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WALTER CRONKITE: Good evening. For the past three nights we have been examining the circumstances of the assassination of President John F. Kennedy. On Sunday, we returned to Dealey Plaza to recreate that fatal motorcade ride beneath the windows of the Texas School Book Depository.

Believing that rifle tests conducted by the Warren Commission were less than adequate, we conducted new tests, more closely simulating the conditions of the actual murder. We found hitherto undiscovered evidence in film of the murder itself, that the killer had more time than the minimal 5.6 seconds indicated in the Warren Report to get the shots off. And we concluded that beyond reasonable doubt, Oswald was indeed at least one of the killers.

But was there more than one? On Monday night, we interviewed eyewitnesses who said all the shots came from the School Book Depository. And others equally insistent that there were shots from the grassy knoll overlooking the motorcade itself.

We tested more exhaustively than did the Warren Commission the extremely controversial single bullet theory, found that one bullet could, indeed, have wounded both the President and Governor Connally. We heard autopsy surgeon, James Humes, break three and a half years of silence to report that he has re-examined the X-rays and photographs of the President's body, and still has no doubt that all the shots struck from behind.

We concluded that in the absence of solid evidence that there were other assassins, and with the indications that one killer could account for all the shots, there was no second gunman. But, even as the only gunman, was Oswald, as the Warren Report suggests, a lone madman? Or was he the trigger-man for a conspiracy to kill the President?

On Tuesday, we considered such frequently mentioned indications of conspiracy as the murder of Officer J. D. Tippit, found that he was legitimately ordered from his normal patrol area as part of a redeployment of police forces to cope with the assassination. Found too, that a partial description of the assassin, broadcast on police radio, could account for Tippit's stopping Oswald.

We found the nightclub owner, Jack Ruby, the man who killed Oswald, was a strange, mercurial creature given to hitting first and asking questions afterward. And none of his closest associates would credit Ruby with the ability to keep a secret very long.

We presented the conspiracy theories of New Orleans District Attorney Jim Garrison, theories which Garrison says he will present in a court of law, but which today remain a series of largely unsupported statements. And we concluded that, for

There is one further piece of evidence which we feel must now be made available to the entire public: Abraham's Zapruder's film of the actual assassination. The original is now the private property of LIFE Magazine. A LIFE executive refused CBS NEWS permission to show you that film at any price, on the ground that it is, quote, "an invaluable asset of Time, Inc." unquote. And that, even though these broadcasts have demonstrated that the film may contain vital undiscovered clues to the assassination.

LIFE's decision means you cannot see the Zapruder film in its proper form, as motion picture film. We believe that the Zapruder film is an invaluable asset, not of Time, Inc. - but of the people of the United States.

(ANNOUNCEMENT)

ANNOUNCER: A CBS NEWS INQUIRY: "The Warren Report" continues. Here again is Walter Cronkite.

CRONKITE: Until now we have heard a great deal about the Warren Commission from its friends and its foes. But what of the Warren Commission itself? Where do its seven members stand amidst this torrent of controversy over their performance?

Chief Justice Warren, who headed the Commission, has refused to discuss the Warren Report publicly, with CBS NEWS, or indeed with anyone. But one Commissioner has agreed to participate in this broadcast. He is John McCloy, internationally known lawyer, Presidential adviser, and former High Commissioner for Germany.

Mr. McCloy, however objectively the Commission may have set about its work, the Report itself - it seems to us - may have just as well have been entitled "The Case Against Lee Harvey Oswald."

Now, are you satisfied that as much effort was put into challenging that case, as into establishing it? In other words, did the accused man get a fair trial?

McCLOY: I'll answer that in just a moment. If I may just say one thing, I - which I'd like to say. In the first place, I had some question as to the propriety of my appearing here as a former member of the Commission, to comment on the evidence of the Commission - seems to be some question, and I think there is some question about the advisability of doing that. But I'm quite prepared to talk about the procedures and the attitudes of the Commission. And I'm - the scope of its conclusions, and so forth. But I will now try to answer your question by pointing out that this was an investigation, and not a trial.

We didn't have any plaintiff and defendant. This wasn't what is known as an adversary proceeding. We were all called upon to come down there to - I believe the wording was - the directive from the President, "to satisfy yourself," that is

CRONKITE: We'll be back in a moment.

(ANNOUNCEMENT)

ANNOUNCER: A CBS NEWS INQUIRY: "The Warren Report" continues. Here again is Walter Cronkite.

CRONKITE: Three years ago, after we had studied for the first time the Report of the Warren Commission, we summed up our feelings about it. In the end, we find confronting each other, we said, the liar, the misfit, the defector, on the one hand, and seven distinguished Americans on the other. And yet, exactly here we must be careful that we do not say too much. Oswald was never tried for any crime and perhaps, therefore, there will forever be questions of substance and detail, raised by amateur detectives, professional skeptics and serious students as well.

