

Transcript: Louis Nizer discusses the Warren Report on the Barry Gray show, Midnight--12:30 a.m. September 30, 1966

Gray Perhaps now you can give me a comment, I know probably reluctantly, about many of the books that are appearing now which disturb me a great deal, attacking the findings of the Warren Commission, raising doubts in the minds of many Americans, and certainly creating an atmosphere of suspicion, discussed throughout Europe and perhaps Asia, about that Commission's Report.

Nizer Well, as you have said, I do reluctantly enter into this, but I want to make it explicitly clear that now I am talking for myself and not as counsel for anybody, and more particularly, not as counsel for the Motion Picture Association. In the classic term, these views are strictly my own.

I have been reluctant for another reason to comment on this subject, because I felt it was giving credence to a very irresponsible series of attacks upon the Warren Commission Report. And I think that debate is just perhaps what these irresponsible people would like. I call them irresponsible deliberately, and I think with some justification. I, as you know, have studied the Warren Commission Report and wrote the commentary for the Warren Commission Report. I know that a good many of these suspicions raised are absolutely unwarranted.

Let me give you perhaps the most dramatic illustration. Some of these writers and lecturers point to a document which they have which is authentic --let me say at the beginning--issued by, I think, the State Department to the military forces of our country, dated two weeks before President Kennedy was assassinated, and which asks the military forces to begin rehearsals for a presidential funeral. The explanation of this document is that Herbert Hoover was dying at the time--he survived at that time and died somewhat later--but they thought that he was going to die, so ~~they~~ did the doctors. And since it is rare to have a presidential funeral, they have rehearsals for it--there are special formalities. Obviously, if there were any plot to kill the President you wouldn't advertise it through such a notification.

Nevertheless, this document is used in some quarters.

Let me give another quick illustration--there are dozens of them. The argument has been made that the glass in front of the car in which the President was riding was pierced from the front, therefore the bullet must have gone from the over-pass, which he was heading for, and not from the rear of the building where Oswald was. Now this accusation was made before the Warren Commission Report and it turned out upon scientific demonstration that there was no bullet hole in the front windshield--there was a dent, and the dent had come

from the inside, there was some of the silver plate from the bullet--or whatever it was, metal--actually on the inside. It had passed through the President's head and had hit against the windshield and had caused a break in the windshield--not a hole, there was no hole there through which a bullet could pass--so if anything it confirmed the original report.

There was a theory that this gun could not have been fired within the time--the number of bullets--it was a gun with a telescopic sight. The evidence of outstanding experts in military forces, experts in these guns, took that very same gun up to the 6th floor of that Trade Mart building, had an automobile at the same place that the President was hit at; with a skull of the President's size and of the same strength; and bullets were fired from that same gun, from that same distance, within the time specified, and struck that skull and split it open in precisely the same way as had occurred on that tragic day, the day that will never end.

There was a story that the gun was a certain kind of a make--a Carboneiri or a Houser or something. The captain at the time, who went on television with the world's spotlight upon them--they all were dizzy with the vanity involved, nobody knew how to say I don't know, everybody knew everything--there was no marking on it, so at the first moment flush on the television, he said, yes, what kind of a make is it, Captain? It's a Carbonieri something, I forget which it was. It turned out not to be that. Now, the accusation--how is it that they have changed the make of the gun to fit Oswald?

Now, I could go on, and anyone who has really read these 20 volumes of testimony could go on for hours, to demonstrate the authenticity of this Report. It was far more thorough than a trial could have been. Some people say if only Oswald had not been killed we would have known the truth. Of course, we all regret that he was killed, and not tried before a court. But there never would have been as thorough an investigation because at a trial you must stick to the relevant evidence--you don't go into his motives and into extraneous evidence of the kind I've given you. Here there was a test made of every theory.

