

EXCLUSIVE INTERVIEW



GEORGE BUSH ON HIS PRESIDENCY

& WORLD REPORT
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SPECIAL
REPORT

JFK

THE UNTOLD
STORY OF
THE WARREN
COMMISSION



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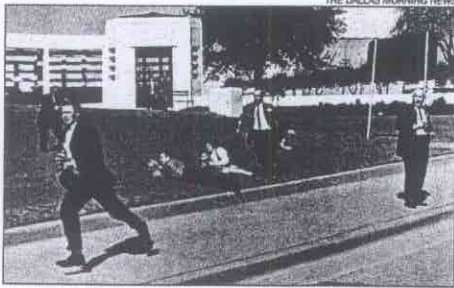
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In a dark Capitol Hill basement in early 1964, only the hum of a movie projector breaks the tense silence. On screen, 14 seconds of a grainy home movie flicker over and over, beginning with John F. Kennedy waving from his limousine and ending with his head exploding in a bloody spray. As they watch, staffers of the Warren Commission feel their first theory of the assassination evaporating: that a lone gunman hit Kennedy with one shot and Texas Gov. John Connally with a second. From the instant JFK





K



clutches his throat to Connally's first wince, there is too little time for Lee Harvey Oswald to have fired his rifle twice. There must have been two assassins, the staffers think. One, David Belin, even calls his wife to say there was a second gunman.

That Warren Commission investigators considered a second-gunner theory is one of countless overlooked or never revealed details about their work. Today, one of the most important criminal investigations in U.S. history is also one of the

most misunderstood; critics think the commission either hid the real circumstances of JFK's assassination or negligently disregarded the truth. And the past year, filled with conspiracy accusations popularized by Oliver Stone's movie "JFK," has so deepened public skepticism that, 28 years after it concluded its

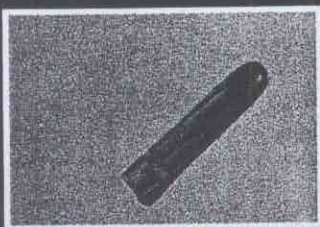
The commission. From left, Allen Dulles, Hale Boggs, John Sherman Cooper, Earl Warren, Richard Russell, John McCloy and Gerald Ford

work, only 10 percent of Americans believe the commission's central finding—that Oswald acted alone. Under pressure, Congress will soon establish a panel to screen for release the million-plus pages of federal files on the assassination. And this week, the American Bar Association is staging a mock trial of Oswald to test whether a jury—had one had the chance—could have reached the same conclusion as the commission.

Yet for all the doubt, the record of how the commission did its work is thin.



Critics of the Warren Commission focus on a variety of factual disputes. Among them: How could a single bullet that the commission said struck both JFK and John Connally have emerged in nearly pristine condition on the governor's hospital stretcher? Intuition



suggests a bullet that both slit Kennedy's neck and tore through Connally's chest and wrist should have been disfigured. But tests conducted for the commission staff led to the explanation that the bullet slowed as it passed through Kennedy, reducing the impact when it hit Connally. (Only fragments were found of a second and possibly a third bullet.) At the Edgewood Arsenal near Baltimore, the commission's ballistics experts supported the theory by firing test shots through a model the thickness of Kennedy's neck and another that approximated Connally's chest. In further support of the single-bullet theory, in 1978 a special House committee investigating the assassination used a new technology called neutron analysis to examine bullet fragments from Kennedy's neck and Connally's wrist. This test confirmed that the same bullet—Warren Commission Exhibit 399—had struck both men.

To tell the untold story of the Warren Commission, *U.S. News* reviewed thousands of pages of members' papers and interviewed the surviving 12 attorneys who conducted the probe, the one living ex-commissioner (former President Gerald Ford) and numerous staffers who had roles. Spurred by the new criticism, participants shared previously undisclosed memories and papers. Critics may charge that their version of the investigation is self-serving. But the fact remains that, despite flaws, the principal findings of the Warren investigation have withstood virtually every assault.

A lawyerly beginning.

"Our only client is the truth." With that somber statement—very much in keeping with his personality—Warren welcomed his staff on Jan. 20, 1964, in the new Veterans of Foreign Wars building near the Supreme Court. Seven Establishment pillars were to run the investigation—Warren, Sens. Richard Russell of Georgia and John Sherman Cooper of Kentucky, Reps. Ford of Michigan and Hale Boggs of Louisiana, former Central Intelligence Director Allen Dulles and diplomat-banker John McCloy. As it turned out, the staffers, not the great men whose names the world recalls, were the real Warren Commission.

President Lyndon Johnson had to pressure some commissioners to take the job, and in fact, these busy men ignored most day-to-day operations. The retired Dulles dropped by, often merely to shoot the breeze. Russell drafted a letter of resignation to LBJ, furious at not being notified of an early meeting. Even when notified, he came to fewer meetings than any other commissioner. Warren was the exception; he arrived at 8 a.m. before going to the Supreme Court, returning late in the day for a few more hours.

Warren never considered hiring anyone outside the legal profession for the main staff. In some ways, that decision was crucial. Lawyers, by inclination and training, were drawn to unified explanations for the assassination. Accustomed to ordering vast universes of facts, they found it difficult to imagine the murky conspiracy theories that might have come more easily to private investigators.

J. Lee Rankin, a top Eisenhower Justice Department official and the commission's general counsel, chose two main aides. Norman Redlich, a 38-year-old

New York University law professor, oversaw the investigation; Howard Willens, a 32-year-old Justice Department criminal-division lawyer, ran day-to-day operations. Résumés flooded the commission, but few, if any, of the unsolicited applications led to a job. Instead, Redlich and Willens surveyed friends for bright young lawyers. "It was an old-boys network," says Wesley Liebeler, who got his job through law-school classmates.