For the Warren Commission could not give Lee Harvey Oswald his day in court and the protection of our laws. Suspects are not tried by seven distinguished Americans. Their cases are heard under law by 12 ordinary citizens. If it had not been for Jack Ruby's revolver in the basement of the Dallas police station, 12 such citizens would have heard the evidence, would have heard Oswald, if he had chosen to speak.

That jury would have represented our judgment, our conscience, and in the end would have spoken for us. Now, we do not have that reliance. We must depend on our own judgments and look into our own consciences. The Warren Commission cannot do that for us. We are the jury, all of us, in America and throughout the world.

We found no reason to withdraw what we said then. But, now we have studied the report again, this time with the benefit of three years of controversy, of all of these books, of our own investigations. We have found that wherever you look at the Report closely and without preconceptions, you come away convinced that the story it tells is the best account we are ever likely to have of what happened that day in Dallas.

We have found that most objections to the Report - and certainly all objections that go to the heart of the Report - vanish when they are exposed to the light of honest inquiry. It is a strange kind of tribute to the Warren Report that every objection that can be raised against it is to be found in the Report itself. It is true that the answers to some questions leave us restless. The theory that a single bullet struck down both the President and the Governor, for example, has too much of the long arm of coincidence about it for us to be entirely comfortable. But would we be more comfortable believing that a shot was fired by a second assassin who materialized out of thin air for the purpose, fired a shot, and then vanished again into

Did their performance improve? We know that some of the tests conducted by them for the Warren Commission were unsatisfactory. In the first of these broadcasts we pointed out that to simulate Oswald's problem of hitting a moving target from a sixty foot high perch, the F.B.I. conducted its firing tests on a fixed target, from a 30-foot height. Certainly, if CBS NEWS could duplicate the conditions of the actual assassination for a firing test, the feat's not beyond the capability of the F.B.I.

RATHER: There is also the case of the famous exhibit 399, the bullet which the Commission thought wounded both the President and Governor Connally, winding up on the Governor's stretcher in Parkland Hospital. Critics of the Report, you will remember, insist it couldn't have hit both men, but must have been found on the President's stretcher. Yet, part of the now permanent confusion surrounding the bullet and where it was found, must be charged to the cavalier attitude of agents of both the F.B.I. and the Secret Service at Parkland Hospital.

On Monday night, hospital attendant Darrell Tomlinson described how, in shoving a stretcher into place, he dislodged a spent rifle bullet. Mr. Tomlinson quite properly sent at once for the hospital's chief of security, O. P. Wright. Mr. Wright describes what happened then:

WRIGHT: I told him to withhold and not let anyone remove the bullet, and I would get a hold of either the Secret Service or the F.B.I., and turn it over to them. Thereby, it wouldn't have come through my hands at all. I contacted the F.B.I. and they said they were not interested because it wasn't their responsibility to make investigations. So, I got a hold of a Secret Serviceman and they didn't seem to be interested in coming and looking at the bullet in the position it was then in.

So I went back to the area where Mr. Tomlinson was and picked up the bullet and put it in my pocket, and I carried it some 30 or 40 minutes. And I gave it to a Secret Serviceman that was guarding the main door into the emergency area.

BARKER: Mr. Wright, when you gave this bullet to the Secret Service agent, did he mark it in any way?

WRIGHT: No, sir.

BARKER: What did he do with it?

WRIGHT: Put it in his lefthand coat pocket.

BARKER: Well now, did he ask your name or who you were or any question at all about the bullet?

WRIGHT: No, sir.

BARKER: How did the conversation go? Do you remember?

WRIGHT: I just told him this was a bullet that was picked up on a stretcher that had come off the emergency elevator that might be involved in the moving of Governor Connally. And I handed him the bullet, and he took it and looked at it and said, "O.K.," and put it in his pocket.

CRONKITE: There is little to praise in such treatment by the F.B.I. and the Secret Service of perhaps the most important single piece of evidence in the assassination case. Moreover, the Warren Commission seriously compromised itself by allowing the Secret Service, the F.B.I. and the C.I.A. to investigate questions involving their own actions.

RATHER: The Commission had before it the hard fact that Oswald's notebook contained the name, phone number and license plate number of Dallas F.B.I. agent, James Hosty. The F.B.I.'s explanation was that Hosty had asked Ruth Paine, with whom Marina Oswald was living, to let him know where Oswald was staying, that he jotted down his phone number and that Marina under prior instructions from her husband, also copied down Hosty's license plate.

CRONKITE:

The question of a link between the killer and the F.B.I. was indeed a legitimate part of the investigation. The Commission's handling of that question is scarcely justifiable. What it did was to accept as conclusive sworn affidavits from J. Edgar Hoover, and other F.B.I. officials, that Oswald was never employed in any capacity by the F.B.I.

The Commission says it also checked the F.B.I.'s own files, but mentions no other investigation. It followed the same curious procedure with the C.I.A., taking the word of top C.I.A. officials that Oswald had no connection with that agency either. The Commission then came to the sweeping conclusion that there was absolutely no type of informant or undercover relationship between an agency of the U. S. Government and Lee Harvey Oswald at any time.

