didn't go through, it only went in a short distance. The Warren Report said it went - or the autopsy in the Warren Report said it went clean through and exited.

There was evidence, evidence that I think any lawyer or law court would have demanded, and that is the actual photographs of the autopsy and the X-rays.

CRONKITE: Almost from the day the Warren Commission published its report, its decision to omit those vital X-rays and photographs has been under attack. Only that physical evidence, say the critics, can finally resolve the debate over how many bullets struck the President, where they came from, and where they went - the central questions in the argument over how many assassins opened fire in Dealey Plaza.

More than one critic has charged that the autopsy record in the Warren Report is not the original autopsy, but has been changed to conform with the Commission's theories. You will remember that after a silence of three and a half years the doctor who headed the autopsy team at Bethesda Naval Hospital agreed to re-examine those disputed photographs and X-rays, and review his findings for these broadcasts. And here is what Captain James Humes told Dan Rather.

HUMES: The Report, as I stated, is exactly the way it was delivered, and the way it was written.

CRONKITE: Yet it seems to CBS NEWS that one of the most serious errors made by the Warren Commission was its decision not to look at those photographs and X-rays, an error now compounded. For the Kennedy family, which had possession of the autopsy pictures, agreed last year to donate them to the National Archives, but only with the stipulation that the pictures be locked away for five years - with only certain authorized government personnel allowed to see them.

Now, no one would propose that those grim and tragic relics be made generally available, to be flashed across television screens and newspaper pages. But in view of their crucial bearing on the entire assassination we believe that those films should now be made available for independent examination by expert pathologists, with the high qualifications of Captain Humes - but without his status as a principal in the case.

There is one further piece of evidence which we feel must now be made available to the entire public: Abraham's Zapruder's film of the actual assassination. The original is now the private property of LIFE Magazine. A LIFE executive refused CBS NEWS permission to show you that film at any price, on the ground that it is, quote, "an invaluable asset of Time, Inc." unquote. And that, even though these broadcasts have demonstrated that the film may contain vital undiscovered clues to the assassination.

LIFE's decision means you cannot see the Zapruder film in its proper form, as motion picture film. We believe that the Zapruder film is an invaluable asset, not of Time, Inc. - but of the people of the United States.

(ANNOUNCEMENT)

ANNOUNCER: A CBS NEWS INQUIRY: "The Warren Report" continues. Here again is Walter Cronkite.

CRONKITE: Until now we have heard a great deal about the Warren Commission from its friends and its foes. But what of the Warren Commission itself? Where do its seven members stand amidst this torrent of controversy over their performance?

Chief Justice Warren, who headed the Commission, has refused to discuss the Warren Report publicly, with CBS NEWS, or indeed with anyone. But one Commissioner has agreed to participate in this broadcast. He is John McCloy, internationally known lawyer, Presidential adviser, and former High Commissioner for Germany.

Mr. McCloy, however objectively the Commission may have set about its work, the Report itself - it seems to us - may have just as well have been entitled "The Case Against Lee Harvey Oswald."

Now, 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: I'll answer that in just a moment. If I may just say one thing, I - which I'd like to say. In the first place, I had some question as to the propriety of my appearing here as a former member of the Commission, to comment on the evidence of the Commission - seems to be some question, and I think there is some question about the advisability of doing that. But I'm quite prepared to talk about the procedures and the attitudes of the Commission. And I'm - the scope of its conclusions, and so forth. But I will now try to answer your question by pointing out that 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 - the directive 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.

There've been a number of suggestions that the Commission, for example, was only motivated by a desire to put - to make things quiet, so as to give comfort to the Administration, or give comfort to the people of the country, that there was nothing vicious about this. Well, that wasn't the attitude that we had at all.

I know what my attitude, when I first went down, I was convinced that there was something phony between the Ruby and the Oswald affair, that 48 hours after the assassination, here's this man shot in the police station. I was pretty skeptical about that. But as time went on and we heard witnesses and weighed the witnesses - but just think how silly this charge is.

Here we were seven men, I think five of us were Republicans. We weren't beholden to any Administration. Besides that, we - we had our own integrity to think of. A lot of people have said that you can rely upon the distinguished character of the Commission. You don't need to rely on the distinguished character of the Commission. Maybe it was distinguished, and maybe it wasn't. But you can rely on common sense. And you know that seven men aren't going to get together, of that character, and concoct a conspiracy, with all of the members of the staff we had, with all of the investigative agencies - it would have been a conspiracy of a character so mammoth and so vast that it transcends any - even some of the distorted charges of conspiracy on the part of Oswald.

CRONKITE: What did you do on those visits to Dallas?