The principal staffers were divided into five pairs—one older and one younger lawyer—each assigned to particular issues. Some of the senior lawyers, like the commission members, tended to

keep a distance. Francis Adams, a former New York City police commissioner, was so often absent that when he showed up in the middle of March, Warren mistook him for a witness.

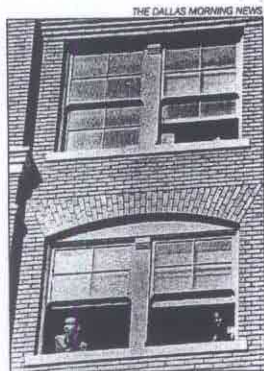
An old-fashioned brake.

The lawyers, stunned like the rest of the nation by the assassination, had left behind jobs and families to come to Washington. To them, the 72-year-old Warren was a giant whose reputation for integrity gave weight to their efforts.

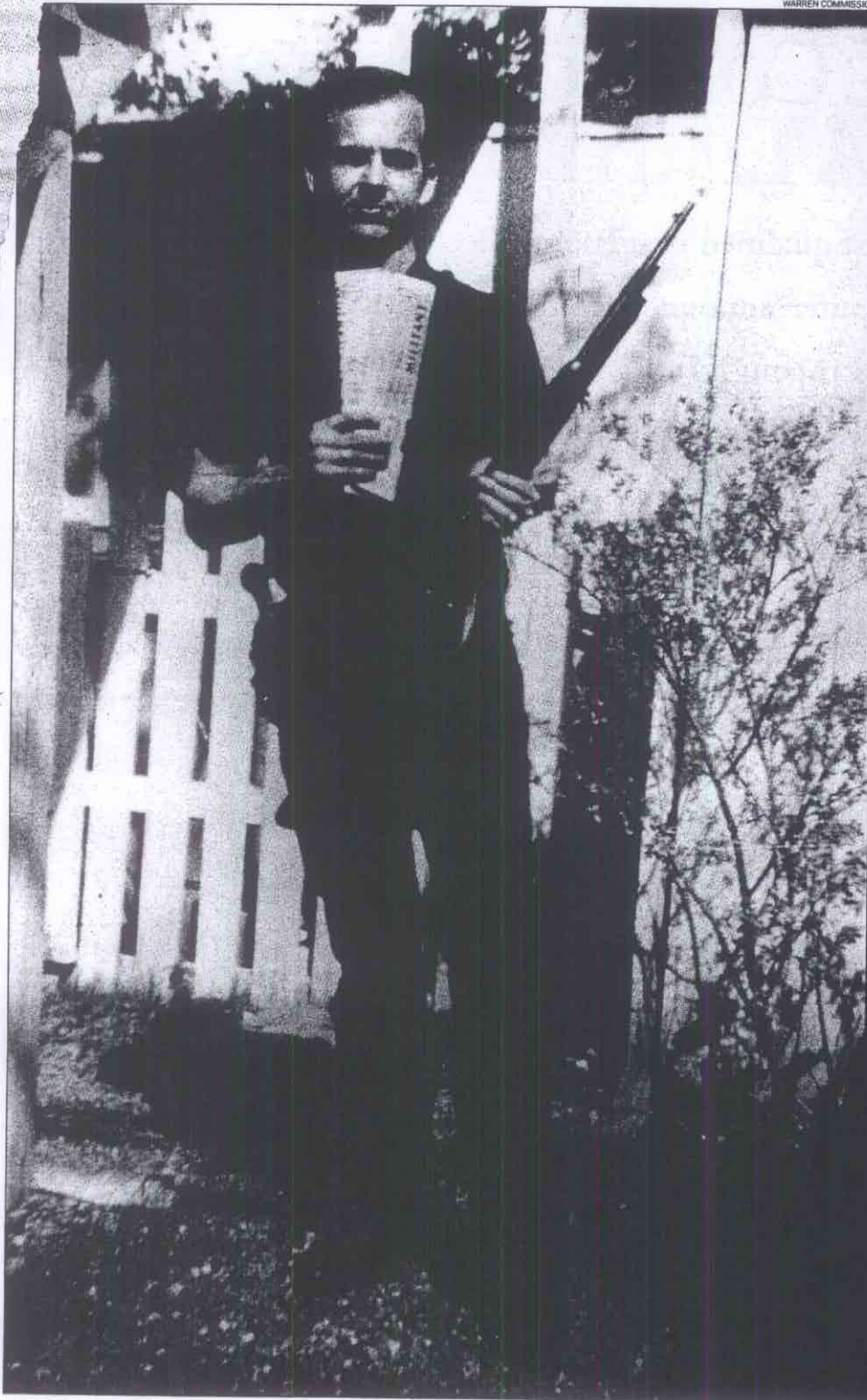
Yet his sense of propriety also served as a brake on the staff's ability to solve the mystery. He tended to see the job as a homicide investigation much like the cases he had handled as a young California prosecutor. He thought it was enough to establish beyond a reasonable doubt that Oswald shot Kennedy.

There were humorous examples of Warren's stern influence. In May, on his 33rd birthday, the tall, red-headed Liebeler began growing a beard. Warren, who wanted to avoid criticism that the commission was harboring "beatniks," expressed his displeasure. Liebeler, a Goldwater Republican and hardly the bohemian his beard suggested, shaved the whiskers under protest.

