

Why—That's the Deer, Hunters

liver at noon on opening day over the main downtown inter- I saw more dead bucks being on cars and trucks than some kill during the entire season. 12:05 p.m. and 12:15 p.m., 1 27 deer carcasses.

a good place to take in the at- e of the town, but it was also a here a man driven hard by rressure to bag a deer might g his head in shame—or gone ider the bridge and hid until f he had been empty-handed.

a short, but telling conversation as station operator as he filled a lot of deer around."

"Yep," he replied.
"Are there always this many?"
"It's opening day of deer season, ain't it?" he said.

During Saturday and Sunday, 1,126 deer were registered at the Black River DNR station alone, and 2,157 in Jackson County.

Deer hunting here is a serious business, both with the estimated 40,000 hunters who flock to the county and with the town itself. On one side of the street, high on a lamp post with the Christmas decorations, there was a big silhouette of a hunter aiming a rifle. Across the intersection, in line with the hunter's "line of fire," there was another (Continued on Page 3, Col 1)

C-T Series to Spotlight Bankruptcy, JFK Killing

You won't lose your shirt or even your color television set. If you declare bankruptcy.

In a series of three articles starting Monday, Capital Times reporter Ann Beckmann explores what people can expect when they file bankruptcy — the guilt and stigma, the loopholes in the law, the reasons why people get into debt, the alternatives. She examines the American way of debt — better known as credit — and the grief it causes. For the series, she interviewed people who had declared bankruptcy, creditors, loan companies, lawyers, U.S. Bankruptcy Judge Leonard Bessman, financial counselors and others, who work with consumer bankruptcy.

Also on Monday, The Capital Times will offer the first in a three-part series on the assassination of President Kennedy by David Wayne, a professor of American history at the University of Wisconsin-Stevens Point, which through impeccable historical research reaches some startling and frightening conclusions.

If you watched the CBS special on this subject you will be shocked at the basic irrelevance and superficiality of that treatment after reading this series.

Both of these unusual features start Monday. Be sure to read them.

Hello Wisconsin

By Miles McMILLAN



LEROY GORE, who catapulted to fame in the Joe McCarthy days when, as a small-town weekly editor in Sauk City, he launched the "Joe Must Go" campaign, has written an intriguing little essay on man's relationship to God. It appeared in a recent issue of The Search, a mimeographed publication of the United Brotherhood of Christ, an interdenominational ecumenical church in Fort Atkinson. The publication carries the caveat to the reader that the editorial content is solely that of its contributors and not the congregation's, nor its publisher's. It carries this statement of purpose: "Recognizing that there are no final answers, this con- (Continued on Page 3, Col 1)

Wisconsin Farmers Pay More

to THE CAPITAL TIMES

Madison, Wis., Friday, November 28, 1975

When there is still a glut of milk in the market, the price to the producers increases. That price becomes part of the USDA pricing formula for bottled milk and that increases too," McKee said.

"Generally speaking the retailers don't like to adjust the prices because always means there are lower sales may absorb the price," McKee said.

"When there is still a glut of milk in the market, the price to the producers increases. That price becomes part of the USDA pricing formula for bottled milk and that increases too," McKee said.

farmers here that doesn't automatically mean less milk, even though the getting paid the same. "Maybe there's more competitive situation here, I know."

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CIA's Helms on Chile: Take All Risks

JFK Assassination: A Cover-Up?

Stevens Point Professor Asks: What Kept Us from Learning the Truth?

By DAVID R. WRONE

The 12-year-old unsolved assassination of President John F. Kennedy has given rise to more than 100 major critics of the official Warren Commission findings and several thousand regional and local voices of dissent.

The number of critics, the intensity of their criticism and the support given them by the public is without parallel in American history.

The critics fall into two distinctive groups: the responsible and the irresponsible or pseudo. The irresponsible critics dominate the subject and have so formed the central question in the public mind that serious doubt now exists that the assassination investigation can be reopened. If it cannot, the implication goes far beyond Dallas to the quality of life for the present

generation and will leave its distinct imprint on our ability as a nation to meet future crises.

The Responsible Critics

The responsible critics number about a dozen and generally have been ignored by the press, the collegiate lecture circuits and the politicians. Among these few are: the indefatigable Harold Weisberg, who is perhaps the most informed of all; the brilliant young Howard Roffman; the doughty James Hiram Lesar, who has fought the Department of Justice to the Supreme Court five times; Sylvia Meagher; and Paul Hoch.

All of them possess certain qualities that set them apart from the irresponsible critics like the dawn separates the day from night. Chief among their attributes is their insistence on working

only with the evidence and giving critical scrutiny to all facts before making a statement.

Thus, they persevere, have to spend long hours working in the documentary base in order to build their books around the most careful research. Knowledge alone will provide us with a clue and they do not presume to tell us who killed Kennedy for that information is not in the evidentiary base.

Their approach to modern problems through the medium of careful attention to facts and evidence rather than by the devices of theory, speculation and emotion is an old tradition in the United States. This approach is found in the attack on slavery, in the rise of the labor movement and in the radical resistance (1945-1948) to the Cold War, to give just three national illustrations.

