Some members of the Warren Commission, which investigated the assassination of President John F. Kennedy - one to my certain knowledge - did not believe the Commission's most basic conclusions and did believe that essential evidence had been withheld from them.

When one forced a showdown and refused to sign the Commission's Report, the record of these doubts, the record he made for history, was deliberately destroyed.

And in order to influence their conclusions, the Commission's members were spoonfed deceptive and misleading information.

These are not the speculations of an incorrigible critic of the official investigation of the assassination of the President. They are the firm convictions of the most conservative of the seven eminent men appointed to the Commission by Lyndon Johnson, who was made President by that assassination.

The late Senator Richard B. Russell of Georgia, then dean of the Senate, broke a long friendship with Johnson and resigned a prestigious and politically important committee chairmanship and thus divested himself of responsibility for keeping an eye on the CIA after I put into his hands proof of the destruction of the record of his convictions he thought he had made for posterity.

And to his dying day, at age 73, this member of the Warren Commission encouraged me, the author of the first and of most books critical of it, to continue my efforts to disprove its work.

On his encouragement, I sued the FBI for some of this withheld evidence, evidence bearing directly on one of three aspects that deeply troubled Russell. It is because in that litigation federal agencies misrepresented and deceived the courts, I believe to the point of criminality, and because the methods employed to continue this suppression

are so much like what we have seen in the Watergate affair that I now make public my secret relationship with the man who for two decades was one of the most influential figures in the political inner circles of the United States.

This litigation is now headed for the Supreme Court. If it, too, is not influenced by official falsification and rules in my favor, then the suit for the evidence itself will begin all over again in the court of Judge John B. Sirica, famous as The Watergate judge.

That will take years to reach a final decision. For those years the truth will still be buried in the FBI's secret files.

What I seek in this effort that began May 23, 1966, is called a "spectrographic analysis" of the bullet said to have been used in the assassination, the various other bullet fragments, and the materials struck by the bullets. Spectrography is an entirely nonsecret process. The only secret is the results. If they proved the official contention, is there any doubt they would be made public? Especially when the official "solution" was questioned on exactly this ballistics evidence by as potent a figure as Russell?

My secret relationship with Russell began with a May 14, 1966, letter. The intermittent correspondence continued into 1970, to just before his death on January 21, 1971.

It required two more years of the most meticulous investigation before I could put in Russell's hands the kind of definitive evidence he required. Because I understood the delicacy of his position, when I offered this "Top Secret" evidence to him on May 29, 1968, it was with the understanding that during our lifetimes "neither of us will make or permit public reference without the assent of the other."

On receipt of this letter, Russell had his legislative assistant, the intelligent young lawyer, Charles Campbell, phone me to accept my offer. I promptly mailed the totally suppressed evidence and on June 5

Russell saw me.

He then disclosed one of the more bizarre twists in the lingering mysteries of the JFK assassination, how as shrewd a politician as he could misread the wily Lyndon Johnson. As he and Campbell and I walked from his office to the Senate chambers, Russell told me how he came to be appointed to the Commission and his understanding of Johnson's motive.

Johnson had asked him to serve and Russell declined because of his leadership assignments. He was head of the southern Democrats and carried a heavy load of committee work. He believed he had convinced Johnson he could not accept any added responsibilities. To his surprise and dismay, he learned from the media the next morning that Johnson had nonetheless appointed him to the Commission, its senior member.

Russell described Johnson as a "fox" and believed Johnson's real reason was "to prevent my leading the fight against civil-rights legislation."

"But I fooled him," he chuckled. "I led the fight against civil rights and ignored the Commission when I had to."

It is a great tragedy that the able Russell did not understand Johnson's real purpose, to exploit Russell's reputation among conservatives. Had Russell stopped to think it through, he would have realized how unprecedented it was that, of the seven members of the Commission, five were of the minority party and neither of the two Democrats, of whom he was one, were followers of the assassinated President.

The Warren Commission is the conspicuous exception to the rule that the party in power always controls all committees and commissions.

Russell attended only six of the Commission's numerous regular sessions, all of which were secret. The last of these he also forced, but by then the 900-page Report was written and in page proof. That hearing was held on Sunday, September 6, 1964, beginning at 3:20 p.m. and in deepest secrecy at the U.S. Naval Air Station at Dallas, Texas.

Behind tightest security, the questioning, which Russell dominated, lasted until 8 p.m.

Russell had read, was troubled by and did not credit the earlier testimony of Marina, widow of the ascused assassin, Lee Harvey Oswald. Russell had the right instincts but, because he had not really participated in the Commissinn's work, lacked factual basis for his diligent cross-examination. It was nonetheless effective. It was also ignored in the Report as published.

