

TRANSCRIPT

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FACE THE NATION

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GUEST: JOHN J. McCLOY
Member of the Warren Commission

REPORTER: Walter Cronkite

NOTE TO EDITORS: This broadcast was pre-recorded
and edited by CBS News.

1 CRONKITE: Have you heard anything, read anything, since
2 September, 1964 that would cause you to believe there would be
3 any profit in reopening the investigation?

4 McCloy: I haven't seen or heard of anything as yet. Of course,
5 I'm not privy to the investigations that are going on in New
6 Orleans. But certainly I haven't seen any--any evidence that
7 I felt would justify a new investigation. I would be the first
8 one to say that we should--should be followed up if some credi-
9 ble evidence did--did appear.

10 ANNOUNCER: Today on FACE THE NATION -- in color -- a spontane-
11 ous and unrehearsed news interview with John J. McCloy, former
12 High Commissioner of Germany and a member of the Warren Com-
13 mission. Here now is CBS News Correspondent Martin Agronsky.

14 AGRONSKY: Today, on FACE THE NATION, we depart from our usual
15 format to present an interview with John J. McCloy, lawyer,
16 diplomat and presidential adviser who served as a member of the
17 President's Commission on the assassination of President Kennedy.
18 Mr. McCloy was interviewed in New York by CBS News Correspondent
19 Walter Cronkite for the CBS News Inquiry: "The Warren Report,"
20 broadcast last Sunday, Monday, Tuesday, and Wednesday nights.
21 Because only a portion could be used in the Warren Report broad-
22 casts and because CBS News felt Mr. McCloy's remarks were
23 historically significant and of great public interest, we are
24 presenting the interview today on "Face the Nation." It is
25 edited only to conform to time requirements. Here now is Walter

1 Cronkite.

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

8 McCloy: I'll answer that in just a moment, if I may just say
9 one thing which I would like to say. In the first place, I had
10 some question as to the propriety of my appearing here as a
11 former member of the Commission to comment on the evidence of
12 the Commission, it seems to be some question, and I think there
13 is some question about the advisability of doing that. But I'm
14 quite prepared to talk about the procedures and attitudes of
15 the Commission. And I'm -- the scope of its conclusion, and
16 so forth. But I will now try to answer your question by point-
17 ing out, that this was an investigation, and not a trial. We
18 didn't have any plaintiff and defendant. This wasn't what is
19 known as an adversary proceeding. We were all called upon to
20 come down there to, I believe the wording was, the directive
21 from the President, "to satisfy yourself," that is, the Com-
22 mission, "what were the relevant facts in relation to the
23 assassination." And that's the base from which we started.
24 Now, we did examine all of the facts. We had many questions, as
25 far as they were adduced to us. And I think that we gradually

1 came to a judgment that led to our conviction that Oswald was
2 the assassin. In the course of that, we didn't have any counsel
3 representing Oswald. We did have counsel from Texas, represent-
4 ing the Texas authorities, and we had a man from the -- the
5 president of the Bar Association to see that -- that we were
6 conducting ourselves with propriety in respect of any of the
7 witnesses. I think that we looked at it objectively. This was
8 our duty. We couldn't come down there with a preconceived
9 notion. We had a responsibility to the President of the United
10 States, to our fellow citizens, and to our own integrity, to do
11 just what the President asked us to do.

12 CRONKITE: But Mr. McCloy, is it possible for a group of men,
13 no matter how tried and how true, as certainly -- I think we'd
14 all agree that your Commission members were, to take a situation
15 in which a man had been caught with all the evidence on him, and
16 then had later been the victim of murder himself, and not begin
17 with that premise that he was guilty?

