

Excerpts from Transcript of "The Open Mind" WNBC-TV November 20, 1966
"The Warren Report: An American Controversy" moderated by Eric F. Goldman
Participants: Epstein, Lane, Liebeler, Griffin, Rovere

Griffin...I am confident...that on those issues (who killed Kennedy and was there a conspiracy) the Commission did a thorough job. There is a second level of inquiry which...Mr. Lane and Mr. Epstein directed themselves toward...whether or not various loose ends on the periphery of the central questions were fairly tied up...both of these gentlemen have done a worthwhile job pointing out a number of loose ends, which I don't think are central or germane to the basic questions...

Liebeler...Sometimes the report perhaps didn't take into consideration all of the evidence that was in the record, didn't reflect all of it, but that doesn't affect the thoroughness and detail that went on in the underlying investigation...

Epstein...the basic question is whether the shots came from behind the President, because if the shots came from behind...then it's really not relevant where witnesses thought the shots came from, and the autopsy and the autopsy photographs would show exactly where the shots came from, and what bothers me is that the Commission didn't look at this very basic evidence, the place where everything starts from. They never saw the photographs...and there was a major contradiction, and this bothers me more than what witnesses said...Maybe you can explain this to me, Mr. Griffin. Why didn't the Commission look at this basic evidence?

Griffin Well, they had before them...the expert witnesses, the doctors who examined all of this evidence...

Lane The doctors said they never saw the photographs.

Griffin In each case...Where an expert testified as to a particular matter, he examined all the matters which would have been relevant to his expert testimony. ...the best evidence in this case, in the comparison between what you suggest we should have used, the hear-say FBI reports--

Epstein No. I'm suggesting that you use the autopsy photographs.

Griffin...those FBI agents who wrote these reports...only overheard some conversations of the doctors...those FBI reports were used...to provide the Commission with a summary background. We felt that we could not rely in any case upon what the FBI produced...So we went to the experts who the FBI overheard, and those experts were called to testify, and that's the evidence that we relied on, and these FBI reports are summaries of hearsay written by people, FBI agents who were not competent even to evaluate what was said effectively, who didn't have all the information available to them...what you have done in your book, Mr. Epstein, is to take strictly secondary evidence, in some cases tertiary evidence, if we can dignify it with the word "evidence."

Epstein It's an FBI report to the President.

Griffin...FBI reports are never relied on in critical matters of this sort...

Rovere ...I'm intrigued...the FBI is, after all, the FBI, and if it is incompetent on medical matters, why is it paid to draw up a report?

Liebeler They are not paid in that area...

Rovere... I just wanted to get back to this question of the FBI...it seems to me the kind of thing that's central to this kind of inquiry now. We may be forever beyond the truth in this matter, but...it seems to me that there are lessons to be learned from this, and for somebody who has represented the Commission or is defending its point of view to make this cavalier dismissal of the FBI I think is probably right but it does raise fundamental questions about the FBI and about the processes that Mr. Epstein investigated...a distinguished member of the Government a few days after the assassination ...wrote a memorandum predicting situations like the one we are at now...and said, "Take it easy. Take a long time at this. Nail it down or you'll be in just the kind of situation" we're in now...

Epstein...I don't know whether Oswald acted alone or not. I think there were improbabilities on both sides. I think it is very improbable that Oswald was able to fire the shots in the amount of time that the Commission determined took place, but also I think it is very improbable that if there had been a conspiracy, that no trace of it would have emerged...I think Mr. Liebeler at times, when we discussed this, has gone further than the report in trying to, as he says, refine the report and add new evidence, but on the evidence in the report I don't think you can come to the conclusion that Oswald acted alone...