But Warren's ways also created more serious problems. His memory of McCarthyism was still fresh, and, contrary to "JFK's" portrayal, his fear of big-government abuses made him an unlikely conspirator. Still, some staffers thought him too concerned about the feelings of witnesses. He allowed no back-room deals to pry loose evidence, no private interrogations without a stenographer, no polygraphs. Accustomed to debriefing witnesses before depositions, the staff's criminal lawyers chafed at the precautions. (Apparently, no one told Warren



Dallas. Book depository



In the movie "JFK," conspirators trying to frame Lee Harvey Oswald as their "patsy" are shown faking this famous photo, in which Oswald holds the assassination rifle. But cameras leave identifying marks on a photo negative, as distinctive as a fingerprint on glass. Working for the commission, FBI agent Lyndal Shaneyfelt compared the margins of the disputed photo with those on a photo negative he had taken with Oswald's cheap Imperial Reflex camera. The margins appear straight to the naked eye. But under a microscope they are irregular, and the distinctive lines of the two photos matched. Marina Oswald always said that she took the picture with her husband's camera. Further proof of the photo's authenticity came in 1977 when George De Mohrenschildt, a Russian émigré friend of the Oswalds, allowed writer Edward Jay Epstein to see a copy of the same photo that Oswald had proudly sent to him. On the back of the photograph is Oswald's signature and the date April 5, 1963. Oswald was apparently unaware that Marina, on the same copy, had jotted derisively in Russian, "The Hunter of Fascism. Ha, Ha, Ha."

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of the Secret Service agent who shoved a gun into the back of a Dallas store owner who objected when investigators brought Oswald's wife Marina into his shop to refresh her memory for testimony.)

Warren relented on a polygraph for Jack Ruby because Oswald's killer insisted on a test. But staff lawyer Arlen Specter, now a U.S. senator from Pennsylvania, says Warren later regretted the decision, remarking on a flight from Dallas to Washington that he disliked "Big Brother paraphernalia."

Warren's sense of hierarchy created tension over who would question witnesses. The junior staff had the best grasp of the facts, but with figures like Marina Oswald, Warren allowed only commissioners or Rankin to participate. He made an exception for Specter, who was in Dallas the day of Ruby's interview. Excluded from the session, Specter went to the sheriff's office to watch a Philadelphia Phillies-San Francisco Giants baseball game. Suddenly a Secret Service agent announced that Ruby, who had said he shot Oswald partly to show that "Jews have guts," wanted someone in the room who was Jewish. Specter spoke privately with Ruby, who said he wanted Warren to take him back to Washington, away from the Texas authorities, whom Ruby suspected of antisemitism.

Though it might have been an impediment, Warren's fairness was also a bulwark for the investigation. Starting in February, for instance, critics, including Rep. John Anderson (later a presidential candidate) and radio commentator Fulton Lewis Jr., assailed Redlich for his membership on a civil-liberties panel and because his name had appeared as co-author with an alleged Communist sympathizer on a magazine article. (Redlich had never worked with the other author; the magazine had merged separate articles, giving joint credit.) The protests led to an intensified FBI check that included interviews with elevator operators in Redlich's New York apartment, his vacation neighbors in Vermont and even the obstetrician who had delivered him.

Warren responded to the barrage of mail he received with form letters insisting that anticommunist commissioners McCloy and Dulles would "protect the national interest." The storm continued until May, when Republican congressman Ford sought dismissal of Redlich, though the FBI had cleared him. An angry Warren urged the commission to keep Redlich, which it did.

The conspiracy conundrum. "If we find out it was the Russians, will it mean

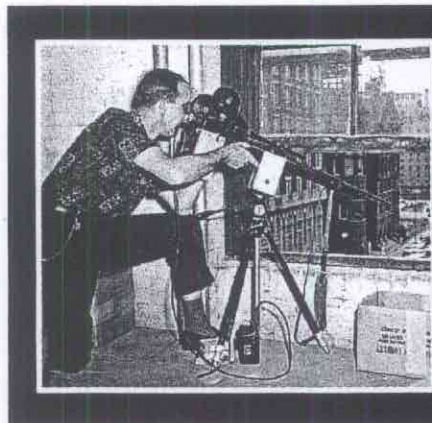


Painful memories. Neither Robert F. Kennedy nor Jacqueline Kennedy seemed eager

World War III?" a lawyer would ask. "And if LBJ had a role, will we be allowed to say so?" This was a familiar game, played often over dinner at the Monocle, a Capitol Hill restaurant. The lawyers were joking, but they knew this was more than a simple criminal investigation. Corporate lawyer David Slawson, assigned to explore foreign conspiracy possibilities, leaped into the mirrored world of espionage. Rankin had warned him to rule out no one, "not

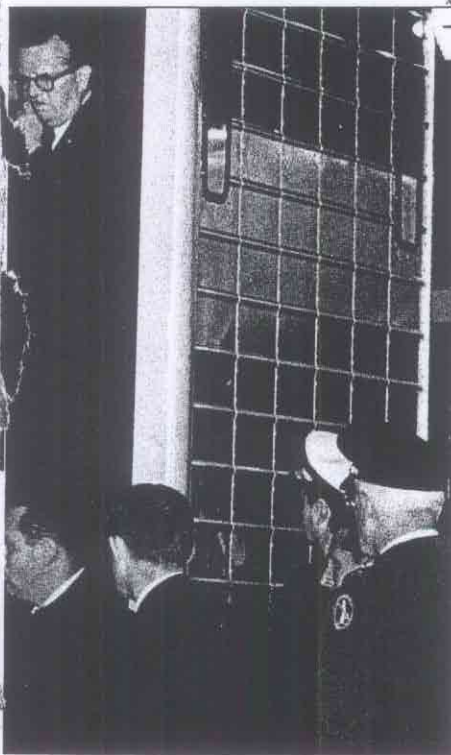
even the CIA." If that led anywhere, Slawson joked, he would be found dead of a heart attack at 33.