In Wisconsin, the approach is personified in the life of Robert M. La Follette who fought for a better world in precisely this way. "Fighting Bob" fought with fact — fact derived from a prodigious effort of long study and serious consideration of the evidence. Then, armed with the facts, he stood in the Senate and fought the military machine, the powerful rich, the exploiters of the Indians and the special interests.

The responsible critics stand in this tradition; unfortunately they have been given little attention by a public which has been turned more and more to extremist positions assiduously promoted by the pseudo-critics.

The Irresponsible Critics

The irresponsible critics have captured the public mind and have treated us to an almost daily revelation of what happened in Dallas.

The list is long, including Penn Jones, Jim Garrison, Dick Gregory, George O'Toole, Mark Lane, Josiah Thompson, Richard Popkins, A. J. Weberman, etc. Many of them use the most blatant showmanship devices, ones which would make even old P. T. Barnum turn green with envy. Few of them, however, have been inside the National Archives to do serious research; several of their arguments have been lifted from the works of other authors or have been demolished by the responsible critics

years before they wrote them up as the New Truth.

Three examples will suffice.

Mark Lane's books are packed with hundreds of errors of fact and omissions of fact to support his theories. His treatment of some testimony is a severe distortion of truth.

A. J. Weberman's *Coup d'etat* centers on a picture of some "tramps" being arrested on Dealey Plaza. He asserts they are CIA men. He totally ignores irrefutable evidence — other photos, affidavits, eye-witnesses, etc. — which proves that the "tramps" were, in fact, winos and which destroys his "theory."

George O'Toole's *Assassination Tapes* contains numerous errors of fact. His "Psychological Stress Machine" that solved "the crime of the century" is now being pushed heavily among law enforcement agencies to aid in the fight against crime.

Characteristic of the work of these critics is a reliance on theories to prove who shot John F. Kennedy. Once they get their theory, they proceed on its basis, and with a little bit of speculation, they make the facts fit the iron bed of presumption. This, of course, is much easier than doing long hours of laborious research to find out the truth, but then they don't really need the facts. They have a theory.

The False Question

The false critics have risen to power through the cooperative efforts of a slumbering press, uncritical television, misguided student groups and by sheer weight of numbers forcing the responsible critics into the background. Thus, the central question on the assassination is formulated entirely in false terms: Who shot President Kennedy?

To these imitation-critics, the question is always put in "who" terms. With Mark Lane, for example, the "who" varies: sometimes, he says the Central Intelligence Agency did it; other times, he charges the Federal Bureau of Investigation or the military-industrial complex. Each time, however, he concentrates on "who."

Other critics charge the Castro Cubans, the reactionary right wing or
(Continued on Page 26)

David Wrone is an associate professor of history at the University of Wisconsin-Stevens Point, and has published several articles on the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr.

Wrone also has made a study of the nearly 150 books published on the Kennedy assassination and places them in three categories: "apologists for the Warren Commission; irresponsible pseudo critics; and responsible critics."

"It is," Wrone says, "nearly impossible to have anything published in a serious vein."

Wrone says he doesn't believe that Lee Harvey Oswald was responsible for Kennedy's death, and he doesn't believe James Earl Ray killed King.

In the article on the top of this page, Wrone summarizes his research and findings concerning both the Kennedy assassination and the critics of the official assassination report prepared by the Warren Commission.

The article headlined: "Rifles, Bullets and Lots of Doubt" is the first of a three-part series on what Wrone has discovered behind the scenes of the investigation.

The series really represents one article, divided into three parts due to its length.

The first installment presents some unusual findings regarding the weapons involved in the assassination investigation, and introduces what Wrone calls "the gratuitous mystery of the sealed documents in the Warren Commission records."

Parts 2 and 3 — which will run in Tuesday's and Wednesday's editions of *The Capital Times* — unveil the mystery and Wrone provides an interpretation.

Wrone documented many of the statements in his articles with footnotes. Any questions about statements in the articles may be addressed to *The Capital Times* or to Professor Wrone at UW-Stevens Point and footnote information will be provided where possible.

THE CAPITAL TIMES

**Mon
day**

December 1, 1975—25

Was There Cover-Up?

(Continued from Page 25)

Texas oilmen. All focus on "who."
The answer to the question of who shot President Kennedy is: It is a false question. It is a question which dis-serves the American people, and will ultimately block re-opening the investigation.

In the first place, we probably will never know who shot President Kennedy. Most crimes 10 years and older are never solved, especially ones of such complexity. But even if one could find the triggermen, the probability of penetrating the level of conspiracy that ordered or permitted the assassination to be perpetrated is extremely low.

Second, the "who" question is a strawman question which is easily rebutted. When Gregory went to the Vice President's Commission on the CIA with the "facts" of his theory that the CIA shot Kennedy, he easily was rebutted.

Once federal officials destroy one nutty theory, the claim is put forward that all other criticism of the assassination is similar. They have already shown how preposterous it is; therefore, one faulty, all faulty. The government can knock down one false "who" theory after another, gradually destroy the credibility of all critics, and ignore the truth.

Third, even if the irresponsible criticism could be heeded by the government, conditions exist today (as they existed on Nov. 22, 1963) which would permit the government to put forward another patsy like Lee Harvey Oswald and cover up the crime once more.

Only when these conditions have been understood, examined in factual detail, will the crime be solved. Study of the Kennedy assassination must be refocused.