18 McCloy: I don't think we began with the premise that he was
19 guilty. We certainly had -- had been on notice through the
20 extensive television coverage, and the press coverage, of what
21 the general evidence against Oswald was. But it was most general.
22 It wasn't particular. But then we -- after our investigation had
23 started -- and it was a very widespread one, there was an accumu-
24 lation of evidence which did point very directly to the responsi-
25 bility of Oswald. We weighed a great deal of evidence in con-

1 nection with that, but there were certain outstanding pieces
2 of evidences that couldn't -- you couldn't escape the conclusion
3 that this was the most likely suspect. And we examined all the
4 witnesses. We didn't, as I say, have the advantage of having a
5 defendant in front of us that we could cross-examine. But we
6 cross-examined a great many witnesses, and attempted to find any
7 other explanation than the one that we received, and we couldn't
8 -- that we were arriving at, and we just simply couldn't come to
9 any other conclusion.

10 CRONKITE: Do you think, in hindsight, it might have been better
11 to have had a representative of Oswald present?

12 McCloy: I think that we had in each case -- of each witness --
13 we had -- where they chose to have counsel, counsel could appear.
14 But since this was not an adversary proceeding, this was a Com-
15 mission affair, I think it would have been improper to have had
16 ~~a lawyer~~ for any particular suspect there. This in itself would
17 have been -- I think, distorted the character of the investi-
18 gation. Our investigation was widespread. We weren't troubled
19 with some of the more restrictive rules of evidence. We could
20 go far and wide. We had the advantages of not only the FBI, but
21 many investigative agencies of the government, and other govern-
22 ments, at our disposal. And this was very comparable to the
23 Royal Commissions that they have in England, that take this
24 form -- rather than the adversary form. form.

25 CRONKITE: Now, let me ask you about the investigative agencies

1 which you had at your disposal. This was the charge from the
2 President, that you could use any agency you needed. Com-
3 missioner Gerald Ford, in his book about the assassination,
4 writes, that the very first meeting of the Commission was domi-
5 nated by concern that Oswald may have had some association with
6 the FBI. And yet the Commission itself took -- apparently, as
7 nearly as we know, no independent steps to investigate that --
8 merely accepted the FBI's own denial. This has been one of the
9 questions now raised by the critics. Do you feel that that was
10 adequate?

11 McCloy: Well, the -- naturally, in order to determine whether
12 Oswald was a member of any US agency, or an employee, we had to
13 go to that agency. And we had to put the head of that agency on
14 oath, to testify to us whether or not this was the case. I
15 think this must be, after all, the best evidence of whether there
16 was any connection. There had been reports that Oswald had the
17 name of an FBI agent in his papers. He did have. But he was
18 being subjected to -- to examination, and surveillance, as a
19 result of the fact that he'd been a defector. And we examined
20 all the evidence we could find, that would indicate that he had
21 been connected in any way with the US agencies. Those who were
22 making this suggestion couldn't give us any evidence, other than
23 rumor. And I think that we were justified in going to the
24 responsible head of the particular agency, and saying, "Now,
25 we want to know what the answer to this is. You have all the

1 records. And you testify, on oath, what the situation is, and
2 just what occurred." I can't believe that a responsible head of
3 any of the agencies, if there were any records -- with the
4 tremendous quantity of people that were in these agencies, that
5 he would have, in the first place, dared -- and I don't think
6 that it's entirely a matter of daring. It's not a matter of
7 daring. It's a matter of his own integrity, and the integrity
8 of that agency. I think it was the best evidence that we could
9 get.

10 CRONKITE: We all assume the integrity of the FBI, and certainly
11 of its head, Mr. J. Edgar Hoover. But with a Commission of this
12 nature, having to start from absolute scratch -- with no pre-
13 conceived notions, you did have to believe in your mind that
14 it was possible for the most heinous and massive conspiracy of
15 all time, involving the very highest levels of government,
16 didn't you, to -- in order to lay your case?

17 McCloy: Well, it seems to me that a conspiracy, as you say, of
18 this massive character, is a little incredible. It would have
19 to be an awfully massive sort of a conspiracy. You'd have to
20 have any number of people involved in it, Cabinet members --.
21 Mind you, the FBI wasn't the only agency we used. We must have
22 used a half a dozen agencies. And I can't conceive of the
23 nice articulation of a conspiracy to suppress evidence, or to
24 distort the evidence, that we wouldn't have -- that wouldn't
25 have emerged somewhere in the course of our investigation.

