

The Kennedy Assassination

Was the Warren Commission Report credible?

In the wake of the furor generated by Oliver Stone's controversial movie, "JFK," momentum is building in Congress to release the government records surrounding the Kennedy assassination that have been ordered sealed until 2029.

The roster of advocates in favor of releasing the files includes Rep. Louis Stokes, D-Ohio, chairman of the House Select Committee on Assassinations, which re-opened the Warren Commission's investigation; Sen. Edward Kennedy, D-Mass.; former President Gerald Ford; and all of the Warren Commission staff attorneys.

Los Angeles lawyer Richard M. Mosk, a former Warren Commission staff counsel, has

stated that the files ought to be opened, not because of what secrets they may reveal, but to dispel any doubts that the Commission's report was definitive. Mosk argues here that the report's conclusions are supported by the evidence, and that Stone's movie defames the Commission's integrity.

Director Stone, however, believes the Warren report is "indefensible," arguing that it contained misstatements from government agencies, had misleading information on the location of Kennedy's gunshot wounds, and never seriously considered the possibility of Lee Harvey Oswald being a double agent.

Yes: "Beyond a Reasonable Doubt"

BY RICHARD M. MOSK

What is disturbing about the "JFK" phenomenon is that history is being distorted and, to many, fiction has become fact. After decades of continuous and unanswered, misinformed and often fraudulent attacks on the Warren Commission, many now assume, incorrectly, that its report on the Kennedy assassination was either wrong or flawed.

Rather, it is the representations in the film and by Oliver Stone in his promotions and articles that are not accurate.

When I joined the Commission's staff as a young lawyer, I recall Chief Justice Warren telling me that truth was our only goal. The staff included well-regarded lawyers from around the country, a law professor, historians and Internal Revenue Service investigators. Justice Department attorneys and Supreme Court clerks also participated.

After its investigation, the Commission released an 888-page report, followed by 26 volumes of transcript testimony and copies of photographs, documents and other exhibits. Only a small percentage of material was withheld: unsubstantiated accusations that involved privacy and reputation issues; material related to presidential protection; confidential sources and practices; and autopsy material that the Kennedy family requested not be disseminated. I and

others have called for the release of this material.

The Warren Commission concluded that Lee Harvey Oswald alone shot President Kennedy and Governor Connally and killed police officer Tippett; that Jack Ruby acting alone killed Oswald; and that there was no credible evidence of conspiracy.

I believe that the Warren Commission came to the correct conclusion and that its investigation and report were competent and thorough.

Agency Cross-Checks

While the investigation did rely to a certain extent on government agencies—the FBI alone conducted over 25,000 interviews—the Commission, nevertheless, was able to verify the work and conclusions of each agency by using staff members and independent experts, and by cross-checking with other agencies.

The ballistics and other evidence demonstrated that the shots that killed Kennedy, wounded Connally and killed Tippett all came from Oswald's weapons.

Scientific evidence has repeatedly verified the single-bullet conclusion—that one shot struck Kennedy's neck, exited the front without hitting any bones, and hit Gov. Connally, causing all of his wounds. To inflict these wounds, the bullet did not have to be deformed or change course.

Nineteen doctors who have examined the Kennedy autopsy photo-

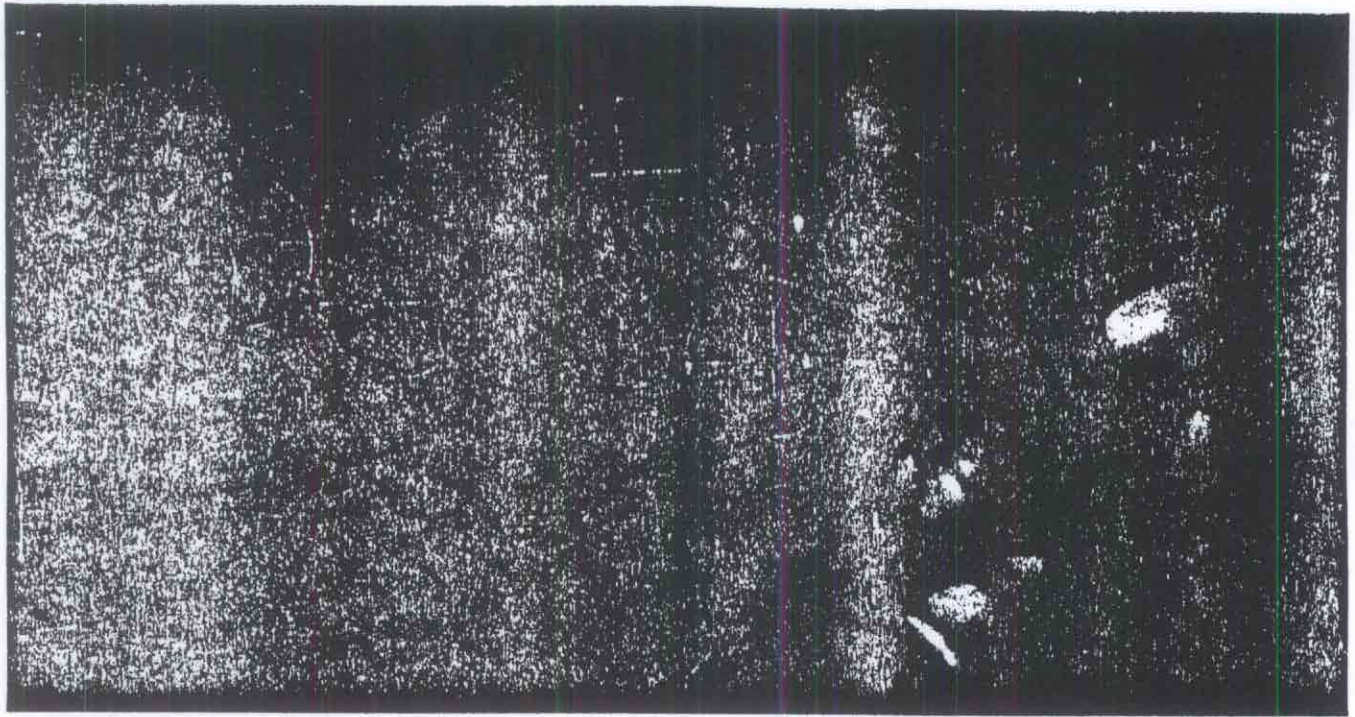
graphs and X-rays have concluded that all of the shots struck him from the rear. Experts have confirmed that the backward movement of Kennedy's head was not inconsistent with this conclusion. There is no evidence of any shots fired other than those from Oswald's rifle.

