

The Warren Report And Its Critics

ARTICLE VI: A New Inquiry?

By MICHAEL J. BERLIN

THE WARREN COMMISSION papers are stored in the stacks of the National Archives, behind a door numbered 6W3. To enter, the archivist uses both a key and a combination. Inside, all the visitor sees is aisle after aisle of metal shelves, filled with cardboard file boxes, legal size, five inches thick.

Stacked on both sides of one long aisle, and in part of another, are 900 of these file boxes—300 cubic feet—filled with the 1,555 Warren Commission documents. Some documents are just a page or two, some make the file box bulge. About a third are classified.

According to the archivist, somewhere in that long aisle are the photographs and X-rays of the autopsy of John F. Kennedy. And somewhere in that 300 cubic feet there may be—there just may be—the information that can either ease the minds of the 59 per cent of the nation who today doubt the Commission, or cause enough new doubts to necessitate a new investigation of that day in Dallas.

At present, private researchers are making their way arduously through the unclassified material in search of the answers that the Warren Commission may have found, but did not report.

"This last year has really been a lot of man-hours, digging things out for the investigators—at least a score of them," says archivist Michael Simmons. "Some of them are working on a big project."

Simmons produces a document at random: #7, 809 pages, dated 12.10.63, at Dallas, Re: Lee Harvey Oswald, "Report of FBI Special Agent Robert P. Gemberling."

Some of the pages are missing. In one spot, 150 pages are withheld, sequestered in another file box, and a pink slip in the gap says: "Pages . . . through . . . being withheld by order of the FBI. The topic: 'Interviews' relating to 'other persons,' 'identified' and 'unidentified' in the Dallas area."

Standing in that room, the urge arises, barely controllable, to sweep Simmons aside, run down that aisle, and grope among the file boxes for The Whole Truth.

THIS URGE IS BEING FELT MORE AND MORE widely across the nation. Various prominent persons have appealed for a new look at the evidence, in one form or another, and so have several prominent publications. Action is being taken in at least three directions.

Rep. Theodore Kupferman (R-N. Y.) has introduced a resolution in the House to establish a Joint Committee to Determine the Necessity of a Congressional Investigation of the assassination.

The committee would review all documents available. And an impartial review of all documents could, most observers agree, in itself assuage the doubts of all reasonable men that the truth is known—could prove that Lee Harvey Oswald, acting alone, killed Kennedy. It could also indicate that Oswald didn't act alone—or that there are enough doubts, enough gaps in the Warren investigation, to warrant a new inquiry.

Despite Kupferman's optimism, there is little hope that Congress will set up such a committee, because of the insult it would present to the prominent members of the Warren Commission.

Kupferman has also initiated a frontal assault on the Archives, aimed at the declassification of virtually all significant documents, on legal grounds.

He hopes to get a ruling from the Justice Department that under existing Executive Orders most of the documents need not be classified. Then he hopes to lead a team of impartial experts into the Archives to evaluate those documents—including the autopsy photos—and thereby answer the key questions raised by the Commission's critics.

This is one way that the Administration could bow gracefully to the pressure for an inquiry and still save the honor of the original Commission—but despite the growing calls for re-examination, there is no indication that the Administration wishes to bow at all.

President Johnson was asked at a press conference last November "why this material is still not available to competent nongovernment investigators." He replied this way:

"I know of no evidence that would in any way cause any reasonable person to have a doubt about the Warren Commission, but if there is any evidence that's brought forth, I'm sure that the Commission and the appropriate authorities will take action that may be justified."

There is no longer a Warren Commission, and

obviously no "authorities" will act until the Administration deems it appropriate.

The autopsy X-rays and photos are now under the jurisdiction of a representative of the Kennedy family, who has turned down Kupferman's request to make them available.

(There have been reports that the reason the family is loath to show the X-rays is that they would confirm rumors that Kennedy suffered from Addison's Disease. This illness effects the adrenal glands, and is often crippling—but can, in many cases, be controlled.)

THE THIRD AVENUE TO A NEW INQUIRY has been hinted at by Wesley Liebeler, a former member of the Commission staff who is now embarked upon a private inquiry into the assassination evidence, and is



LEE HARVEY OSWALD

Would the closed files show anything different?

(like most staffers) every bit as frustrated by the inaccessibility of the files as are the critics.

"Frustrating? I think it's a goddam outrage," says Liebeler. "I can't even look at my own goddam memos any more, and neither can anybody else. When the Commission disbanded, it sent the files to the Archives and didn't go through them to determine which should be made public and which shouldn't. The question wasn't resolved until August, 1966, when the Justice Department ruled that the Archives had the obligation to go through these papers and decide which should be made available."