1 There've been a number of suggestions that the Commission, for
2 example, was only motivated by a desire to put -- to make things
3 quiet, so as to give comfort to the Administration, or to give
4 comfort to the people of the country, that there was nothing
5 vicious about this. Well, that wasn't the attitude that we had
6 at all. I know what my attitude, when I first went down there
7 -- I was convinced that there was something phony between the
8 Ruby and the Oswald affair; that forty-eight hours after the
9 assassination here's this man shot in the police station. Well,
10 I was rather -- pretty skeptical about that. But as time went
11 on and we heard witnesses, and weighed the witnesses -- but just
12 think how silly this charge is. Here we were seven men -- I
13 think five of us were Republicans, we weren't beholden to any
14 administration. Besides that, we -- we had our own integrity
15 to think of. A lot of people have said that you can rely upon
16 the distinguished character of the Commission. You don't need
17 to rely on the distinguished of the Commission. Maybe it was
18 distinguished, and maybe it wasn't. But you can rely on common
19 sense. And you know that seven men aren't going to get together,
20 of that character, and concoct a conspiracy -- with all the
21 members of the staff we had, with all of the -- of the investi-
22 gative agencies, it would have been a conspiracy of a character
23 so mammoth and so vast that it transcends even some of the
24 distorted charges of conspiracy on the part of Oswald.

25 CRONKITE: You're speaking of a conspiracy to whitewash.

1 McCloy: Yes. There -- or even a subconscious attitude. And
2 our attitude was, "let's find out what the facts here are." And
3 we had some very tough minded men on that Commission -- like
4 Senator Russell, and Senator Cooper, as well as others. And
5 our anxiety was to do just what the President asked us to do --
6 to satisfy ourselves as to what the truth was.

7 CRONKITE: Mr. McCloy, you were seven leaders of the national
8 community, very busy men. How much time did you members of the
9 Commission, yourselves, spend with this -- hearing this evi-
10 dence? Or how much did you have to depend upon the staff work?

11 McCloy: Of course, we couldn't carry on the investigation en-
12 tirely by ourselves, with the vast character of this investiga-
13 tion. And we had to use these agencies, and we had to use our
14 own staff. It's important, I think, to realize that we did
15 use our own staff, as well as the government agencies -- and
16 used it to a large extent. I suppose I can only speak from my
17 own experience. For a large part of the eight and a half months,
18 this was my main preoccupation. I kept thinking about it,
19 reading all the testimonies that came out; visited Dallas;
20 many conferences with individuals -- my colleagues, as well as
21 -- in groups, as well as individually, and by twos and threes;
22 many discussions with the staff; very extended talks with Mr.
23 Lee Rankin, the Solicitor General -- former Solicitor General
24 of the United States.

25 I can't add up the number of hours that I spent, but this was

1 the -- my main preoccupation and thought for the period of our
2 deliberations.

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

4 McCloy: Well, we went there, and walked over the Dealy Plaza,
5 almost -- it seems to me -- foot by foot. We went into the
6 School Book Depository. We talked to all of the police officers
7 that were there, a number of the witnesses; visited the board-
8 ing house -- boarding houses that Oswald had lived in; retraced,
9 step by step, his movements from the School Book Depository to
10 the point at which he was apprehended in the theatre; we chased
11 ourselves up and down the stairs, and timed ourselves; I sat
12 in the window and held the very rifle with the four power scope
13 on it, and sighted down across it -- seeing what must have been
14 the exact spot that whoever the assassin was sat, with the
15 carton of boxes as a headrest; snapped the trigger many times;
16 ~~we had~~ ~~the~~ ~~we~~ had a car moving at the alleged rate. Well, I
17 can go on. But I'm just trying to give you the impression of
18 what was the fact, that we did assiduously follow this evidence,
19 and work out as best we could our own judgments in relation to
20 it.