That rare Sunday hearing, behind the military guard added to the Commission's practice of complete secrecy, was a too-late drammatic climax. Russell wondered aloud if the FBI had "withheld" evidence. Marina, who had earlier and again in total secrecy admitted lying, changed her story in vital ways, sometimes turning around 100 percent. The net result of this extraordinary proceeding that went entirely unnoted was to fortify Russell's apprehensions about and disbelief in the evidence adduced.

The Commission also held "executive sessions." It held these in such complete secrecy that even the trusted members of its own staff were kept out. They were presided over by General Counsel J. Lee Rankin, formerly Solicitor General of the United States and later corporation counsel of the city of New York.

Unlike the public posture, at these "Top Secret" executive sessions the Commission members let their hair down. Russell was not alone in voicing deep doubts and misgivings. This, too, was secret, the guarantee Warren gave his colleagues. Whereas <u>all</u> the Commission's work was secret - except where it was deliberately leaked to condition the public mind and prepare it to accept inherently incredible conclusions - these executive sessions were ultra-secret. At two different sessions members questioned the presence of the official reporter and asked who would see the transcripts. Warren assured them that nobody else would. Not even the most trusted members of their staff.

It was four years before I did. In early 1968 I obtained Xeroxes of all but a few. I have a box full of them.

The last of these captured my eye because of my previous experience. On close examination I was astounded because it was a fake. It is this that I gave Russell. He was incredulous. Forging an official transcript is without precedant. Who would ever dream that an executive session of a Presidential Commission would have a faked stenographic transcript? Who would belive that anyone would dare do such a thing? Especially in the investigation of the assassination of a President!

This trickery deeply disturbed Russell, who had forced that very executive session to record his disagreement with some of the conclusions. He had, he told me, refused to sign the Report.

"I bucked them," he said.

"Just put a footnote saying 'Senator Russell dissents,'" he told me he told Chief Justice Warren, Commission chairman. But Warren wanted unanimity. There was a long discussion ending in a compromise. Russell, certain that all his views were preserved for posterity in the transcript, agreed.

Russell believed there had been a conspiracy to kill JFK. So the language he objected to at one point in those 900 pages, the "no-conspiracy" conclusion, was changed to read,

> Because of the difficulty of proving negatives to a certainty the possibility of others being involved with either Oswald or Ruby cannot be established categorically, but if there is any such evidence it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this Commission.

(Jack Ruby had shot Lee Harvey Oswald in the Dallas police station two days after JFK was killed.)

This represented a considerable yielding on Russell's part because he also had doubts about the performance of the federal investigative agencies, which were also the Commission's only investigators. As he

had wondered in secret at the last questioning of Marina if the FBI had "overlooked" anything, in one of the executive sessions he said of the CIA, "You can't believe a word they tell you."

He told me, "I am satisfied they never told us the whole story about Oswald."

Each of these areas of Russell's disagreement with the conclusions and doubts about the integrity of the investigation is a direct assault on the official Report, the only "solution" to the crime.

But except for this single disclaimer, the language of which was worked out at that September 18, 1964, executive session and dared not be ignored, in every sense the commitment made to Russell was broken.

The Commissions' "conclusions" do, in fact, allege there was no conspiracy in representing Oswald as the lone assassin. They are embodied in the first chapter of the Report, "Summary and Conclusions". It also was used as the Commission's press release. It says without equivocation that "the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald." (page 19, official text)

Timing is important in understanding how Russell was foiled and how it could have happened. By the time he forced this last executive session of September 18, the Report was in page proof and the presses were ready to roll. They did at midnight five days later, for general release on September 27, 1964. It was so rushed that the first copy given President Johnson, on the 23rd, was a set of proofs four inches thick.

Now, what had grabbed my eye and then boggled the mind goes back to my experience in the 1930s as an editor for a Senate committee.

I was then also an investigator for the Senate. Later I was an analyst and trouble-shooter in the Office of Strategic Services. OSS was the forerunner of the CIA. All this experience included nothing the equal of what was done to Russell, to a rumored two other minority members of the Commission and to history and solving the presidential assassination. ~~In the thousands and thousands of pages of captured Hitler~~ and

tion. In the thousands and thousands of pages of captured Hitler and Mussolini files that it had been my job to examine, there was no parallel.