The conspiracy theories had swirled from the moment shots rang out in Dealey Plaza. Rumors often determined which witnesses the commission called (such as conspiracy theorist Mark Lane), which leads it investigated and even how it wrote its report, heavily emphasizing a re-creation of Oswald's life as an insignificant loser driven to leave



COULD OSWALD MAKE THE SHOTS?

Skeptics say it was impossible for Oswald to shoot three targets in the 4.8 to 5.6 seconds that elapse on the Zapruder film from the moment Kennedy is first hit until the fatal shot. The single-bullet theory is used to resolve this problem. Tests showed that it took 2.3 seconds to eject a cartridge, slide another



to cooperate with the Warren Commission.

his mark on history. Oswald's shadowy past—defection to the Soviet Union, marriage to a Russian wife, involvement with a pro-Castro group, mysterious 1963 trip to Mexico—fed the theories.

The conspiracy theories inevitably raised questions about the commission's dependence on the CIA and FBI. The lawyers admired their sophisticated CIA contacts, many from the same Ivy League schools they had attended. The FBI men, by contrast, seemed plodding. After the

bullet into the firing chamber, aim and fire. Consequently, if the first or third shot missed, as the commission concluded, there was ample time after Kennedy was first struck for Oswald to aim and fire again. The limousine moved slowly and directly away from Oswald's perch but stayed in his gunsight. A second gunman, on the grassy knoll for instance, would have had a harder shot at a car moving across the gunsight.

FBI came under fire for failing to protect JFK, its agents knew their reputation was on the line and tended toward overkill responding to staff requests. At one point, Redlich says, a Dallas store owner insisted that the Oswalds had been in his shop on a day when investigators were convinced he was elsewhere. The tipster recalled a customer who had discussed with Marina the coincidence that both gave birth on the same day. In an unsuccessful search for the customer, FBI agents researched every baby born in the Dallas-Fort Worth area on that particular day. Redlich sent out the request late one week. By Monday morning, he had a stack of reports on his desk.

But the lawyers wondered whether the agencies were manipulating them. Early on, the staff learned the FBI had hidden the fact that agent James Hosty's name was in Oswald's address book. Marina had written the name when Hosty visited her house a few weeks before the assassination asking about Oswald. The lawyers quickly realized that Director J. Edgar Hoover would do whatever it took to shield the FBI from criticism.

The CIA, too, was guilty of selective disclosure. Along with Robert Kennedy and even Commissioner Dulles, the agency never revealed details about its botched assassination attempts on Fidel Castro. An even bigger problem arose in February 1964 when a prize KGB official defected and dropped a bombshell: Yuri Nosenko claimed to have handled Oswald's defection in 1959. Nosenko said Oswald was not a Soviet agent. But James Jesus Angleton, the agency's counterintelligence chief, concluded Nosenko couldn't be trusted.

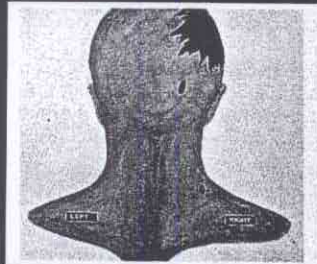
Slawson and William Coleman, investigating Oswald's foreign forays, thought this explained the CIA's refusal to let commissioners interview Nosenko. But there was another reason. After a brutal polygraph test on April 4 at a Virginia safe house, two CIA agents locked Nosenko in a 10-by-10-foot cell. He spent the next four years under illegal CIA house arrest. Later, Angleton indirectly helped undermine the commission's credibility by leaking detailed suspicions about Oswald's KGB connections. Ironically, such doubts spawned theories about CIA complicity in a coverup.

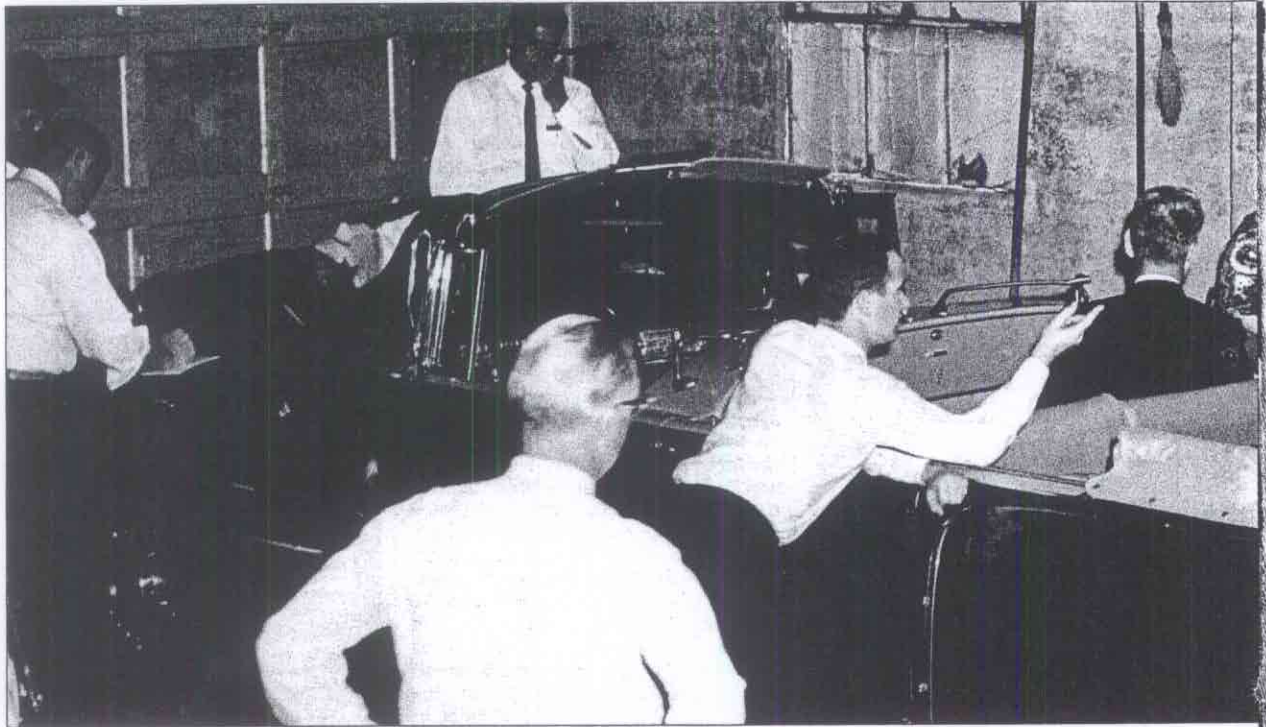
The lawyers tried to use conspiracy theorists, who were themselves trying to use the probe as a stage for their own accusations. In a secret meeting, Howard Willens listened to journalist Thomas Buchanan, who was soon to publish an early conspiracy-theory book, lay out his suspicions. Willens and Alfred Goldberg, the commission's historian, then wrote an appendix casting doubt on 127