"I think that this kind of determination should not be made by the Archives. Seeing the way the government people think, it's obvious that there would almost be an instinctive desire to withhold . . ."

(Apparently, the Archives, in picking and choosing, has depended on the requests of such agencies as the FBI on which of their documents should be withheld.)

"I don't know what's to become of all this," Liebeler continues, "but some people have become interested in it and are taking steps to try to do something about it . . . It's premature to discuss it . . . I don't know if we're going to get at [the classified documents] or not, but there's a good chance that we will . . ."

IF SOMEONE, SOMEHOW, DOES GET A LOOK AT the Commission files, what is he likely to find? And what questions won't be answered there, but can only be answered by a new investigation?

From the point of view of the truth of "who killed Kennedy?" there are two key items.

The first, of course, is the photographic evidence of the autopsy.

The second key item is the report of a test to see

if a ½-grain bullet fragment found in the wrist of Gov. Connally of Texas came from the nearly-whole bullet found on a stretcher in the Dallas hospital. (This was discussed in detail in Tuesday's article.)

Between them, the photos and the test report could prove that one rifle, fired from behind, inflicted all the wounds on Kennedy and Connally. Given the ballistics evidence that this rifle was Oswald's, and the circumstantial evidence that Oswald fired some shots, at the least, most reasonable men would reach the conclusion that Oswald did it alone.

But if either the photographic evidence or the report on the bullet test comes out the other way—then there would seem to be no alternative but a new investigation. (There is also the chance that this material will prove inconclusive, which would also imply the need for further investigation.)

There are other things that, according to Commission staffers, the classified files will show about the thoroughness of the investigation:

- There should be a memo indicating that the Commission was aware of the contradiction between the Bethesda doctors' autopsy report and reports by FBI agents who witnessed the autopsy—and this memo would explain how the misunderstanding came about.

- There should be memos indicating that the Commission DID investigate rumors that Oswald had been an FBI informer, and that the rumors were found to have no basis in fact.

- There should be FBI reports on the rumors of a New Orleans "plot."

- There are indications that the picture of Oswald's and Ruby's relationships with officialdom, clouded by the Warren Report partly for security reasons, would be clarified. The files could conceivably show that Ruby and Oswald were more involved with governmental agencies than has been made public—but that this involvement was checked out by Commission investigators, and shown to have no known relationship to the assassination.

Heaven knows what else a re-examination of the Commission files could show. It may turn up an amateur's photo, taken as the shots were being fired, that reportedly showed Oswald's window in the Depository. The Commission never made it public.

No one member of the Commission staff explored all the reports submitted. Some Commission critics, of course, contend that the files will show that Oswald was innocent and that the Commission attempted to hide the guilty parties.

THERE ARE, HOWEVER, MANY THINGS THAT the Commission files will not show, things that will be found, if they can be found, only in a new investigation.

Any new panel of inquiry would spend most of its time hearing out the witnesses who have talked to local police and to private investigators but whom the Warren Commission felt it didn't have to call:

- Workers in the Book Depository who say that, after the shots were fired, they used the same stairway Oswald is supposed to have used—and didn't see him.

- A woman who says she saw a man with a gun in the Depository window—and another man standing beside him.

- People who gave depositions to Dallas police, saying that they looked toward the grassy knoll as the shots were fired, but who were not asked by the Commission to detail what they had seen there.

- Everyone connected with the Kennedy autopsy, or anyone who may have seen the wounds inflicted on his body, such as workers at the Washington funeral home that prepared the body for burial.

- In light of the current New Orleans investigation, a new inquiry would have to dig more deeply into Oswald's links there, not only in the Cuban exile community, but also among suspected homosexuals in the area. Oswald's links to homosexuals, and the possibility of his own homosexuality, were explored but never resolved by the Commission.

There are also certain tests that a new inquiry would have to undertake:

- Marksmanship tests to determine just how hard it would be for one man to perpetrate the assassination from Oswald's perch. (The tests that were conducted took place from a lower elevation, and stationary targets were used.)

- Ballistics tests that would attempt to duplicate the path of the bullet that, according to the Commission, passed through Kennedy and Connally. (The Commission tests did not address themselves to the effect of that shot upon the bullet, and this is the point in dispute.)

- A reconstruction of the Dallas police radio log, to try to find out just how Oswald's description got on the air, and to reconstruct Tippitt's movements.

- An attempt to locate and examine a traffic sign that was on Dealey Plaza that day, but is no longer there, to see if a bullet might have hit it, as has been suggested.

Until there is, at the very least, a re-examination of the Commission files, there will be doubts that we have all the answers that we could have—and that they are the right answers.

And when the doubts are leveled at a Presidential commission headed by the Chief Justice of the United States the existence of the doubts becomes more important than the politics, the pride and the personalities surrounding them.

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