The Central Question

The central question of the assassination is: What prevented us from learning the truth about the assassination of the President? And it is here that the false critics fall away, because only cold, sober, factual information will

give us that answer, not gimmicks, "theories" or headlines.

This is a difficult way to move, repugnant to many who think they know "who." But the American critical tradition and the example of "Fighting Bob" La Follette demonstrates beyond cavil that truth is ultimately a question of facts. By working at the facts, piling up the evidence, carefully and quietly assembling the data, the picture of what happened on Dealey Plaza will emerge in clear detail.

The picture is much more heinous than the false critics would have us suppose.

Every fundamental institution in the United States failed to act in accordance with its stipulated principles.

- The legal institution is particularly notorious in the investigation of the assassination. Lawyers committed perjury, helped or forced witnesses to commit perjury, concealed evidence, mutilated evidence and lied to all concerned about the evidence. It was not just a few "bad eggs" who did this, but a score of competent, well-schooled and highly-touted attorneys.

- The courts also failed — in the person of the Chief Justice of the Supreme Court Earl Warren.

- Congress proved inept in addressing itself to the problem and was duped by the Warren Commission.

- The press and media were especially incompetent and distorted truth, fed themselves on rumors, traced down minor eccentricities and ignored the facts.

- Historians also failed. Two served on the Warren Commission. Academic scholars have easily relied on the official truth for their classes and textbooks.

- Local law enforcement officials bungled their job. Many of the agents in the federal investigative agencies and in the Department of Justice destroyed evidence, suppressed testimony, mutilated photographs, committed perjury and helped suborn perjury.

Rifles, Bullets and Lots of Doubt

Stage Is Set for the Mystery of the Sealed Documents in the Archives

This is the first of a three-part series on the Kennedy assassination by David R. Wrone, University of Wisconsin-Stevens Point associate professor of history.

By DAVID R. WRONE

The official investigation of the Nov. 22, 1963, assassination of President John F. Kennedy by a seven-man special commission headed by the Chief Justice of the Supreme Court Earl Warren found an itinerant janitor named Lee Harvey Oswald guilty. Oswald fired three shots with his 6.5-mm Mannlicher-Carcano rifle, hit Kennedy twice, killing him and wounding Gov. John Connally of Texas who was riding in the car.

Almost immediately a number of critics arose who challenged the findings. In the 12 years since the murder, the number of critics has continued to grow and there is no sign of a tapering off. Out of this mass of information, a myth emerged that the Warren Commission had found much evidence of a sinister nature and had sealed the records of this discovery in the National Archives where the mystery must slumber until the year 2039.

A grain of truth appears to support this popular belief, for the National Archives does in fact have some Warren Commission files that are closed to the public. Some documents are classified "top secret" and other documents have restrictions placed upon their use.

Recently, critics of the Warren Commission findings have fought and lost a legal battle that reached to the Supreme Court over this precise issue, yet the national press and media did not report it. By following the bramble-strewn path of the critics, the "mystery" in the Archives will be explained and the fundamental character of the Warren Commission, its staff, and attorneys, will be starkly revealed.

It is essential for a basic understanding of the Warren Commission findings to know that the critics can be divided into the irresponsible, or pseudo, and the responsible.

The pseudo-critics are the more numerous, and they can easily garner headlines. While a few have made modest contributions to the critical picture of the official findings, most have done nothing at all. It is significant that they avoid the long hard hours of research in the available documents in the National Archives. They all embrace wild speculative theories of conspiracy and distort much of the evidence that is sound. It is primarily their superficial sallies into criticism and their showmanship approaches to this vital public question that has created this mystery about the

documents in the Archives and contributed to the confusion in the public mind over the assassination.

On the other hand, a few responsible critics have worked long and hard carrying out research to provide us with a clear picture of the assassination and its investigation. We shall stay only with the responsible critics and follow their research until it leads us to the resolution of the secrecy question.

By the autumn of 1966, the responsible critics had come to the following reluctant and careful judgment of the Warren Commission and its conclusions: Lee Harvey Oswald did not shoot President John Kennedy or anyone else that day in Dallas. Clear and overwhelming evidence exists in the public domain to establish this fact.

By staying with just one aspect of the voluminous evidence — the rifles and bullets associated with the assassination — we can trace it into the Archives and then into the federal courts where the explanation for the mystery was resolved.

The Warren Commission concluded Lee Harvey Oswald killed President Kennedy with three shots from a 6.5-mm Mannlicher-Carcano scoped rifle found on the sixth floor of the Texas School Book Depository near the "sniper's nest." No other rifle could have been involved and their findings be true.

Responsible critics, however, count three rifles associated with the Book Depository and, if one includes the controversial case of mistaken identity and the stage prop used by a national television crew, five possibilities must be considered.

In addition, six other rifles appear at various times throughout the investigation which the Commission and its attorneys resolutely ignored, never located or explained away.

While these latter instances may seem to be irrelevant, this is not always true. If these 11 are tallied with the number of rifles used by the assassins (the number is unknown, but must be at least two), 13 or more rifles are involved in some way. This does not include the weapons associated with the murder of Dallas Police Officer J. D. Tippit that day.

Critics center their attention on the three rifles and two mistaken rifles associated with the Book Depository, because they provide a crucial link to the Commission's conclusions.