Commission critics note that the location of the bullet holes through Kennedy's clothing did not match where the autopsy drawings said the first bullet went through Kennedy's body. For years, commission supporters were forced to make a convoluted argument that Kennedy's shirt and suit coat had bunched up unusually high on his shoulders. But panels of pathologists in 1968,



1975 and 1978 explained this discrepancy by noting that the autopsy doctors' drawings located the fatal head wound about 4 inches too low and the back wound 2 inches too high. In 1978, using sophisticated trajectory analysis, the special House committee concluded that Kennedy was struck by two bullets from behind. The snapping back of the president's head and body, seen in the Zapruder film and used to argue that Kennedy was struck from the front, can be explained by a muscle spasm caused by the bullet's impact or the jet effect of the exploding bone and tissue. Also, the threads on Kennedy's shirt and suit jacket stretched forward, indicating the bullet came from behind.





"speculations," including Buchanan's. The lawyers also relied on the work of many spy agencies. Wiretap transcripts and spy photos are part of the secret files Congress may soon open.

All the cloak-and-dagger activity—as well as the intense public interest in the investigation—required a level of secrecy that even the lawyers found onerous. Liebeler recalls being summoned to see Rankin and Redlich. On one of his weekly flights to his Vermont vacation home, Liebeler had taken a transcript of Marina's testimony. A retired military-intelligence officer on the plane noticed the classified documents and reported the breach to the FBI. Stone-faced, Rankin told Liebeler that "Edgar" [Hoover] was concerned. Then, Rankin and Redlich started laughing, knowing that Liebeler was chastened enough by that point.

Yet the very agencies responsible for keeping the secrets seemed to apply varying standards. Autopsy doctors at Bethesda Naval Hospital at first refused to speak to Specter because he had no commission ID card. Meanwhile, in Mexico City, CIA agents took Slawson and Coleman into a bunker to report what they knew from a Cuban Embassy "asset"—a CIA spy. Above ground, the agents gave the lawyers a tour of surveillance devices trained on the Soviet and Cuban embassies. No one cared that

Crucial re-enactment. Above, staffers, including Arlen Specter, right, demonstrate the single-bullet theory. Below, the re-enactment limo

neither lawyer had security clearance.

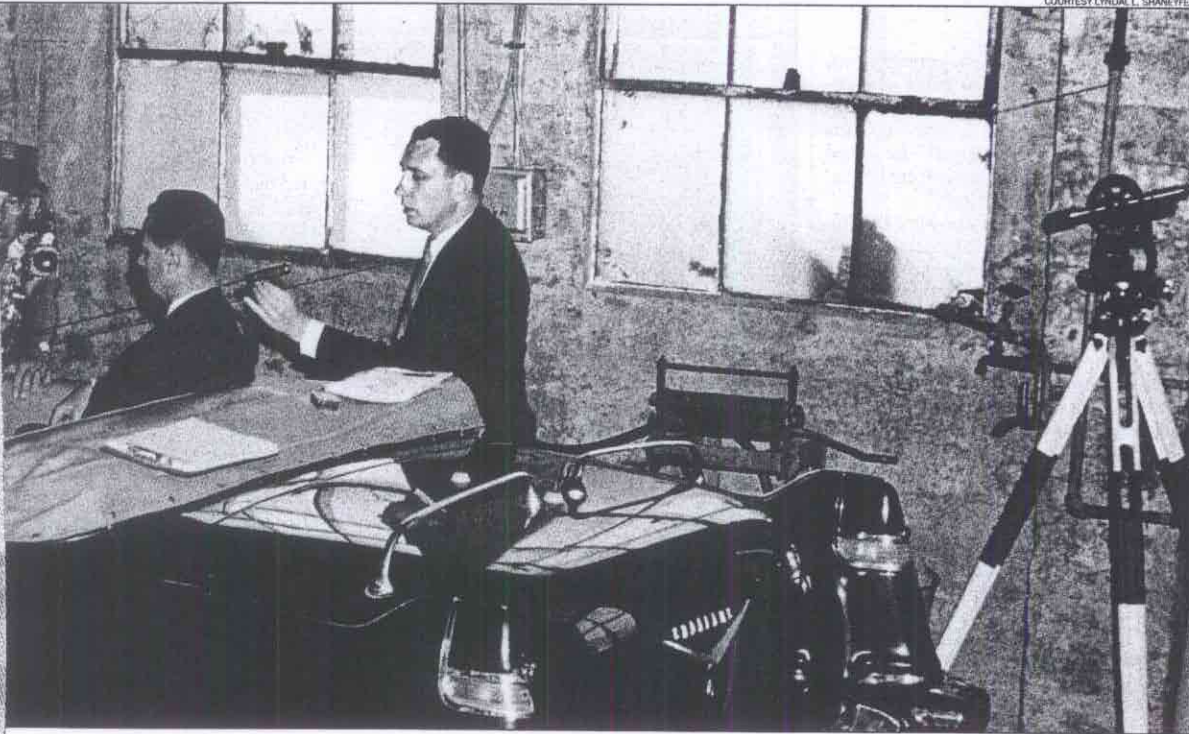
From the beginning, the lawyers found it hard to deal with conspiracy theories. The problem, as Willens and Redlich discussed, was that pursuing leads based on limited information often meant entering black holes of conjecture. It was far easier to use hard facts to blunt such speculation. To check out the hypothesis that some entity—perhaps the FBI or Cuba—had paid Oswald, the lawyers traced 17 months of Oswald's income and expenditures. Richard Mosk, a junior staffer, even double-checked Oswald's \$3.87 *Time* magazine subscription (when Mosk called the magazine, a confused subscription supervisor asked, "Where is Mr. Oswald now?"). The discrepancy between income and expenditures came to \$164.10. That, with Marina's tales of Lee's frugality, was enough for the staff to accept that Oswald had no patrons.