In my investigating and editing experience I had studied and edited millions of words of stenographic transcripts of official proceedings. Because the court-reporting firm engaged by the Commission is the same one that had served the Senate committee for which I had worked, the moment I looked at this contrived transcript of that last-minute executive session, I knew something was wrong. I could not miss it. It was not their work.

The fakery was, in fact, quite amateurish.

Responsibility for it would appear to fall on the shoulders of the general counsel, Rankin, the only nonmember at the sessions, the man who alone was responsible for them and the man who delayed sending this one to the members until long after the Commission's work had been ended with the filing of its Report.

Some things are characteristic of all stenographic transcripts, whether they be of trials or other proceedings. One of these is that court-reporting firms are paid by the page. Therefore, they use typewriters with "pica" face. This yields fewer words per page, hence more pages for which to be paid for the same number of words. This counterfeit was done with an "elite," smaller type face.

This "transcript" also lacks the cover provided by Ward & Paul, the old, established and reputable official reporters. For this Commission Ward & Paul printed a special cover, with blanks for information that was typed in to suit each transcript.

(Interestingly, it includes this small-sized printed notice: "Stenotype Tapes, Master Sheets, Carbon and Waste turned over to Commission for destruction.")

Ward & Paul also bound each transcript inside the printed cover,

using a three-hole punch on cover and pages and lacing all together as they did back in the 1930s for me.

And in the upper righthand corner of each cover was printed this gross misrepresentation of the law - unless the Commission's work and Report were spurious - "This document contains information affecting the national defense of the United States within the meaning of the Espionage Laws, Title 18, U.S.C...." (U.S.C. stands for United States Code.)

I did not have to go past the first page to know that the so-called "transcript" of the ultra-secret meeting of Friday, September 18, 1964, was a fabrication. So poor a fabrication the wrong typewriter was used, the cover was omitted, and the holes were not punched in the lefthand margin.

The intent to fake is unhidden. The pagination continues with the last of Ward & Paul's. "7632" is in the upper righthand corner of the first page. Each of the five following it are numbered seriatim.

The Ward & Paul form is followed literally. Precisely the same introductory words added by the reporter are prefaced to the manufactured "transcript". Under "PRESENT" each of the seven members and Rankin are listed. After this the "verbatim" remarks appear:

> The Chairman. The Commission will be in order.
> The Commission has a number of matters to consider and decide in preparation for the completion of its final report and the closing of its affairs.

What blew Russell's mind as it had mine is that with this, the bottom of page 7632, all pretense of a verbatim transcript ends. All the rest is paraphrase, carefully edited and purposefully misrepresentative paraphrase!

And his record for history, his self-justification, his remarks on the serious doubts about some of the conclusions, with support from several other members? They are gone - entirely gone!

Less than four lines of typing replace all of this:

> Discussion was had regarding Chapters III and IV of the proposed Report. The General Counsel was instructed to use care that the proposed conclusions concerning such chapter, as they set forth in Chapter I, not contain any conflict.

Chapter III is"The Shots from the Texas School Book Depository Building." Chapter IV is "The Assassin." They contained language with which Russell disagreed. And they are in "conflict" with Russell's convictions. He was conned, as the quotations show.

From this substitute for Russell's historical record there is no way anyone in the future could glean the slightest indication of the crisis and dispute about its most basic conclusions the Commission faced in its last moments of life.

Nor the remotest notion of the allegations to which Russell would not agree.

There is great detail on all the trivia:

Warren was authorized to liquidate the Commission.

Each of the Commissioners was voted "100 copies of the Report and Hearings bound in buckram" and "in addition 500 copies of just the Report" for free distribution.

The President, the Commissioners and members of the Kennedy family were given "leather bound copies of the Report and the hearings with the names of the proposed recipients stamped on them in gold." This gift was also voted for "each of the staff members who have been with the Commission a substantial period of time."

They even decided that "pictures of the Commission be procured and that a total of 100 copies be made available for the Commissioner's [sic] use and that one copy of such Commission picture be provided for each staff member."

All at public expense.

On the serious - and also dubious - side, they voted to incorporate into the record, in complete blindness, a majority of the evidence, "in

excess of 2100 exhibits," those "running from 1054 through 3154 ... with the same force and effect as any and all other exhibits which had heretofore been offered and received in evidence."

It did not make any difference if any member of the Commission had seen any of this mass of documents just dumped into "evidence"; it was just as good and had "the same force and effect" as what they had used in the hearings.

These housekeeping details and the petty graft are all preserved and "Top Secret" for any future reexamination of the crime and for history, which can have no interest in them.