Now, elsewhere, the Warren Report argues persuasively the difficulty of proving a negative, of proving in that case that Oswald was not a member of a conspiracy. You will remember that it hedged its conclusion, saying only that there was no evidence of a conspiracy.

Yet the Commission had no hesitation in asserting another far reaching negative: that Oswald was not involved with any agency of the U. S. Government ever. Oswald's mother, Marguerite, has always maintained that her son was a government agent--she favors the C.I.A.--and that he was innocent of the assassination.

RATHER: One of the men Mr. Epstein interviewed for his "Inquest" is Arlen Specter, now District Attorney of Philadelphia, but in 1964, one of the principal investigators for the Warren Commission, charged with establishing the basic facts of the assassination. Mr. Specter thinks the Commission did its job well and came up with the right answers.

SPECTER: I would say after having prosecuted a great many cases that seldom would you ever find a case which was as persuasive that Oswald was the assassin and, in fact, the lone assassin, and we convict people in the criminal courts every day right here in City Hall, Philadelphia. And the times the death penalties are imposed or life imprisonment - so that - so that the case does fit together.

RATHER: In separate interviews we asked critic Epstein and investigator Specter to discuss some of the central issues that must determine how well or how badly the Warren Commission did its work.

EPSTEIN: Part of the job of the Warren Commission was restoring confidence in the American government. And for this he had to pick seven very respectable men, men who would lend their name and lend probity to the report. And so that the problem was, in any seven men he picked of this sort, they would have very little time for the investigation.

They would also have two purposes. One purpose would be to find the truth, all the facts. The other purpose would be to allay rumors, to dispel conspiracy theories and material of that sort.

SPECTER: My view is that there is absolutely no foundation for that type of a charge. When the President selected the Commissioners, he chose men of unblemished reputation and very high standing. The Chief Justice of the Supreme Court of the United States would have no reason whatsoever to be expedient or to search for political truths. Nor would Allen W. Dulles, the former head of the C.I.A., nor would John McCloy, with his distinguished service in government, nor would the Congressional or Senatorial representatives.

Now, the same thing was true of the staff members. When it came time to select the individuals to serve as assistant counsel and general counsel, men were chosen from various parts of the United States who had no connection with government.

EPSTEIN: For example, there were rumors concerning the F.B.I. or various intelligence agencies. I noticed that there were a number of memorandums where the--where--from Warren to the Secretary of the Treasury, who was in charge of the Secret Service, assuring that their findings wouldn't impair the efficiency or the morale of the Secret Service. And the same

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thing again with the F.B.I., a question of whether there was ever any possible connection between Oswald--and by connection I don't mean anything sinister, I simply meant that he was furnishing information and there were some rumors to this effect--and they, rather than investigating these rumors, they preferred to give it to the F.B.I. to investigate the rumors themselves. As J. Lee Rankin, their General Counsel, said, they would rather that agency clear its own skirts. Well, what this meant, of course, is that if the F.B.I. would have discretion if it did find a connection between Oswald and itself, the discretion of either reporting it or not reporting it.

SPECTER: In the main, the F.B.I. conducted the basic line of investigation. But the Commission used its independent judgment wherever, say, the F.B.I. or the Secret Service was involved itself so that they would not investigate themselves on the subjects where they were directly involved, and I think the Commission showed its independence in that regard by criticizing the Federal Bureau of Investigation and by criticizing the Secret Service where the facts warranted such criticism.

On every subject where the Federal Bureau of Investigation had contact with the area of investigation with which I was intimately connected, I was fully satisfied with their thoroughness and with their competency and with their integrity.

CRONKITE: Despite Mr. Specter's defense, it is the opinion of CBS NEWS that the role of the F.B.I. as well as the Secret Service, both in the assassination and its aftermath, has been less than glorious. And, to some extent, the performance of these agencies weakens the credibility of the Warren Report. As to what the F.B.I. and the Secret Service did wrong before the assassination, we need look no further than the Report itself.

It notes the Secret Service agents assigned to protect the President had been drinking beer and liquor into the early hours of the morning, that no search was made of buildings along the route, and that, quote: "The procedures of the Secret Service, designed to identify and protect against persons considered serious threats to the President, were not adequate prior to the assassination," end of quote. That is, the Secret Service should have known about Lee Harvey Oswald.

But the Report goes on to point out that if the Secret Service did not know about him, the F.B.I. did, and did not see fit to mention his existence to the Secret Service. The report issues a mildly phrased yet devastating rebuke to the F.B.I., charging that it took an unduly restrictive view of its responsibilities. Knowing what the F.B.I. knew about Oswald, the Report says, an alert agency should have listed him as a potential menace to the President. Yet, after the assassination, the Commission itself relied heavily on these two agencies as its investigative arms.