Over the years there have been a number of federal and state investigations, none of which has produced any significant, new information. A congressional committee in the 1970s supported the single-bullet conclusion, but at the last moment found that acoustics evidence suggested the likelihood of a second gunman.

Later, a ballistics acoustics group of the National Research Council determined that this conclusion was wrong, a determination the Justice Department also supported.

The entire record supports the Commission's conclusions as not only being the most probable account of what transpired, but one that is beyond reasonable doubt. Proposed alternative theories based on purported inconsistencies lead to conclusions that are either impossible or highly unlikely.

Despite many self-appointed investigators and various official investigations, no one has been able to unearth a credible alternative. The reputations of the Commission and Chief Justice Warren deserve better than uninformed, malicious criticism. ■



No: "A Pre-Ordained Conclusion"

BY OLIVER STONE

The Warren Commission may have had good intentions. But although it was charged with finding the truth about the Kennedy assassination, the one thing the Commission did not do was conduct a homicide investigation. Instead, it tailored the evidence to fit a pre-ordained conclusion: A single gunman, Lee Harvey Oswald, committed the crime of the century.

This is not news. In the late 1970s, the House Select Committee on Assassinations reopened the case, examining also the Commission's methods and conclusions. The HSCA report noted that "the style of the Commission's own staff was not one of criminal investigation" and went on to list its many areas of deficiency.

According to the HSCA, looming large was its failure to "investigate adequately the possibility of conspiracy." As the HSCA concluded, "It is a reality that the Commission failed to live up to its promise."

Even more regrettably, the HSCA also failed to resolve the JFK case. The report noted a "probable conspiracy" but added that the committee was "unable to identify the other gunman or the extent of the conspiracy." The committee shut their doors, sealed their files and turned the case over to the Justice Department, which quietly closed it in 1988.

In short, Warren Commission

apologists like Richard Mosk, David Belin, Gerald Ford and Arlen Specter are defending an indefensible position. Subsequent government investigations have not fared much better, leaving gaping holes in their evidence and analysis, sealing their files, and leaving the American public with nagging doubts.

Unresolved Issues

My film "JFK" tries to re-examine the assassination with the hope that we might come to a better understanding of a very troubled point in our history. The unresolved issues include:

The moving wounds. The Dallas doctors, the Bethesda autopsy doctors, the Warren Commission and the HSCA all gave different accounts of the sites of the president's wounds. The HSCA's panel of medical experts should have settled this matter by showing autopsy photos to the Dallas doctors, cross-examining the military doctors, and deposing the one doctor who saw the president's body in both Dallas and Bethesda—Kennedy's personal physician, Admiral George Burkely. Instead, we're left with the unsettling truth that no doctor who ever saw the president's body agrees with the "official" autopsy photos and X-rays.

Who was Lee Harvey Oswald? He wasn't the lonely, attention-seeking pro-Communist drifter the Warren Commission told us he was.

At the height of the Cold War, he traipsed in and out of the Soviet Union, announcing his intention to renounce his citizenship and divulge military secrets.

Yet he was never debriefed by any agency and never had trouble later getting passports or visas. His ties in Dallas and New Orleans were to anti-Communists, anti-Castro activists and U.S. intelligence operatives. In 1960, J. Edgar Hoover was writing personal memos on him, alerting the State Department to a "possibility that an impostor is using Oswald's birth certificate."

Why the cover-up? Both the Senate Intelligence Committee and the HSCA documented that various intelligence agencies—FBI, CIA and military—lied to the Warren Commission about Oswald and the assassination. The most glaring example is then-CIA Deputy Director of Plans Richard Helms telling the Commission the agency had no pre-assassination interest in Oswald when, in fact, the CIA had opened an increasingly thick "201" file on him in December 1960.

Yet, rather than ascribe to the Commission or the HSCA sinister motives of a whitewash or cover-up, it may simply be the nature of the beast: No commission or political body is the proper forum for a homicide investigation. The Kennedy assassination was a murder and should have been treated like one. ■