21 CRONKITE: You've had extensive military experience, handled
22 guns. Did you go over to the grassy knoll?

23 McCloy: Yes, I went over to the grassy knoll. And I went
24 over -- first, I was up at the place from which Oswald was
25 alleged, and which I believe, he shot from -- with all the

1 evidence that we have there, that I think is most convincing;
2 and, as I say, fired -- dry fired at a head, with a four power
3 scope. And it was a rather easy shot. I have had a good bit of
4 experience with rifles, and bolt action rifles, and match work,
5 and in hunting. And I think anybody that had had somewhat
6 similar experience would say that was a rather simple shot, it
7 was a rather simple shot for a sharpshooter in the Marine Corps.
8 The difficult shot would have been over from the grassy knoll,
9 behind that barrier. There it was more in the nature of a
10 crossing shot, than a going-away shot. And the complications
11 that occur, the windshield, and every -- that would have been a
12 real shot. But I don't believe that -- I don't want to get into
13 this evidence. I just don't happen to believe that a shot came
14 from the grassy knoll. I think that it came from the rear.

15 CRONKITE: Mr. McCloy, the Commission came into being late in
16 1963, went through to September '64, when you were dissolved.
17 Could you have used more time? There is this charge that it
18 was -- your conclusions were rushed, that there were some
19 stringent time scale imposed.

20 McCloy: The conclusions weren't rushed at all. If there's any
21 charge that can be made, and maybe this is an unjust charge --
22 because I wasn't in charge of it, I'm inclined to think that we
23 perhaps rushed to print a little too soon. But the conclusions
24 we arrived at in our own good time; nobody pressing us. We just
25 came to the conviction that we had heard about all the evidence

1 that we thought it was well valid to hear. Doesn't mean to say
2 that we covered everyting, but we -- from that point on, we
3 would have been arriving at a point of diminishing returns.

4 CRONKITE: What was the result of rushing into print after the
5 conclusions were reached?

6 McCloy: Oh, I think, as I look back on it now, there may have
7 been some things that we could have tidied up -- like you can
8 tidy up any -- any publication. And I noticed there's a typo-
9 graphical error here in a very important conclusion that we
10 reached, and that I wish we'd have picked up. I don't think
11 there's any misunderstanding about it, but in place of where we
12 said possibility, we should have said impossibility. But it's
13 so obvious that we -- that what we -- the meaning was, there's
14 no question about it. But probably we could have made a better
15 index than we made. But they're all matters of pure form, not
16 of substance. I'm prepared to stand on the Commission's con-
17 clusions as they were given, and I believe they're sound. I
18 don't mean to say that at some stage somebody might not turn up
19 with some evidence that we weren't able to adduce. But we were
20 not pressured in any way to arrive at a conclusion before we did.

21 CRONKITE: They said you didn't go into some things. In a
22 thing of -- a matter of this great importance, shouldn't you've
23 gone into all things?

24 McCloy: Well, all I'm saying is that there are many things that
25 have come up, that people have talked about since -- it didn't

1 occur to us that that was going to take the line. We had
2 thousands -- thousands of documents, and hundreds and hundreds
3 of witnesses. I'm just saying, in the light of hindsight,
4 there may have been some things that we should have done.
5 Now, if you're asking me what I would do over again, I think
6 I'd stand by the -- stand by the report, considering the time
7 that we had to do it in, and the fact that you did have to
8 arrive within a reasonable amount of time to a report. I think
9 that there's one thing I would do over again. I would insist
10 on those photographs and the X-rays -- having been produced
11 before us. And in one respect and only one respect there, I
12 think that we were perhaps a little over sensitive to what we
13 understood was the sensitivities of the Kennedy family against
14 the production of colored photographs of the body, and so forth.
15 But, those exist. They're there. We had the best evidence in
16 regard to that--the pathology in respect to the President's
17 wounds. We had the pathologist testify to that. We couldn't
18 have interpreted the X-rays if we'd had them. But probably it
19 would have been better to have had them for the sake of complete-
20 ness in view of all the to-do that's occurred since. But, we
21 had the best evidence. We were completely satisfied with the --
22 with the Doctor's testimony, and even though we had the best
23 evidence, perhaps we ought to have had the -- the photographs to
24 go along with it. They're -- they exist, they're in the Archives
25 and upon proper arrangements they can be seen now.