McCLOY: Well, we went there and walked over the Dealey Plaza, almost - it seems to me - foot by foot. We went into the School Book Depository. We talked to all of the police officers there - that were there, a number of the witnesses. Visited the boarding house - the boarding houses that Oswald had lived in. Retraced, step by step, his - his movements from the School Book Depository to the point at which he was apprehended in the theatre. We chased ourselves up and down the stairs, and timed ourselves. I sat in the window and held the very rifle, with a four power scope on it, and sighted down across it - seeing - must have been at the exact spot that whoever the assassin was sat, with the carton of boxes as a headrest; snapped the trigger many times; saw the - we had a car moving at the alleged rate - well, I can go on.

But I'm just trying to give you the - the impression of what was the fact that we did, assiduously, follow this evidence, and work out as best we could our own judgments in relation to it.

CRONKITE: Mr. McCloy, the Commission came into being late in 1963, went through to September '64 - when you were dissolved.

Could you have used more time? There is the charge that it was - your conclusions were rushed, that there was some stringent time scale imposed.

McCLOY: The conclusions weren't rushed at all. If there's any charge that can be made - and maybe this is an unjust charge, because I wasn't in charge of it - I'm inclined to think that we perhaps rushed to print a little too soon. But the conclusions we arrived at in our own good time.

I think that if 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. In the one respect, and only one respect there, I think 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 - the pathology in respect to the President's wounds. It was our own choice that we didn't subpoena these photographs, which were then in the hands of the Kennedy family. I say, I wish - I don't think we'd have subpoenaed them. We could have gotten - Mr. Justice Warren was talking to the Kennedy family about that at that time. I thought that he was really going to see them, but it turned out that he hadn't.

CRONKITE: It's not surprising that there should be some skeptics, quite obviously, to any such report. But how do you account for the fact that the disbelievers outnumber the believers by such a wide margin?

McCLOY: I think that - if you want me to speculate on it, first place there's the credulity of people generally. This is pretty spicy, pretty scandalous. Bear in mind that there have been an enormous amount of books written now, a large number of books written, pamphlets written - with the most shocking and distorted statements in regard to the evidence; with all of the blurbs and all of the propaganda. You know the business that goes with selling books.

Many more thousands of those have been distributed and read than the rather limited distribution of the Report, with the rather prosaic accounts. So, that I suppose this tends to build the thing up. There are other - there are other things that I suppose you can talk about. Strange attitudes. The people associate their politics with their belief, or their disbelief, in the Report.

I've gone to a number of campuses, for example. I'm astounded to find that they - the professors, as well as students - in many of the cases, I don't say the majority, think that it's illiberal to come to the conclusion that a Communist inclined

defector could have been the assassin of the President. It's liberal to feel that it was the result of a right-wing conspiracy in the hostile atmosphere of Texas. And nothing that you can say or do seems to be able to dispel their viewpoint.

Maybe there's a general distrust of government and government agencies. I don't know. You can speculate, Mr. Cronkite, as much as I can about it. I - I - what I do resist, in a way - it irritates me, is any suggestion that the Commission were motivated other than by - and I'll leave myself out, there were competent people in that Commission, people who - who were experienced in investigation, like the Senators and the Congressmen, have been through many types of investigation; Dulles, who was - people who were used to dealing with F.B.I. reports, appraising them, weighing them, taking many of them for something 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. And I think that, as I say, that common sense would tell you that this must be the case. We may have erred somewhere along the line, but so far I haven't seen any credible evidence which dispels the soundness of the fundamental conclusions that we came to.

CRONKITE: In a way, we have come to the end of this report on the Warren Report. For some three and a half hours now we have presented what seemed to us the most significant new evidence concerning the assassination itself, and the President's Commission to investigate the assassination.

Yet over these months, as we prepared this report, we began to realize that there is one more question to be answered. That question does not really involve the assassination, or the Warren Commission - except indirectly. It involves the people of the United States. We began to wonder how it is possible that so many more Americans disbelieve the Warren Report than have ever read it.

Why, for instance, when fewer than two million copies of the Report have been sold, a Gallup Poll indicates that six Americans out of every ten think they know enough about it to mistrust it? Or why, by a considerable margin, more people have bought copies of books attacking the Report than have bought the Report itself?

Such indications begin to suggest that, completely apart from the merits of the Warren Report itself, there may be something abroad in the land that wants not to believe the Report's conclusion, that President Kennedy was the victim of a lone madman, and not of a conspiracy.

Our final question then: Could America believe the Warren Report?

Dr. Seymour Lipset of Harvard is a distinguished sociologist whose special field of interest is American behavior. And Dan Rather asked him about this national reaction of disbelief to the Warren Report.

LIPSET: Sort of thing, you know, we're terribly bothered by murders. You know, when you get the kind of Jack the Ripper thing, or this fellow in Texas who shot down - if someone's killed because - for his money, if someone's kidnapped for money, if - this is OK. I mean, not that you - we don't want it. But at least you can understand what happened. If it - and, therefore, an assassination which is a consequence of a plot is like a murder in the context of a crime for more money by a gang. But if somebody's just shot down in the street by some fellow who just picked up a gun and shot him, well, if it happened to him it can happen to you.