What is expunged is Russell's certainty that there had been a conspiracy, his certainty that the executive agencies had withheld much about Oswald and other matters, and his nagging suspicions about the dependability of the investigation itself.

The words of the wise and experienced Russell could be of value in the future. Therefore, they no longer exist.

Rankin was nothing if not cagey.

The court-reporting contract called for overnight delivery of the transcripts. I have the also "Top Secret" delivery records and the receipts for all the hundreds of them. Not once did Ward & Paul fail.

However, Rankin was taking no chances. Besides, the Commission had voted to liquidate itself. Its work was done. There was no rush. So, he did not give any of the members a copy of his substitute for their hectic dispute over the essence of their work until a month and a half later! They then had no need for what he sent them on November 5 with an innocuous letter.

Their task was completed. They were all only too anxious to forget it and get on with their other obligations, for men like Russell extraordinarily heavy obligations.

Because Russell was aghast at what the destruction of this his-

toric record meant, for history and to him, he asked me to explore what the lawyer in him considered could be a loophole, that this fake was prepared despite the existence of the verbatim transcript he was positive had been made. And because he was too busy to examine the other, detailed evidence I had, I got a simple official statement from the Archivist of the United States certifying that "All we have for the session" of September 18 was this paraphrase. I sent it to Russell June 14.

He was stunned, And convinced.

If he had not been, the other evidence I obtained, all "Top Secret," left no possibility of doubt. It includes all the bills rendered by Ward & Paul, all the records of the assignments of court reporters to each of the Commission's proceedings, the pages of transcript in the "take" of each reporter, the number of copies of each transcript prepared - a complete record of all work done by Ward & Paul in the fullest and finest detail.

No official reporter had been ordered for this session. No bill was rendered for it.

Under date of June 18 for the busy Russell, Campbell explained that in addition to his regular Senate attendance Russell had committee meetings "almost daily. Therefore, this and his other duties limit the Senator's time presently but you may be assured that he will be in touch with you" after study of what I had given him. Russell was "most interested in the matters which you raise and will undoubtedly devote more attention to them when it is possible for him to do so."

Fate was to decree otherwise.

That August, while Congress was in recess, I sent Russell more. On August 29 Campbell wrote that Russell was in Georgia and said what is quite unlike the public impression, that all the members of the Commission opposed any inquiry into their work, "I am sure he will appreciate your sharing with him the results of your most recent efforts."

Meanwhile, Russell's break with Johnson took place. First public notice of it was by Jack Bell, of the Associated Preds. His November 10 story reported that, despite their past closeness, "it has been more than three months since they had a difference of opinion over a matter Russell doesn't even discuss with friends."

Russell, who had been Johnson's close confidant and adviser, was out of touch with LBJ - completely. Not only did they no longer see each other, LBJ stopped telling others to "check it out with Dick."

It had been Russell, Bell recalled, who started Johnson on his way up the Senatorial ladder by making him first Democratic whip and then party leader.

A month before this, on October 12, Russell had announced he was dropping the chairmanship of the Senate Armed Forces Committee to accept that of the Appropriations Committee, which was being vacated by resignation.

Both are prestigious and important posts. During the 15 years Russell had headed Armed Forces, he had made the military and servicing its needs a major factor in Georgia's economy. Politically, the Armed Forces chairmanship meant much to him.

In resigning it, he also divested himself of all CIA "oversight" responsibilities, for as the Armed Forces Committee chairman, he was also chairman of that supersecret subcommittee.

After Congress reconvened, on January 7, 1969, Russell wrote me that "with reference to your continuing investigation of the assassination of the late President, ... while I am still very much interested, the increased demands on my time ... make it impossible for me to pursue this matter further at this time. If I have an opportunity to do so later, I will notify you promptly."

Later in early 1969, doctors discovered an inoperable tumor in his left lung. Russell had suffered from emphysema for more than a

decade. It is a degenerative and debilitating disease that wore him down. He knew he was in terminal illness.

The next year Russell went public with some of his doubts, making a discreet record in a taped interview aired on the Georgia-based Cox TV network. Prior to the broadcast, some of his remarks were released. They included his doubts about Oswald as the lone assassin, meaning no conspiracy, "I think somone else worked with him."

After taping the broadcast, he wrote me on January 30, 1970, that "my duties ... simply preclude me from spending the time required to do justice to any further inquiry into this complicated series of events," but "I am interested that you are continuing your work, and there are a number of matters in the investigation which would be of interest to me if I had the time to devote to them."

To his dying day Russell encouraged me to pursue my own independent investigation. He had his own doubts, he was certain there had been a conspiracy, and he was just as certain that the executive branch investigative agencies, which supplied all the Commission's investigative services, had not told them all and had told them wrongly.