1 CRONKITE: What you had were the doctors' --

2 McCloy: Doctor --

3 CRONKITE: Doctor Hume's report --

4 McCloy: The doctors that conducted the autopsy --

5 CRONKITE: -- on the autopsy.

6 McCloy: -- and after all that's the best evidence. And we
7 cross-examined them. They were very convincing and we were --
8 I was satisfied with their testimony. How in the world could
9 they have distorted their testimony? They knew these pictures
10 were around, the X-rays were around. But, that was the best
11 evidence -- what these men themselves had seen in that hospital
12 that night when the autopsy was performed.

13 CRONKITE: Was there any -- was there ever any suggestion that
14 one independent medical examiner might take a look at the X-rays
15 and records to corroborate the autopsy at the time?

16 McCloy: Well, we had -- there were a number of doctors who con-
17 ducted the autopsy, all of whom we were -- were available to us.
18 Subsequent to the -- to the publication of the report, I under-
19 stand that suggestion has been made. I have no doubt under
20 proper arrangements that at any time those could be examined.
21 Bear in mind we don't set the rules, the Commission didn't set
22 the rules. We're no longer in existence, we didn't set them when
23 we were in existence. These are rules of the National Archives
24 and they -- the government determines what is available to be
25 exposed and what isn't.

1 CRONKITE: Well, isn't that the contradiction to the President's
2 order to you that you should have all the facilities you needed
3 for this investigation?

4 McCloy: Well, we had all the facilities we needed. We could
5 subpoena anything we wanted. It was our own choice that we
6 didn't subpoena these photographs which were in the hands of
7 the Kennedy family. I say I wish -- I don't think we'd have
8 subpoenaed them. We could have done. Mr. Justice Warren was
9 talking to the Kennedy family about that at that time. I
10 thought that he was really going to see them, but it turned out
11 that he hadn't. But, there was no limitation on our ability to
12 go anywhere, get any documents. We had the most secret docu-
13 ments exposed to us.

14 CRONKITE: Mr. McCloy, in the matter of "rush to print" or
15 "Rush to Judgment" --

16 McCloy: Yes.

17 CRONKITE: Now, we'll put "Rush to Judgment" aside, but "rush
18 to print" -- this time consideration that you felt that the
19 public was entitled to a report, was that one that was wholly
20 generated within the Commission, or was there outside suggestion
21 that the public needed this report as early as possible?

22 McCloy: I didn't have any sense of any -- of this being brought
23 to our attention from the outside at all. I think it was just
24 a general consciousness of our own responsibilities -- that we
25 had a responsibility to get on with it as -- as rapidly and as

1 reasonably as we could.

2 CRONKITE: I'd like to read an excerpt from the report here.
3 "Although" -- this is from the report -- "Although it is not
4 necessary to any essential findings of the Commission to deter-
5 mine just which shot hit Governor Connolly, there is very per-
6 suasive evidence from the experts to indicate that the same bul-
7 let which pierced the President's throat, also caused Governor
8 Connolly's wounds. However, Governor Connolly" -- still read-
9 ing from the Commission report -- "However, Governor Connolly's
10 testimony and certain other factors have given rise to some
11 differences of opinion as to this probability. But, there's no
12 question in the mind of any member of the Commission that all
13 the shots which caused the President's and Governor Connolly's
14 wounds were fired from the sixth floor window of the Texas
15 Schoolbook Depository."

16 Now, that paragraph has troubled a lot of us who've been
17 delving into the report. I can tell by the fact that you're
18 nodding that you've heard this before.

19 McCloy: Yes.

20 CRONKITE: Everyone that studies the report worries about it
21 because it seems inescapably obvious that without the single
22 bullet theory, the whole case made by the Commission collapses
23 into a mass of incredibilities. What -- what, for example,
24 happened to the bullet which pierced the President's throat if
25 it did not strike Governor Connolly? Here it was moving at

1 1800 feet per second, or something, and it's going to go into
2 the interior of an automobile and disappear.