Rifle No. 1 is the case of mistaken identity, a question raised as early as 1965. Among others, Deputy Constable Seymour Weitzman, Deputy Sheriff Eugene Boone and Police Captain Will Fritz of Dallas identified a rifle discovered on the sixth floor as a German 7.65-mm Mauser with a 2.5 Weaver scope.

Although Weitzman, who used to sell rifles for a living, made the initial discovery, the Commission never questioned him at a hearing or gave him the rifle to examine. Instead, it relied only upon his statement as typed by the investigating authorities and ques-

tioned those to whom he had spoken. The Commission attorneys also withheld many descriptions of the rifle and misrepresented other information concerning Weitzman's discovery.

The three officers, however, let stand for the historical record that they had improperly confused the German-made gun with the Italian Carcano.

Their accounts were not subjected to the careful scrutiny that a murder of a President warrants, and the same attorneys responsible for this failed to correlate information from other sources and witnesses.

As critic Sylvia Meagher noted in 1967, in a work based on the 26 volumes of Hearings and Exhibits released by the Warren Commission:

"After studying the testimony and documents, I have no confidence in the official account of how the confusion about a Mause-~~originated~~. The facts have been misrepresented. The investigation has been incomplete and unsatisfactory, by objective standards. Relevant documents have been withheld. The question of the identity of the rifle found in the Book Depository still awaits a conclusive determination."

After the Dallas police had arrested Oswald, he gave them information about two rifles he had seen previously in the Texas School Book Depository, Nos. 2 and 3. The verbatim transcript of this information is included in the report of the Warren Commission, but it is not indexed nor referred to. The Warren Commission ignored this evidence that should have destroyed its entire investigation and the conclusions reached in its report.

A dummy rifle without a scope was used the afternoon of the assassination by a national television crew to film the discovery of the "murder weapon." This is No. 4.

Apparently, journalists possess a code of conduct that varies considerably with the code the general public lives by. At the time of the discovery of the alleged murder weapon, the television crew found the crowd around the exit of the Book Depository to be too thick to permit good coverage. The crew sent to their studio for a prop rifle. They then staged a discovery scene for the unsuspecting national viewing audience. Local amateurs photographed them. The amateur film became incorporated later into a locally produced souvenir film.

Several of the irresponsible critics, confusing the film with reality, later suggested the government suppressed evidence. The government suppressed evidence, to be sure, but the Dallas Associates souvenir film and the television clip were not evidence, but frauds.

The Mannlicher-Carcano

Rifle No. 5 on the list is the 6.5-mm Italian-made Mannlicher-Carcano found in the School Book Depository by police officers. The Warren Commission stated that this rifle, and no other rifle, killed President Kennedy, and that Lee Harvey Oswald owned the rifle.

At this point, the responsible critics feel they are enduring the labors of ancient Sisyphus in making rebuttals to the Commission assertion that Oswald possessed the rifle. There is no evidence whatsoever presented by the Commission to substantiate such a charge.

An outline of the rifle's history is sufficient to refute the allegation. A Chicago sporting goods store shipped "a rifle" to one "Alex J. Hidell" in Dallas. Oswald was not proven to have received a rifle through the mail, nor was the Klein rifle ever placed in his possession.

Contrary to the statements of many
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Photographs:

1. Pres. J.F.K. leaving hospital following death of infant son, Aug. 1963.
2. Pres. and Mrs. Kennedy in open limousine in downtown Dallas, 11, 23, 75.
3. L.H. Oswald being transferred from Dallas City Jail when shot by Jack Ruby.

Rifles, Bullets, Doubts

(Continued from Page 25)

irresponsible critics, Oswald's fingerprints did not appear on the rifle found in the Book Depository and identified by the Commission as the 6.5-mm Carcano. The Carcano's serial number is given great importance by the Commission staff, yet it is merely a model number stamped on thousands of the mediocre World War II guns, not the identifying serial number of a particular rifle.

Lee Harvey Oswald's wife, Marina, told the Secret Service that the Carcano was not Lee Harvey's rifle. She later swore otherwise.

In addition to finding that the Commission failed to place the rifle in Oswald's possession, the responsible critics discovered that the rifle was in such faulty physical condition that it strongly substantiates charges of a conspiracy.

The scope was mounted for a left-handed man. Oswald was right-handed. The bolt opened with difficulty and the "pressure to operate the bolt was so great," according to testimony, that it "tended to move the rifle off target." The trigger operated in two stages, requiring two pressures and thus a jerk when firing a shot. The telescopic sight was defective. The firing pin was rusty, weak and fragile. Federal firearms experts testing the weapon for the Commission had to repair the gun and add shims under the scope before test-firing it.

Most importantly, the Commission could not show that Oswald had practiced with the Carcano or with any other rifle. Practice was an absolute necessity and there is not one piece of evidence to this effect.

The Commission failed to establish a most crucial aspect of the evidence linking Oswald to the extraordinary marksmanship that he would have had to display if he was, in fact, the assassin. All they had was a 10-year-old score that Oswald had made while a Marine. This was mediocre. The Commission, though, proclaimed in its report that this score demonstrated Oswald's proficiency to perform a task the nation's best marksmen thought to exceed the limit of their own abilities.