Indeed, the solid chain of physical evidence convinced the lawyers there was no need to obsess about a conspiracy. A rifle with a telescopic sight was at the Texas Schoolbook Depository. Handwriting experts tied Oswald to the rifle order form. Ballistics experts linked the

bullet fragments and cartridges to the rifle. An eyewitness identified Oswald at the window with the rifle. And Marina revealed that her husband had tried to shoot retired Army Maj. Gen. Edwin Walker, a Dallas right-wing figure. Redlich, regarded as an intellectual presence on the staff, recalls realizing that photos found among Oswald's possessions were of Walker's house. Later, tests proved they were taken with Oswald's camera (box, Page 31). The evidence, the staff believed, was too good to refute.

A single bullet. Nothing is more symbolic of the enduring controversy over the assassination than the single-bullet theory. There was no magic moment when the theory was hatched. Poring over





slides of Abraham Zapruder's home movie one winter weekend, staff lawyer David Belin could see Kennedy's hands rising to his throat at frame 225 and the impact of a fatal shot at frame 313. But it was unclear when Connally was hit. Belin asked Secret Service agents in Dallas and the governor's doctors to reconstruct his position in the limousine. Comparing their drawings with the Zapruder frames, FBI photo expert Lyndal Shaneyfelt determined that Connally had been hit by frame 240. It seemed there was not enough time for one gunman to fire three separate shots, the first and third striking JFK, the second Connally (box, Page 36).

Moreover, if JFK had been hit in the neck before his fatal wound, what had happened to the bullet? On Friday the

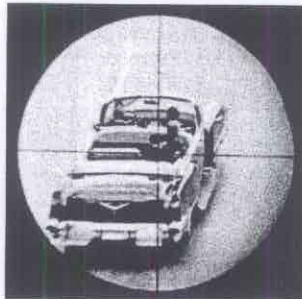
13th of March, Specter asked the Navy physicians who conducted the JFK autopsy whether the same bullet could have passed through JFK's body and hit Connally. Yes, they answered. Following up, agents constructed separate animal-meat and gelatin models approximating the consistency of Kennedy's neck. Because the models barely slowed test shells, staffers concluded that the bullet in Dallas could have caused damage after passing through JFK (box, Page 30).

Unable to prove the theory on a large diorama of Dealey Plaza, staffers urged reluctant commissioners to stage an assassination re-creation in Dallas. Fearing a circus, Warren resisted. In late April, Redlich wrote Rankin, "All we have is a reasonable hypothesis which appears to

be supported by the medical testimony but which has not been checked out against the physical facts at the scene." "Do you think we ought to visit Dallas?" McCloy asked historian Goldberg. Struggling to restrain himself, Goldberg replied: "How can you not?"

Inevitably, the commission had some macabre moments. During one session, commissioners and staffers were examining JFK's clothing as it had emerged from the futile emergency surgery. The surgeons had cut Kennedy's necktie directly above the knot. As he passed the clothes, Allen Dulles remarked, "By George, the president wore a clip-on tie." It was a sign of how eccentric the former CIA director seemed that no one was sure whether he was serious or making a ghoulish joke. In another odd episode, Dulles questioned a ballistics expert's testimony on three tiny bullet fragments recovered from Connally's wrist. Dulles asked to take a closer look at the piece of paper on which the fragments rested. While puffing on his pipe, he exclaimed, "There are four!" All heads turned, as the stunned expert scrambled to find that the extra "fragment" was a piece of Dulles's tobacco.

The staff finally persuaded the commissioners to re-enact the assassination. On May 24, staffers and federal agents swarmed Dealey Plaza at dawn. Redlich



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peered through the rifle's gunsight, out the window of the schoolbook depository, and was delighted to see the Kennedy and Connally stand-ins lined up perfectly. "Why am I so elated?" he asked himself. "We're still investigating the assassination of the president."

Two weeks later, Specter went to Dallas with Warren. His assignment: Take exactly five minutes at the schoolbook depository to explain the single-bullet theory to Warren. When Specter finished, the chief justice walked away from the window without a word. It was the only time Specter recalls his being totally silent, as he apparently absorbed the theory for the first time. Still, it wasn't until the report was being drafted during the summer that most of the other commissioners focused on the theory.

A horrible reminder. In an April 30 memo to Rankin, Specter warned that the autopsy photographs and X-rays were "indispensable" to the commission's report. But the Kennedy family resisted releasing images of JFK's mutilated corpse, in part to avoid further pain. Indeed, Robert Kennedy refused invitations to testify. "I don't care what they do," he told an aide. "It's not going to bring him back."