3 McCloy: Well, I said I didn't want to comment on -- on par-
4 ticular pieces of evidence and I'd be -- at the start of this
5 interview, and I think I'd better stick to it. I would -- I
6 don't hesitate to comment about it, but I think it's rather
7 improper for me to rehash all the evidence that we have. Of
8 course, this single bullet theory is one that has been bandied
9 about a great deal. The -- I think the way to approach this --
10 you'll notice we say it wasn't necessary to our conclusions.
11 And you said a little while ago this -- the whole case collapsed.

12 And what is the case? The case is, and I think this is about
13 right, and I can -- I think I can summarize the conclusions.

14 One: Oswald killed the President by shots fired from the sixth
15 floor window of the Schoolbook Depository in Dallas. He also

16 killed Tippet. This is right from our conclusions. He killed
17 Tippet. When he was accosted by Tippet, following the assassi-
18 nation, he tried to shoot another officer when he was about to
19 be apprehended and when he was resisting arrest. Now, that's
20 the conclusion, those are the essential conclusions of the Com-
21 mission. They don't stand or fall by whether there was a single
22 bullet or not. Second: the Commission found no evidence that
23 Oswald, in committing his crime, was acting as a participant in
24 a conspiracy to kill the President. Well now, you can consider
25 alternatives and you can consider possibilities in connection

1 with this, which raise some -- some speculation as to where these
 2 bullets went, and what happened to that first bullet and when --
 3 whether one missed or not. And you have to come back and talk
 4 about the clock. How much was really did -- did transpire
 5 there, and could a man shoot this way or couldn't he shoot that
 6 way? There was no other evidence that we thought was credible
 7 that had come to our attention that would indicate that there
 8 was a conspiracy. So we say that this -- I say, and I think
 9 that statement is right -- that that does not really, in any
 10 way, impair the essential conclusions of the Commission. We
 11 did say, and I think it's important to bear in mind, that --
 12 and I quote here -- "because of the difficulty of proving nega-
 13 tives to a certainty, the possibility" -- and that should be
 14 "impossibility" in my judgment; I think that's one of the typos
 15 that was made -- "of others being involved with either Oswald
 16 ~~or Ruby,~~ cannot be established categorically. But, if there is
 17 any such evidence, it has been beyond the reach of all the
 18 investigative agencies and resources of the United States and has
 19 not come to the attention of this Commission."
 20 CRONKITE: Have you heard anything, read anything, seen anything,
 21 since September, 1964, that would cause you to believe there
 22 would be any profit in reopening the investigation?
 23 McCloy: I haven't seen or heard of anything as yet. Of course,
 24 I'm not privy to the investigations that are going on in New
 25 Orleans. But certainly I haven't seen any -- any evidence that

1 I felt would justify a new investigation. I would be the first
2 one to say that we should -- it should be followed up if some
3 credible evidence did -- did appear.

4 CRONKITE: Do you think there would be any public relations
5 value in going over the same ground and answering some of the
6 objections that have been raised by the critics?

7 McCloy: Do I think there's a public relations value to this
8 particular broadcast? Is that what you're asking me?

9 CRONKITE: (LAUGHS) No, no, I wasn't thinking of that. I was
10 thinking about a formal inquiry of the assumption of the Warren
11 Commission.

12 McCloy: I have a feeling that at this stage that it -- there
13 would not be much validity in that. Time has gone past, the
14 trails have grown rather stale, and would you -- you'd have to
15 rehash over very much of the same ground that we have gone
16 over. Maybe you would look at the little different pieces of
17 evidence, with a little different view, in view of all the
18 hindsight we now have as a result of these charges. Some of
19 the charges are serious, and a good many of them are totally
20 irresponsible. I don't see that -- that the public interest
21 would be served at this stage. That's my judgment. I'm not
22 trying to be too defensive of our own handiwork.

23 CRONKITE: Thank you, Mr. McCoy.

24 McCoy: Thank you.

CBS

July 6, 1967

Dear Miss Meagher:

Here is the transcript of
'Face the Nation' broadcast
date July 2.

Lynda Mobilia
Secretary to
Alvin H. Goldstein