

19 August 1965

Professor Robert F Cushman
27 Bennett Avenue
Huntington Station N Y 11746

My dear Professor Cushman,

Your contribution to the symposium on the Warren Report in the May issue of the NYU Law Review seems to me to be of profound importance. I found your assessment of the constitutional basis for the Warren Commission, and your analysis of its actual single purpose, irresistible. I have a great deal to say about the Warren Report but I shall try to limit myself severely in this letter to certain factual questions which arise from your article.

You state on page 498 and in footnote 83 that all the witnesses testified willingly before the Commission and, with one exception--Mark Lane--answered all the questions they were asked. That assertion does not take into account the refusal of Robert Surrey, on grounds of constitutional privilege, to respond to any questions relating to the Wanted-For-Treason-circular; nor the refusal of General Edwin Walker to provide the source of his allegations about a relationship between Oswald and Ruby (see transcripts of testimony in volumes 5 and 11 respectively).

In footnote 85 you indicate that J Lee Rankin could recall no instance in which a subpoena had been necessary. The fact is that at least four witnesses appeared before the Commission or its counsel as a result of subpoenas served on them--Surrey, ^{HAMBLEN} ~~Harbo~~, Weissman, and Dean Andrews. These are the names which come to mind at once; there may be others, but I cannot take the time now to search for the names. Consequently, I find Rankin's comment that there had been no instance in which a subpoena had been necessary completely incomprehensible--my astonishment being tempered only by the fact that conversation with other Commission counsel indicated a surprising degree of unfamiliarity with the contents of the Report, to say nothing of the Hearings and Exhibits.

You were fortunate to have access to Rankin. My own experience and that of other researchers is that compelling questions addressed to him did not even produce the civility of an acknowledgment. It seems to me undeniable that the authors of the Warren Report have a moral obligation to reply to responsible inquiries, limited in my own case to conflicts between assertions in the Report

and corresponding source material in the testimony or documents, which I have encountered in the course of preparing a subject index of some three hundred classifications for the Hearings and Exhibits as well as the Report. I do not know the legal or constitutional position with respect to residual responsibility for a fact-finding investigation conducted by a body especially created for the purpose; but I must question the grave implications of the immediate dissolution of the Commission and the subsequent refusal of its members or counsel to provide explanations of the discrepancies and misrepresentation present in its own published material.

If the specific discrepancies and misrepresentation is of interest to you, I should be ready to provide chapter and verse. May I say also that I would welcome any suggestions which you might wish to offer with respect to means by which my subject index could be made available to libraries and individuals who have acquired the Hearings and Exhibits. The data is so massive that I believe a subject index is a prerequisite and have therefore given the last five months to that task. (Photocopies of two sample pages are enclosed.)

With best wishes,

Yours sincerely,

Sylvia Meagher
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