And one of these authors, incidentally, was invited by the Commission to come before them. He was the only witness who asked for a public hearing. They had invited everybody if they wished it to have a public hearing--Judge Warren was solicitous about the civil rights involved--but every witness

understood the sensitivity of the situation and said, no, I'm willing to testify at a closed hearing. This particular author said I want a public hearing. He got it; and the record shows that when he made some of these accusations, the court, very eager to obtain information, said, well, on what do you base this? You say somebody told you. Who told you this? And he said, I cannot reveal it. And they pressed him hard. They said, don't you think when you come here and say you have special information and there's a source for it, you ought to give us the source, either in executive hearing or publicly? And he wouldn't give it, he said he couldn't reveal the secret. That was one of the very authors, when you read the testimony, was the only irresponsible witness, I may say, in the sense that he didn't come forward with information he claimed he had, when he was challenged to give it.

Now, the Warren Commission Report ~~in~~ examined every witness. I don't say that every detail that every witness testified to was precisely correct, and that someone cannot find a flaw in there. I could take, and so could any other attorney, any record of any trial that was ever tried, and even though certain witnesses prevailed, point out to one or two lies or errors in that testimony. No one claims that the winning ~~mandammas~~ side has the purity of one hundred percent accuracy--inadvertently, there are errors made, and sometimes advertently. But the overwhelming evidence in this case, under the microscopic examination of hundreds and hundreds of witnesses, of specialists and experts in every field--for example, a thread was found on the gun. It was traced to the shirt he was wearing on that day by outstanding experts. His fingerprints were found. The way he had obtained the rifle under a fictitious name--the whole history of the man, ~~was~~ which I have attempted to analyze even further in my commentary on the Warren Commission Report, the fact that he was a loner at all times, never wanted to operate with anybody, that he was a frustrated man who was always rejected and therefore turned bitter against everybody. He attempted to assassinate General Walker, and left a letter with his wife, with a picture of himself holding this very gun, saying if I succeed in this assassination, and I am executed, please give this to the Communist press so I'll be a hero.

Therefore, when his wife heard for the first time the alarm that was spread, that the President had been shot, she said, oh, my God, according to her own testimony, and dashed into the next room, where the gun was, to see if the gun was there. He kept it in a crib and it was covered with a quilt. She sighed with relief; she thought it was underneath there.

There seemed to be a form. When the FBI arrived, I think only 40 minutes later, they said, has Mr. Oswald got a gun? She says, yes. Where is it? She says, right over there. And they took away the quilt, there was no gun.

Everything pointed to this man doing it alone. There would be no reason to protect anybody else. Obviously this was a lone, rejected man who had stood on a street-corner and tried to join the Cuban Communist movement, he was rejected even by them. He had defected to Russia, had been rejected by Russia. This was a bitter man who was seeking to kill anybody, and by sheer circumstance--in which, incidentally, there was some responsibility that the Warren Commission was courageous enough to place on the Secret Service men and on the FBI for negligence--that's another matter. This might have been prevented had all the precautions which should be taken about a President been taken--that has nothing to do with whether Oswald did it or not. For example, there should have been a Secret Service man guarding a building that had an empty loft, so that he couldn't walk in with a box disguised as a, as, what were they supposed to be? Rods, for a window, or something; and ~~maintainably~~ actually the gun was there. He walked right up there, and was alone, ~~flaming~~ placing himself carefully with a microscopic sight--that's what made his aim so good, he was able to place his back against a support, and so on.

But now to raise this suspicion--incidentally, offering no alternatives, no book says, therefore we conclude that he didn't do it, or that two other people did it--everyone raises a series of suspicions and leaves the matter hanging in mid-air, thus creating a series of very unjust imputations, which have been taken full advantage of, in the foreign press particularly, where they suspect the most awful things about our government, about our President, about everything else that is too scandalous to mention. This is a great disservice to this country. The reason why the President, with keen insight, pleaded with Justice Warren to head this Report, was because he wanted the chief judicial officer, a man of impeccable reputation, to head this Commission --Judge Warren had refused to do it, only because he believed that Supreme Court justices should not be engaged in other enterprises, as Justice Jackson had been, in the Nuremberg Trials, for example, even though it was a great public service he thought that Supreme Court justices should not do this. But President Johnson, being so good at twisting arms and persuading people to render services, induced Justice Warren to give his outstanding reputation, skill, and integrity to this Report. And now to throw these unfounded