Griffin...we keep coming back to the problems or the alleged problems involved in the medical testimony, in the medical evidence prior to the autopsy. I think that if the autopsy report is correct, and I have no doubt that it is, it indicates that all of the shots came from above and behind...if there were any evidence, for example, that a shot had been fired from anywhere else, obviously the question would have been raised as to whether or not anyone else was involved...Mr. Epstein has basically raised the point in his book that it is possible that the bullet that first struck the President struck too low...so that it couldn't have come out of his throat, as the Commission concluded it did, and gone on to strike Governor Connally. Now, if this is so, then it is clear that Oswald could not have fired the shots as rapidly as was required by the evidence ...there is no question in my mind at this point that the medical evidence does establish that all the shots came from above and behind...

(Discussion of missing frames
208 209 211 and Liebeler's letter
to Rankin asking for a look at
the theory of stress lines on the
sign)

Griffin ... the underlying premise that Mr. Lane I think is putting forth here is that somebody has deliberately deleted something, knowing that it would point to a conclusion contrary to the one that the Commission developed. I don't understand this at all...Mr. Liebeler and I provided a very substantial adversary system within the framework of the Commission. And I will say,

gentlemen, that if I had any inkling that anything like that happened, I would have resigned, I wouldn't be here today...if Mr. Lane raises a doubt like this, if he challenges my integrity, I would be more than happy to have those film strips shown. But what is the basis for this attack upon our integrity?... the most reasonable explanation that I can think of for omitting those (frames) is that they were simply cumulative and we had space limitations...

Liebeler...a more plausible explanation, if I may, is that for some reason or other...the film was cut and these frames were for some reason or other inadvertently left out...(Jones) Harris indicated clearly to me and to Mr. Epstein (after seeing the film at Life Magazine)...that there is no such thing as a bullet hole or anything else in that sign...

Rovere...My own feeling happens to be that in all probability, the improbable happened and Oswald did it alone. However, if this should turn out not to be the case, it wouldn't necessarily alter the case fundamentally. If I find one nut, I can find two, and nuts often get together....

Epstein...I do think that in the Commission report there is enough evidence to show that Oswald did it...it is a chain of evidence from Oswald to rifle and to the time that Oswald kills Tippit. It seems to me that the case that they present is reasonable and plausible. I didn't investigate whether the evidence was valid...

(Discussion of transposition of frames 314 and 315 and Lane's "letter from J. Edgar Hoover dated December 14, 1965")

Griffin You are going to rely on the FBI?

Lane...Mr. Hoover may be accurate in this one particular respect.

Liebeler So supposing he is?

Lane Well, then the Commission published the two frames...out of sequence and mislabelled, thereby giving the impression that the President was driven forward...if the bullet was fired from the right front...obviously Oswald could not have fired that...

Griffin But the evidence is that he was hit in the back of the head, not the front of the head...all the doctors said that...

(Discussion of where the head bullet came from)

Lane...one of the witnesses, the closest spectator perhaps...15 feet, 20 feet from the limousine...saw a portion of the President's head, a skull portion, fly backward and over the rear of the car...the Commission never called this man...as a witness, and none of the attorneys...questioned him.

(Discussion of whether the Warren Commission was hasty and superficial, trying to satisfy and reassure the public)

Epstein I think that the specific need was to get the report out at a certain date, and I think that that dominated the entire investigation, and that the lawyers were told time after time to finish their reports on time, and I think that--I can't say why they needed to get this report out...

Griffin...I think Mr. Epstein...ignores the timing. There was, no doubt, a good bit of pressure, but he ignores the timing of this pressure. This pressure came on after all but a handful of witnesses were questioned...we had a tremendous amount of evidence, and the Chief Justice...I think began to wonder...he had these 26 people who were investigating and couldn't say we found anything at this point...I think this man with his experience looked back and said, "I have never had this many investigators work on a case for so long and come up with nothing more," and he began to say, "Let's get this thing out"...

Epstein...in July you were still trying to determine how Jack Ruby got into the basement, which was crucial to your issue.

Griffin That's right.

Epstein And that was one month past the deadline.

Griffin That's right.

Epstein So I don't think it really inures to the hearing.

Griffin No, it is because I was trying to close a whole series of loopholes ...it was the Commission's view that we had sufficiently determined the question of how Jack Ruby got into the basement.

Epstein They never said so before.

Griffin They did at that time...