Furthermore, the physical characteristics of the alleged assassin's lair in the School Book Depository would compound the difficulties of the feat by forcing the marksman to fire from an up to a down position at a moving and receding target while in a physically impossible stance. Finally, the best experts the Commission could get, shooting under easier conditions, could not and did not duplicate this alleged feat.

The Bullets

When responsible critics turned to the Commission's handling of the bullets, bullet fragments and traces of bullets said to have been fired that day in Dealey Plaza, they found a similar pattern of physically impossible facts, improbable inferences and improper conclusions.

Only one bullet could be linked to the Carcano rifle; all other evidence could

be linked by sheer inference alone. The one bullet is known as "Commission Exhibit 399." Its history is bizarre. A hospital attendant found it in a hallway where the stretchers from several emergency room cases were temporarily parked in the vicinity of Gov. Connally's empty stretcher. Although it had allegedly passed through two bodies, made seven wounds, smashed two bones, had zigged, zagged and yawed contrary to Newton's laws of motion, it was pristine.

If the bullet was found on the wrong stretcher, a conspiracy murdered John Kennedy. A profound question exists. The attendant who found the bullet said he "could not sleep nights if (he) swore to what was demanded of (him)" by the FBI and "state who had been on the stretcher."

The bullet was traced to the Carcano, but was never connected with the crime; i.e., it was never proven that the bullet passed through the bodies of the two victims.

The Federal Bureau of Investigation spectrographically analyzed and compared the bullets and fragments of bullets found exterior to the bodies of President Kennedy and Gov. John Connally of Texas with the fragments and traces of bullets found inside both men to determine whether or not they came from one particular batch made by one particular manufacturer.

If the tests were properly done, they could uphold the Warren Commission conclusions. The FBI special agent who testified before the Commission disqualified himself and would only say that the tests showed the bullets and fragments to be "similar in metallic composition." The tests themselves and the data upon which they were based were not given to the Commission, nor was the Special Agent who had performed the tests questioned by staff attorneys on the subject.

The FBI provided only a summary statement of the test results. It did not say the bullets and fragments were identical; "similar" means only that they were bullets.

Critics then confronted the FBI with the difficulties inherent in the summary statement. The FBI would not permit any citizen, scholar or professional criminologist to view the analyses, treating such inquirers precisely as it had handled the Commission lawyers, with cold rebuff. Critic Harold Weisberg concluded that the tests presented by the FBI and the Commission lawyers meant absolutely nothing with respect to the question and probably were withheld because they disproved the conclusion.

The long, quiet investigation into the murder of John Kennedy by the few responsible critics soon exhausted all material in the 26 volumes of Hearings and Exhibits. A handful had pursued their study into the unclassified documents available in the National Archives. Complete agreement existed among them that the Commission had failed to do its duty and that a conspiracy had murdered President Kennedy.

They did not, however, have any inkling of who had killed him or what forces or ideology had backed the plot. They followed only the evidence as they had found it and it did not contain that information.

The American people still did not know who had shot their President, could not judge and were prey to the mass of rumors and emotion that ignorance had raised among irresponsible critics and commercial buccaneers to supplant knowledge.

Among the 300 cubic feet of documents resting in the National Archives, a small group of responsible critics had encountered hundreds of pages of classified material, some stamped "top secret" that were unavailable to researchers. In these restricted Warren Commission files, there lay possibly the evidence that would end the mystery of the assassination.

Mystery in the Archives

In the decade following the death of President Kennedy, six major positions can be discerned among pseudo-critics and apologists of the Warren Report on the question of the sealed documents in the National Archives.

- The first explanation put forward attempted to shift the blame for the secrecy upon the Kennedy family. Carefully prepared news stories reiterated the point that something mysterious had occurred in Dallas that the family wished to keep secret, perhaps, to promote some crass political end.

Two typical examples are: David Wise, a Washington journalist who is co-author of a popular work on the machinations of the Central Intelligence Agency, wrote an article for the Saturday Evening Post that centered on the secrecy aspect of the records and thrust the blame upon the Kennedy family and President Johnson. A similar charge is to be found in the sensationalized story by Fred Graham appearing in the New York Times. He puffs the Kennedy secrecy story. Needless to add, the popular press and some elements of the general public also tend to hold this belief.

- The commercially successful film "Executive Action" advanced the clearest representation of the second reason for the secrecy. It charges President Johnson with issuing an executive order to seal the archives so the real truth about the assassination could not be had, namely that Johnson had participated in the plot to kill Kennedy.

- The third explanation is that Chief Justice Earl Warren ordered the Commission records closed forever. Behind his act, it is claimed, lurked a sinister motive or an awful inner knowledge of a foul deed. While some suspected his patriotism to be a factor, most did not specify why he would wish to seal a depository.

- A fourth reason makes the CIA the culprit; that the CIA murdered the President and then controlled the Warren Commission as well as its records.

- A fifth reason was charged by Attorney General Ramsey Clark when he said on a public television network that the Archives sealed the records as part of their policy.

- The sixth explanation functions more as a posture for disbelief that a public institution could have erred so radically in its responsibility. According to this view, the men who served on the Warren Commission acted from the highest motives under the most trying circumstances; it consigns critics to the wild and irrational never-satisfied emotional element so frequent in American life and letters.

