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WARREN

BY CHIEF JUSTICE
EARL WARREN

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subdued, but I had the feeling that I had not changed a single mind among them.

In the last few years, although conspiratorial theories have borne no fruit, an attack has been made on the fact that pictures of the badly mutilated head of the President taken for the doctors at the inquest do not appear in the records of the Commission now on file in the National Archives. It has been contended that the reason these pictures were not filed was because they would show that the shots which struck the President did not come from behind and above him.

While I have never before entered into that discussion, I feel that it is appropriate to do so here because I am solely responsible for the action taken, and still am certain it was the proper thing to do.

The President was hardly buried before people with ghoulish minds began putting together artifacts of the assassination for the purpose of establishing a museum on the subject. They offered as much as ten thousand dollars for the rifle alone. They also wanted to buy from the family the clothes of Oswald, his revolver with which Officer Tippitt was murdered, various things at the Depository, and they were even making inquiries about the availability of the clothes of President Kennedy. They also, of course, wanted the pictures of his head. I could see in my mind's eye such a "museum," preying on the morbid sentiments of people and perhaps planting seeds of assassination in the minds of some deranged persons who might see opportunity for personal notoriety or expression in assaulting yet another President. I saw the pictures when they came from Bethesda Naval Hospital, and they were so horrible that I could not sleep well for nights. Accordingly, in order to prevent them from getting into the hands of these sensationmongers, I suggested that they not be used by the Commission, but that we rule on the convincing testimony of the Naval doctors who performed the autopsy to establish the cause of death, entry, exit, and course of the bullets. I also suggested that, in order to avoid any charge of destroying evidence, we send the pictures to the Department of Justice with the suggestion that they be shown to nobody except with the consent of the Kennedy family. This was done, and they are preserved there for any useful purpose to which they might be put.

Sometime in the latter part of President Johnson's administration, when the aforementioned charge was made, he set up a Board of outstanding pathologists from various parts of the country and submitted the pictures to them for comparison with the findings of the doctors at the National Naval Medical Center on which the Commission had relied. That Board confirmed the findings of the Commission.

While this has not entirely stilled talk of the possibility of other shots having caused the death of President Kennedy, it should be

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sufficient proof for any reasonable reviewer of the facts. It should be apparent to anyone that the Kennedy family would not want to withhold from public scrutiny anything that would tend to establish the truth about the assassination of their loved one.

I should also say that the procedure adopted by the Commission was the one commonly used in criminal court to establish cause of death. In such circumstances, the court would not permit the prosecution to exhibit such a revolting picture because of the prejudice it would instill in the minds of the jury.

In addition to my recommendation for the conditional impoundment of the pictures, I also recommended that the Justice Department exercise its powers of eminent domain under the Constitution for the purpose of taking for its use all the artifacts of the assassination—the weapons, clothes, exhibits, etc. This was done, the government paying to the rightful owners just compensation for them. In my opinion, it is better that there are not today sideshow barkers at circuses or local fairs throughout the country emotionalizing over such relics and inducing morbid thrill-seekers to relive the assassination of President Kennedy with the aid of pictures of his disintegrated head.†

† Ed. note: During the ten months in which the Warren Commission was meeting, the Chief Justice carried on his Court duties as well. It was a burdensome time, and one of lingering sadness, for Warren had much admired Kennedy and the spirit he brought to the land. The Report's critics were many and shrill, and they often forgot that the Commission, at Senator Richard Russell's insistence, did not say that Oswald was the only assassin. What it did say was that "... the Commission has found no evidence that either Lee Harvey Oswald or Jack Ruby was involved with any person or group in a conspiracy, domestic or foreign, to assassinate President Kennedy" (italics ours). That should have mitigated the heat, but it didn't, and Warren was exhausted by the time the fact-finding body disbanded.

While a Senate Intelligence Committee investigation in 1976 asserted that the FBI and CIA failed adequately to pursue certain leads in the case or to provide the Warren Commission with their fullest relevant information, the Committee also stressed that it "... has not uncovered any evidence sufficient to justify a conclusion that there was a conspiracy to assassinate President Kennedy."

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