If the President is assassinated, not because of a rational plot, but because of just a nut who has a gun, then any - not only any President can be assassinated this way - which he can be - but anybody else can. It becomes a much less controlled world.

CRONKITE: A man who looks into the American spirit from another viewpoint, but with equally keen interest, is historian Henry Steele Commager, whose book "Search for a Usable Past" is considered a major insight into what we are and how we got that way.

COMMAGER: But 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.

And to this came the - added 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 have 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.

MORLEY 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 Commission?

COMMAGER: No. I see no reason to suppose that anyone who 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, any more than the conspiracy mentality accepts the ordinary explanation of the assassination of Lincoln, and the death of Booth. It has - there's some psychological requirement that forces them to reject the ordinary, and find refuge in the extraordinary. And if another investigation were to be held, and came up - came to the same conclusion, as I'm inclined to think it would, who knows - I think 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 crossroads somewhere. They're covering things up." So I see no value, really, in another investigation.

CRONKITE: In Washington, Eric Sevareid has been watching these four programs with you, and we turn to him now for his thoughts on the Warren Commission and its work.

SEVAREID: When this reporter returned home after the first year of World War II in Europe, I made a few speeches to American groups. Intelligent, middle-class, Town Hall kind of audience. 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 peoples' feelings toward government and public events more than their feelings toward one another in their daily life. Part of 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, the prevalence of this devil theory of politics, this probably has increased among us, as Professor Commager suggests, as a result of World War II and the Cold War that followed.

Roosevelt must have sold out East Europe at Yalta, so many people thought; obscure Reds in the State Department, teachers and writers here and there must have delivered vast China to Communist hands. Indeed, one or two otherwise reputable

personages argued that Roosevelt conspired with the Japanese to bring about the Pearl Harbor attack.

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. It was like believing that the Queen Mary had sunk without a trace, because of a log floating somewhere in the Atlantic, or that A.T. & T.'s stock had fallen to zero because a drunk somewhere tore out his telephone wires.

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 Adolph 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 consequence one can only guess at, and of a kind that has 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 of 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.

This is Eric Sevareid in Washington.

CRONKITE: We'll be back in a moment.

(ANNOUNCEMENT)

ANNOUNCER: A CBS NEWS INQUIRY: "The Warren Report" continues. Here again is Walter Cronkite.

CRONKITE: Three years ago, after we had studied for the first time the Report of the Warren Commission, we summed up our feelings about it. In the end, we find confronting each other, we said, the liar, the misfit, the defector, on the one hand, and seven distinguished Americans on the other. And yet, exactly here we must be careful that we do not say too much. Oswald was never tried for any crime and perhaps, therefore, there will forever be questions of substance and detail, raised by amateur detectives, professional skeptics and serious students as well.

For the Warren Commission could not give Lee Harvey Oswald his day in court and the protection of our laws. Suspects are not tried by seven distinguished Americans. Their cases are heard under law by 12 ordinary citizens. If it had not been for Jack Ruby's revolver in the basement of the Dallas police station, 12 such citizens would have heard the evidence, would have heard Oswald, if he had chosen to speak.

That jury would have represented our judgment, our conscience, and in the end would have spoken for us. Now, we do not have that reliance. We must depend on our own judgments and look into our own consciences. The Warren Commission cannot do that for us. We are the jury, all of us, in America and throughout the world.

We found no reason to withdraw what we said then. But, now we have studied the report again, this time with the benefit of three years of controversy, of all of these books, of our own investigations. We have found that wherever you look at the Report closely and without preconceptions, you come away convinced that the story it tells is the best account we are ever likely to have of what happened that day in Dallas.

We have found that most objections to the Report - and certainly all objections that go to the heart of the Report - vanish when they are exposed to the light of honest inquiry. It is a strange kind of tribute to the Warren Report that every objection that can be raised against it is to be found in the Report itself. It is true that the answers to some questions leave us restless. The theory that a single bullet struck down both the President and the Governor, for example, has too much of the long arm of coincidence about it for us to be entirely comfortable. But would we be more comfortable believing that a shot was fired by a second assassin who materialized out of thin air for the purpose, fired a shot, and then vanished again into

thin air, leaving behind no trace of himself, his rifle, his bullet, or any other sign of existence.

Measured against the alternatives, the Warren Commission Report is the easiest to believe and that is all the Report claims. But, we have found also that there has been a loss of morale, a loss of confidence among the American people toward their own government and the men who serve it. And that is perhaps more wounding than the assassination itself. The damage that Lee Harvey Oswald did the United States of America, the country he first denounced and then appeared to re-embrace, did not end when the shots were fired from the Texas School Book Depository. The most grievous wounds persist and there is little reason to believe that they will soon be healed.

This is Walter Cronkite. Good night.

ANNOUNCER: This has been the fourth and last of a series, a CBS NEWS INQUIRY: "The Warren Report."

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