Proponents of this view insist the secrecy question is immaterial and should be completely ignored. This distinctive trait is exemplified by the activity of Harrison Salisbury, an editor of the New York Times. He strenuously upholds the Warren Commission's conclusions by directing literary attacks upon the responsible critics with the kind of fervor one expects from a reader of apocalyptic books. He also works under some illusion about the role of the New York Times in investigating the murder.

Eric Severeid of the Columbia Broadcasting System is also an example of a peculiar outlook. He explained to a nation-wide viewing audience that those men who do not back the judgment of the Warren Commission members are simply "stupid."

That a President of the United States can be shot dead on the streets of the nation he governed and the foul deed can be masked by callous forgeries, perfidious conduct, studied deceit and broken oaths shames the history and fine tradition of the nation. It belies all he stood for as a man and as our President. It invites — yes strongly suggests — comparison with the political actions of Imperial Rome or Germany of the mid-1930s.

Critics who follow the principle of objective truth have ever been repelled by acts that buckle to imposed base standards. Critics in a democracy have the double fortune of being able to pursue truth not only to the end of reality but also to the end of the political order because the essential argument of democracy is that the ends of government must be intelligently formed by the people's action.

To enable a condition for right action to exist, critics have the splendid duty of objectively presenting knowledge that ignorance cannot sway the citizen's act. That men and women continue to labor on the evidentiary foundation of the assassination of John F. Kennedy is a public good.

NEXT: Harold Weisberg vs. the federal government

Search for the Warren Commission 'Secrets'

One Man's Diligence to Learn 'Why' Thrusts Him Into Fierce Legal Battles

This is the second part of a three-part series on the Kennedy assassination by David R. Wrone, University of Wisconsin-Stevens Point associate professor of history.

In part I Monday, Wrone set the stage for what he calls "the mystery of the sealed documents (of the Warren Commission) in the National Archives." This installment begins the story of one critic's search for the truth.

By DAVID R. WRONE

Harold Weisberg, the most diligent of the responsible critics of the Warren Report on the Kennedy assassination, spent thousands of hours patiently plodding to obtain the information needed to complete his study. His insistence that he have the documentary base rather than "theory" finally revealed why the Warren Commission Records in the National Archives have a portion stamped "top secret."

Weisberg engaged in several fierce legal battles in his effort to dislodge the restricted evidence in the Archives. *Weisberg v. General Services Administration* (CA 2052-73), which reached the Supreme Court, contains in its history the drama of the unfolding story of why some of the Warren Commission records are classified and depicts quite clearly the inordinate difficulties critics have met in attempting to grapple with critical issues in a constitutional democracy.

Harold Weisberg, a private investigator and author, has earned an international reputation for the integrity of his research ranging from the tumultuous era of the American Nazis Silver Shirts to his present amazing success in the Martin Luther King Jr. assassination.

After thousands of hours probing the available material, coupled with long days of weary investigative work in New Orleans and Dallas, Weisberg arrived at the reluctant conclusion that certain manuscripts in the National Archives must be examined if the murder of President Kennedy was to be resolved. The conclusions of the Warren Commission made no sense: the rifle, the bullets and scores of other "facts" alleged to have merit were false.

On May 8, 1968, Weisberg asked the National Archives to see the Jan. 27, 1964, executive session transcript of the Warren Commission. On May 20, the National Archives refused his request, responding that the transcript was classified under "existing law."

Weisberg was dismayed, because he had carefully selected this particular transcript by means of a series of clues and suggestions provided by his research. He felt the verbatim account of this session would contain information or pertinent clues that might assist his writing and resolution of some of the questions about the death of the President and its official investigation.

He had excellent reason to believe that the classification of the transcript was not legitimate. In 1964, then Congressman Gerald Ford, a member of the Warren Commission, had placed his former campaign manager on the public payroll solely to write a book for their mutual profit. To add spice to their sales pitch, they used extensive — but selective and edited — quotes from the executive session transcript of Jan. 27, 1964, that Weisberg had futilely sought to use.

Ford later denied, during the 1973 hearings for confirmation to the office of vice president, doing anything wrong or improper. He said: "The book I published in conjunction with a member of my staff who worked with me at the time of the Warren Commission work — we wrote the book, but we did not use in that book any material that was not in the 26 volumes of testimony and sold to the public generally . . . We made a contract with Simon and Schuster in which they advanced us, as I recall, \$10,000, which Mr. Styles and I divided between us."

Since such an important individual had printed some of the transcript, Weisberg had felt his request for the complete document surely would be honored. He asked again to use it. The Archives, however, continued to deny citizen Weisberg any portion of the transcript used by Gerald Ford.

Weisberg concluded that either the transcript was improperly classified to keep from embarrassing some officials for failing to have performed their duty in investigating the assassination, or that Gerald Ford had been given an exclusive copyright, or both.

Weisberg persisted. Before engaging in a costly legal suit, he tried to appeal the National Archives' decision through the several administrative remedies open to him only to be informed ultimately that the material could not be given to him for research purposes, because exemptions 1 and 7 of the Freedom of Information Act restricted such actions.

Exemption 1 forbids disclosure of matters that are "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy."