suspicious upon it is, I think, an outrage; and I am astonished at some of the distinguished people who read this book, and without reading the 20 volumes and finding out how incorrect many of these assertions are, say that we are deeply impressed, that there was something strange about this, which appears in ads that I have observed.

There was nothing strange about it, if they'll just take the trouble, as a critic should, who is going to review a book, to read the 20 volumes of testimony, or at least to be good enough not to read my commentary, but to read anybody else's evaluation of this Report.

Gray Mr. Nizer, do you think that you might write a book on the subject?

Nizer No; I've even stayed away--this is the first time, Barry, that I have mentioned--no, it's the second--when the Warren Commission Report was published, one of these authors went on television to attack it immediately--I don't think he had read it yet--he couldn't have--CBS asked me to comment about some of his criticisms, there were seven I believe--specifically, that they hadn't heard any witnesses on this, that this witness had not said so-and-so---I merely turned to the pages and contradicted it. They had heard three witnesses on this, the witness had said so-and-se. This was on CBS, on an interview.

The lectures of this gentleman ceased at this point, and that was the end, I thought. Now this book comes out, and receives a good deal of credence, I regret to say, and I decided not to engage in a debate which might popularize, help to popularize, this book. But I have been induced by you to make this much comment because I feel deeply about it, and because I think that the impact being made on the American people, and the people abroad, is a great disservice to our country and to the great memory of a great President, because if you raise the imputation that President Kennedy was not shot by a wild neurotic man, but raise other imputations, then you really have a new kind of anguish in the nation.

Gray Congressman Kupferman, two days ago, suggested that Congress begin a new official inquiry.

Nizer I read that. And Congressman Kupferman is an able man. Let him read the 20 volumes and the Report itself and then tell me whether he wants to put in this Resolution, because some people have written some books on this. That's what I would suggest to him.

Gray Mr. Nizer, I thank you very much, and I particularly thank you because I realize that you are reluctant to comment upon it, and yet I believe you render a public service by your comment. I have had many of the people who have

written these books here, and they do raise serious questions ~~uhuh~~ but unfortunately, I am not qualified to quote from the 20 volumes--very few people are. I am aware of the fact that throughout Europe people think that we are like children, that we have accepted this blanket story, that the President was killed because of a movement within the government, et cetera--all these wild stories, and as you say it does us a great disservice and suggests, of course, that we are living within an anarchistic system that allows this to happen, ~~and it is a~~

Nizer And then attempts to hide it, on top of that, instead of fulfilling the very purpose which the Commission fulfilled, which was to put public anxiety at rest by an honest full report, an attempt is now being made to undo the very good that that Commission Report did by making an honest Report.

Gray One of the authors of one of the books has said many times that he reaches no conclusions, he only raises questions; but of course he allows the reader to reach conclusions that are extremely dangerous, and which can shake this Government to its roots, if allowed to go unabated.

Nizer I don't know if it will shake the Government but it will certainly shake, help to shake public confidence in our ~~and the government~~ processes of justice, and also cast an imputation upon the martyrdom of President Kennedy, which is unfair. It is bad enough that he was assassinated but to suggest that there was some conspiracy, in or out government, or some other strange forces to do so, raises some even more troublesome questions, which are unjust if there are any--if there was the slightest justice to such claims, they ought to be traced down--no one wants to hide anything or put it under a rug--but to raise these imputations unjustly, and to have no alternative solution, every review I have read of these books comments at the end that they have not suggested who else might have been involved, or that Oswald wasn't.

Gray Yes. Mr. Nizer, I thank you very much.

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