With no photos to show the paths of the bullets, Warren decided to use drawings, based on the autopsy surgeons' recollections. Staffers complained that he was being too deferential to the Kennedys. Unknown to the young lawyers, Willens, who worked for RFK at Justice, kept pushing for access to the photos and X-rays. RFK has often been portrayed as blocking their release. But in mid-June he agreed to let Warren, Rankin and the autopsy doctors review them. Three years later, in a letter to Specter, Warren wrote that "the other members of the commission had no desire to see them." But Warren did see the photos before the report was written. "[T]hey were so horrible that I could not sleep well for nights," he noted in his memoirs. His horror made him reluctant to push the matter. Collectors were offering money for Kennedy's bloodied shirt. Warren feared that if the commission had the ugly photos, they might slip out.

Staffers responsible for the accuracy of the bullets' paths could only throw up their hands. "Someday someone may compare the films with the artist's drawings and find a significant error which might substantially affect the essential testimony and the commission's conclusions," Specter wrote Rankin. Indeed, the drawings did turn out to be



Mystery man. Jack Ruby, with performers at his nightclub, remained an enigma. ©

inaccurate, with the fatal head wound about 4 inches lower than autopsy photos showed and the back wound 2 inches higher. No one discovered these mistakes until a 1968 review panel (box, Page 37). As it turned out, the actual photos and X-rays bolstered the conclusion that two shots had hit JFK from behind.

Concerns about the Kennedys arose again. In May, historian William Manchester, writing the authorized history of JFK's presidency, came to see Rankin, Willens and Redlich. According to Willens, Manchester said he wanted to satisfy the family that the probe was adequate, although Manchester says he was only researching his book. Willens and Rankin say Manchester asked to sit in on the closed hearings and to review chapter drafts, a request Rankin says he resisted and that Manchester denies making.

The lawyers, says Willens, felt that Manchester was trying to dissuade them from calling Jacqueline Kennedy as a witness, saying she had little to offer, an assertion the historian also denies, although he admits that he confided to the three top lawyers that JFK's widow had made very frank comments about some public people, whom he did not name. Warren feared something embarrassing might emerge, and he oversaw Mrs. Kennedy's

testimony himself in her Georgetown living room, with Rankin asking the questions and RFK looking on. Nicholas Katzenbach, RFK's deputy at Justice, edited gruesome details from the transcript.

The long, hot summer. Tempers flared as pressure mounted to write the report. Warren's old-world manner was still an issue. Lawyer John Hart Ely was reprimanded for noting in a memo Oswald's treat-



Details. Oswald the Marine

The commission concluded "the evidence is persuasive" that Jack Ruby "acted independently" when he murdered Oswald. But some staffers thought the panel should have done more to investigate the possibility of a conspiracy. Early in the probe, lawyer Burt Griffin sought a massive collection of telephone, airline, hotel and border-crossing records to investigate other travels by Ruby and Oswald, but the idea was rejected as too costly and too time-consuming. Griffin also lost a bid for a more extensive review of Ruby's connections with organized-crime figures, one of whom had financed a Ruby trip to Cuba in 1959. Critics say the commission failed to dig down Ruby's ties with the Dallas Police Department, which may have allowed him to enter police headquarters two days after the Kennedy assassination to shoot Oswald.

ment for a venereal disease in the Marines. And many thought Marina Oswald had snowed Warren (box, at right).

But the greatest problems arose over completing the report. Warren had kept the probe moving briskly. But the pace sometimes meant preparations were too hasty. Warren insisted, for instance, on hearing the autopsy doctors during a break in the Supreme Court schedule, although some lawyers said they were not ready. The problem emerged most notably as July 1 approached: That was the deadline Warren had set to keep his promise to LBJ of finishing before the 1964 political conventions. Every lawyer except Specter and Joseph Ball missed the June 1 first-draft deadline. Most were still wrapping up their fact-finding.

Warren blew up when Redlich and Willens told him the last week of June that they were late. The chief became so agitated during the meeting that Willens momentarily feared Warren might have a heart attack. After his anger subsided, Warren grew quiet. "Well, gentlemen," he said in a resigned voice, "we are here for the duration." He realized their work might go on for months.

McGeorge Bundy, a Johnson aide,

summoned Rankin to the White House on July 14 to restate LBJ's desire for a report at least before the August 24 Democratic convention. Johnson, who otherwise remained at arm's length, worried about speculation that the White House had political reasons for a delay. Rankin agreed to an August 10 deadline, although he knew it was unreasonable. Later, he returned to the White House to tell Bundy the commission would need an extension until mid-September.

Even with this delay, the lawyers worked an exhausting 14 hours a day, seven days a week. Junior lawyers Liebeler and Burt Griffin emerged as the in-house critics (box, at left). Liebeler said that they had taken shortcuts that would later haunt them. Drafts of the report read too much like a prosecutor's brief, he argued, and had omitted information or overemphasized rebuttable evidence, such as eyewitness accounts.

Liebeler lost his bid to include a psychological profile of Oswald. Redlich argued it was impossible to psychoanalyze a dead man, getting support from three psychiatrists who testified on July 9. Liebeler lost another battle when Rankin ordered his section rewritten to tone down emphasis on Oswald's Marxism and his possible desire to impress Castro—and to earn the right to defect—by killing JFK. Rankin worried that conservatives would seize on the passages to support their anti-Havana agenda, even as others argued that this fear was an undue political concern. The report's silence on these motives opened the door to conspiracy theorists obsessed with unresolved "whys" about Oswald.

The commissioners remained distant during the final weeks of writing. When the crucial conspiracy chapter was submitted to the panel on August 14, Russell complained he was too busy with budget hearings to read it. He asked the staff to seek another two-week extension from the White House. Willens told Redlich he didn't know whether to cry or shout profanities. But the delay was granted.