Exemption 7 exempts from disclosure matters that are ". . . investigatory files compiled for law enforcement purposes to the extent available by law to a party other than an agency."

A Lawsuit and a Response

On Nov. 13, 1973, Weisberg's attorney, James Lesar, filed a suit for him in the United States District Court for the District of Columbia seeking access to the transcript under the provisions of the Freedom of Information Act, title 5 of the United States Code section 552.

The act provides that the court shall determine the matter of restriction "de novo" and puts the burden of proof upon the government defendant, in this case the General Services Administration which operates the National Archives, to justify its refusal to give access to the requested transcript.

Under Rule 33 of the Federal Rules of Civil Procedure, Lesar addressed a set of interrogatories to the General Services Administration. He wanted to know if any specific Executive Order required the transcript of Jan. 27, 1964, executive session of the Warren Commission, to be kept secret in the interest of national security or foreign policy.

He wanted to know the number of the Executive Order. He sought to find out if the Attorney General of the United States had ever made a determination that it is not in the national interest to release the transcript or the report of any FBI tests made during its investigation into the assassination of John Kennedy.

Lesar wished to be informed if the transcript was being withheld from research on the grounds that it is part of an investigatory file compiled for law enforcement purposes. Further questions clarified and elaborated these interrogatories.

Attorneys from the Department of Justice, headed by Earl J. Silbert, waited silently for several weeks. Then, on Jan. 14, 1974, they filed a motion for an extension of time within which to answer or otherwise plead with respect to the complaint and to respond to the interrogatories.

Judge Gerhard Gesell gave them until Feb. 16 and "no further" extension of time in which to respond. But on Feb. 13, the government attorneys moved to dismiss the suit or, in the alternative, for summary judgment, submitting memorandum to sustain the motion as well as providing answers to Lesar's interrogatories. They included also the affidavit of James B. Rhoads, Archivist of the United States.

At first glance, the Rhoads affidavit is impressive. A casual reader though would be misled by the formal trappings of a federal court instrument, the seal of the notary public, the legal jargon, the formal presentation and the professional credentials of the affiant.

The document actually gives few concrete facts. Of the five sentences in the affidavit only one is operative. It asserts:

"In accordance with Executive Order, at all times since the document in question, the transcript of the January 27, 1964, executive session of the Warren Commission, has been in the custody of the National Archives and Records Service, General Services Administration, it has been and continues to be classified 'Top Secret.'"

Critical Data Missing

But the affidavit is vague, awkward in construction and appears only to carry meaningful information. Note what data is missing. Rhoads did not give the identification number of the Executive Order, ignored the reason for applying the "top secret" stamp, did not give the date when the transcript was stamped and did not identify the classifier of his authority.

The critical who, how, why, when, and what is simply not there. All Rhoads states is that the transcript is stamped "top secret" and has been ever since he had it in his custody.

In his accompanying sworn set of brief answers to interrogatories, Archivist Rhoads provided only a minimum of information, but he did say that "the transcript was originally classified under the provisions of Executive Order 10501, as amended . . . It is presently classified under the provisions of Executive Order 11652." Only vague comments refer to any other ground for withholding the transcript, and he thus avoids the question of Exemption 7.

Lesar met the Department of Justice and its use of bureaucratic ambiguities head on. Before responding to the federal motion to dismiss, however, he made two additional moves that would throw the Department of Justice attorneys and the bureaucrats on the defensive.

On Feb. 27, he addressed a second set of interrogatories to them. Again he



NEA Photo

Sen. Richard Schweiker (R-Pa.) holds a photo taken by the CIA outside the Russian Embassy in Mexico City in 1963. The CIA identified the person in the photo as Lee Harvey Oswald, but later said it was not Oswald.

sought precise and clear information about the "top secret" classification. Who, he asked for the second time, classified the document? When was it classified? Why was it classified? What agency of the federal government ordered the stamp affixed to the document? Was the person who classified the document authorized to do so?

Lesar wished to know whether the disclosure of the transcript by Gerald Ford had done harm to the national defense of the United States and, if so, what harm?

He requested more information on which provision of the Federal Criminal Code established a basis for prosecuting those who wrongfully disclose classified information. Additional questions sought to clarify the criminal penalties for violation of the law regulating disclosure. If the document is "top secret," and if it does violate the Criminal Code of the United States to disclose it, and

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if Gerald Ford used the document in his book — then Gerald Ford committed a crime.

Motion to Strike

Lesar was not finished with Archivist Rhoads. On March 7, as the second part of his counterattack, he filed a motion to strike the affidavit of James B. Rhoads supporting his motion with a memorandum of points and authorities.

Lesar argued that Rhoads' affidavit failed to meet the standards set forth in the Federal Rules of Civil Procedure. Those standards expressly state that only persons with authority to classify documents "top secret" shall have the authority under Executive Order 11652 to assert that the transcript had been classified "top secret" in accordance with the Executive Order.

Other important weaknesses in the affidavit were that Rhoads did not swear the transcript bears on its face a "top secret" stamp as law requires and he did not name the person who classified it. He did not give the date it was classified.

The Federal Rules state that a copy of the cover of the face sheet bearing the secrecy stamp must be attached to the affidavit. Rhoads did not do so.