This secret record, which I now make public for the first time, is hardly the representation of official apologists who believe there is no basis for disbelief in the "solution" to the assassination of the popular young President. The senior member of the Presidential Commission was not satisfied. He shared my doubt and was troubled.

Russell realized the political significance of there being no executive transcript of that "Top Secret" final session and of the fact that it had been arranged that there could not be one. That he intended to record his objections was known to Rankin. Much as it shook Russell, he was not about to publicize so monstrous a scandal. He was the kind of patriot who thought he had to spare the country the shock of this frightening destruction.

I think it is significant that, while Russell did not break that long friendship with Lyndon Johnson when Johnson deceived him and behind his back appointed him to the Commission, that long friendship did end after I gave Russell this proof of the destruction of his historic record and of his disbelief in the official "solution" to the "crime of the century."

His refusal to discuss this rupture even with close friends is explained by what he told me that day in June of 1968 while we were walking to the Senate chambers from his office. He had smiled in telling me of Johnson's cunning and of learning first from the media that he had been appointed to the Commission. "You just can't refuse the President of the United States, even when he does something like this."

By Russell's code, and particularly with Johnson still alive, he just could not do other than preserve the silence he took to the grave with his doubts.

And encourage me to develop the evidence he was certain existed.

Secrecy was not "the name of the game." It was, in the new Washington jargon, "the game plan" itself. Without secrecy none of this could have happened.

There would be no withheld evidence, like that spectrographic analysis that can destroy the entire "solution" to this crime on which all of history turned.

And there would be no lingering doubts.

In courts of law there is no secret evidence, no witnesses interviewed behind barred doors only.

Yet this Commission interviewed no witnesses any other way. All its proceedings were secret. It even invoked the espionage act to keep them secret.

Why?

Why could not the people know the testimony as it was adduced, as happens in courts of law? Why could the press not report each hearing, as is the case in trials? Why was it necessary to hide the fact that witnesses were undependable, that the right questions were not asked, that the most basic evidence was not even seen by the Commission?

These questions state realities. The most incredible witnesses were credited, the most obvious questions were never asked and the quintessential evidence was avoided with great diligence.

Had all the proceedings not been in secret, none of this would have been possible.

Indeed, it would not have been dared.

It was not necessary in any complete and forthright investigation, as it is not necessary in courts of law, which go further and prohibit it.

It was necessary only because this Commission undertook not an investigation but an attempt to validate a preconception, to make it possible to believe what could not be believed, that a lone nut had done the job all alone, without any accomplices. The reasons were political, to preserve tranquility and stability, not to rock the boat. The dozens of thousands of pages of the Commission's once-secret records I have, so many thousands that there are more than two thousand I have not yet read, leave no doubt on this score.

The preconception is what Russell could not hold down.

The crime was impossible for any one man.

This meant there had been a conspiracy.

Even Lyndon Johnson was certain of this. When he taped a series of TV interviews on his Presidency he said so, but this part was edited out.

That, however, followed the rupture of the long friendship between him and Russell. Before he died Johnson claimed that he had privately

asked further investigation of the Department of Justice, to no end. This also he did after the break with Russell.

Some things are too hot to be permitted to exist even in deepest secrecy.

One of these was the record Russell believed he was making.

In secret, so "Top Secret" the staff was not trusted to share it.

The former Chief Justice who, as Commission chairman, was responsible for all the secrecy also assured worried members that nobody would ever see their words recorded at their executive sessions.

After the Watergate, which is also characterized by secrecy and the abuse of trust and violation of all traditional and proper procedures, the same former Chief Justice put it all together in a fine address. He delivered it a month after the tenth anniversay of this assassination, at the annual Drew Pearson awards for excellent reporting:

> It would be difficult to name a more effective ally of corruption than secrecy. Corruption is never flaunted to the world. In Government it is invariably practised through secrecy. That secrecy is to be found in every level of government ... to the White House ... and if anything is to be learned from our present difficulties compendiously known as Watergate it is that we must open our public affairs to public scrutiny ... we should first strike at secrecy in Government wherever it exists ...

From the Warren Commission to Watergate, secrecy is the game plan by which it was pulled off. As George Santayana said, those who do not learn from history are doomed to relive it.

That "ally of corruption," the secrecy with which Russell's disbelief was first hidden and then destroyed, may have made Watergate possible as it made an acceptable solution to "the crime of the century" impossible.

The doubts must and will linger until there are honest answers to all the unanswered questions.