The problems of the two-tiered investigation—with little exchange between the commissioners and the lawyers—were evident in the vote on the report. Russell, Boggs and Cooper, the commissioners with the least contact with the inquiry, had the most doubts about the single-bullet theory. Russell refused to sign a report stating flatly that one bullet had pierced JFK's throat, then injured Connally. So McCloy took out his yellow legal pad, according to biographer Kai Bird, and wrote there was "very persuasive evidence" of it. A similar fight developed over the staff's draft that there was "no conspiracy." Ford said it was "very

DID MARINA KNOW ALL SHE KNEW?

The questioning of Marina Oswald pointed out the gulf between the kindly temperament of Earl Warren and the aggressive style of some commission staffers. The gentlemanly Warren was protective of the frightened 22-year-old widow, who might have thought she was headed to some American Siberia. But commission lawyers took her incomplete answers as a sign of untruthfulness, not just nervousness. She was the commission's first witness. Warren assigned the questioning to general counsel Lee Rankin, infuriating staff lawyers, who thought Norman Redlich was best prepared to interrogate her. Commissioner John McCloy, too, complained openly of Warren's "kid gloves" treatment of the pretty Russian. And one staffer, Stuart Pollak, suggested writing a section of the report laying out unresolved questions about whether she had known of her husband's intentions to shoot JFK. But Howard Willens and Redlich nixed the proposal, saying the public expected conclusions and the weight of the evidence suggested that Marina had not conspired with her husband.



Snow job? Marina Oswald

COVER STORY

difficult to disprove a conspiracy" and suggested saying there was "no evidence" of conspiracy.

As the end came, Willens told Redlich that some staffers thought questions were unanswered. Griffin worried aloud that commissioners and staff should make plans to defend the report publicly, lest critics misrepresent it—what today might be called "spin control." Liebeler agreed to stay for rewriting chores, but the plan fell through. It became clear that once the commission folded it would be unable to defend itself. Warren, who had no use for public relations, decided to let the report stand on its own, like a Supreme Court decision. Others did not. Ford used transcripts and his copious notes to write a magazine article, then a book. Warren was furious. Later, he felt betrayed again when Liebeler gave documents to author Edward Jay Epstein, who was writing "Inquest," a seminal critique of the commission's work.

When the "Report of the President's



Day of reckoning. Warren delivering the report to LBJ

Commission on the Assassination of President John F. Kennedy" was released on Sunday, Sept. 27, 1964, it seemed to reopen a wound in the nation's psyche. Robert Kennedy told Nicholas Katzenbach he would not read it. On Monday, New England crowds surged to greet a campaigning LBJ "as if," wrote journalist Theodore White, "the nation hungered to see a president, real, live, healthy, in the flesh."

Perhaps no one would have a harder

time leaving the assassination behind than the commission staff, which had sought to comprehend that cold-blooded act for an entire nation. Liebeler and Griffin left the VFW building together on the last day—convinced that they and their colleagues had solved the mystery of the assassination. The staff had engaged in searing but open debate, had avoided many distractions that might have destroyed their efforts and had emerged, by and large, with deep respect for one another and for Warren. And yet both men shared lingering fears that the report provided fodder for

diligent critics. There, on the steps they had trod for many months, the two men embraced. And before they parted, they broke into tears of pride and frustration. Regardless of how future generations judged their work—probably the most important they or their colleagues would ever undertake—their roles in that chapter of history were at an end. ■

BY TED GEST AND JOSEPH P. SHAPIRO WITH
DAVID BOWERMASTER AND THOM GEIER

FOR THE DEFENSE

Update on the staff: What a difference 28 years can make

It has been a rough year for the former staff of the Warren Commission. From Oliver Stone's "JFK" to congressional hearings, they have been characterized as conspirators and dupes. But the turmoil has had some positive sides. For the first time since they made their bittersweet goodbyes in 1964, some of the staffers are collaborating to defend their work.

Last January, 13 of them wrote to the National Archives asking that their private files be opened. Critics say the papers veil secrets. The lawyers insist they will show they did their job well.

Rescuing their reputations is important to them all, but few have as much on the line as U.S. Sen. Arlen Specter. He has had to campaign for re-election in Pennsylvania this year

under a cloud about the single-bullet theory and a reference to him in "JFK" as "an ambitious junior counselor." One reputation in particular—that of their hero, the late Earl Warren—is on the minds of many of the lawyers. After director Oliver Stone dismissed Warren as "senile" before a congressional panel, former aides Richard Mosk of Los Angeles and David Belin of Des Moines protested to Chairman John Conyers of Michigan, who allowed rebuttal testimony by Belin. "We all tend to think about ourselves [regarding the controversy]," says Norman Redlich, former dean of New York University Law School and now a New York lawyer. "Earl Warren's legacy is much more important than those of all the rest of us put together."

One lesson the staffers have learned from this year is how little, in some ways, they have changed. They still disagree about how best to defend themselves. Belin, Burt Griffin, an Ohio judge, and Wesley Liebeler, a UCLA law professor, favor an aggressive defense—in part for the sake of histories yet to be written. Last weekend, seven of the lawyers met at Howard Willens's law office in Washington, D.C., to discuss whether to cooperate with documentary film and oral history projects. But Redlich fears the staffers will appear "self-serving" if they defend themselves too much. For years, he has urged skeptics simply to read the report; he bought 30 new copies this year to give to nonbelievers.

The lawyers have learned about another constant. The letter they wrote in January was only 160 words. But in writing it, old idiosyncrasies cropped up again. The same men who challenged each others' words and commas in writing the commission report still fought over them 28 years later.