Having finished with these additional moves, and while awaiting Judge Gesell's ruling on the motion to strike, Lesar turned to oppose the Feb. 13 motion of the General Services Administration to dismiss the case.

On March 12, Lesar filed in opposition to dismiss the case, supporting it with a memorandum of authorities and points along with an affidavit of Harold Weisberg.

Weisberg's affidavit broke the back of the Justice Departments' case which Attorney Earl Silbert had tried to erect on the Rhoads' affidavit to block access to the transcript. Rhoads had sworn that the transcript had been stamped "top secret" originally and lawfully pursuant to Executive Order 11652 and its predecessor 10501, as amended. Weisberg swore: "This is false."

Then he proved his statement by showing that a commercial reporting firm hired by the Commission to take down and type the minutes of the Executive Session had, as a matter of office routine, classified the document "top secret."

The Washington firm of Ward & Paul stamped all its records of the Warren Commission "top secret," including its internal housekeeping records. When it did not resort to this stratagem, its records fell into chaos.

Weisberg attached copies of the Ward & Paul work sheets and other documentary evidence proving this. He showed that the Warren Commission disregarded the Ward & Paul "top secret" labels attached to all its transcripts. In fact, the Commission itself published most of the transcripts stamped "top secret."

Weisberg attached proof that the Commission had authorized commercial sale of these prior to their publication. Finally, he swore that it is well known from Ford's book that the Jan. 27 transcript dealt with the rumor that Lee Harvey Oswald had been an undercover agent for the FBI.

FBI and Secret Service reports pertaining to their investigations of this rumor were not classified. Weisberg has many such reports; some of these he reproduced in facsimile in his book, **Whitewash IV**.

The Rankin Affidavit

On April 1, Silbert responded with James B. Rhoads' second set of answers to interrogatories, but now the information had to take into account Weisberg's affidavit with its exhibits.

Rhoads swore that in a letter of May 1, 1964, J. Lee Rankin, General Counsel of the Warren Commission, ordered Ward & Paul to classify all such transcripts "top secret." Rhoads assumed that Rankin must have ordered the classification of the Jan. 27 transcript sought by Weisberg. His quibbling responses to the interrogatories did not satisfy Judge Gesell who now sensed that the government attorneys were not cooperating with the bench but were attempting to obfuscate the facts.

On April 4, Judge Gesell responded to Lesar's motion of March 7 to strike Rhoads' affidavit. He stated the affidavit had merit and denied the motion of Lesar that it be stricken, but he was impressed by the argument that procedural irregularities may well be an issue in the case.

Accordingly, he ordered the General Services Administration to file "with the Court by April 17, 1974, proof competent under Rule 56 of the Federal Rules of Civil Procedure that the transcript at issue has been properly classified under Executive Order 11652."

The federal attorneys, headed by E. J. Silbert, were in a bind. Now they had to prove, rather than infer and suggest, the reasons for the "top secret" classification, while taking into account Weisberg's damning facts that the typists of a commercial court reporting firm stamped "top secret" on all the documents in the investigation of the President's murder. This required them to reach into a higher level of the bureaucracy.

On April 17, Silbert presented to Judge Gesell's court the affidavit of the former general counsel of the Warren Commission, J. Lee Rankin (who was also a former Solicitor General of the United States) together with an exhibit of four letters purporting to supplement his statement. He was, of course, responsible for the records as they were assembled, filed and classified.

The general counsel swore that he ordered certain executive session transcripts classified in accordance with instructions given him by the Warren Commission. This included the Jan. 27, 1964, transcript.

Rankin stated that the Warren Commission had authority to classify its records under Executive Order 10501, as amended. Note, however, that Rankin did not state it had been properly classified under the later Executive Order 11652, which was the court order. Silbert felt satisfied with what he and his staff of assistants thought was an effective demolition of citizen Weisberg and moved for an immediate dismissal of the suit.

Next: Weisberg gets his documents

ATHER — **THE CAPITAL TIMES** — Cold, chance snow flurries today. High in upper 20s. Tonight partly cloudy, chance snow flurries. Low around 20
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FIVE SECTIONS
MADISON, WIS., Tuesday, December 2, 1975
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Weisberg Loses—At First

Do Secret Records Imply a Conspiracy?

This is the third segment of a series on the Kennedy assassination by David R. Wrone, associate professor of history at the University of Wisconsin-Stevens Point.

Originally scheduled to run in three parts, the series has been divided once more due to space limitations. Part 4 will run in Thursday's Capital Times.

In part 2, Tuesday, Wrone began the drama of one critic's search to learn why certain documents of the Warren Commission Records in the National Archives were classified "top secret." This installment describes researcher Harold Weisberg's initial futility.

By DAVID R. WRONE

On April 27, 1974, Judge Gerhard Gesell's district court received the affidavit of J. Lee Rankin, former general counsel of the Warren Commission.

In it, Rankin swore he ordered certain executive session transcripts classified — including the Jan. 27, 1974, transcript being sought by Harold Weisberg.

At this point, E. J. Silbert, head of federal attorneys opposing Weisberg's suit, sought dismissal of that suit. We pick up at that point.

Weisberg and his attorney, James Lesar, responded to the Rankin affidavit on the assumption that the prestige of the individual affiant has no bearing on whether an alleged fact is true. The scales of blind truth weigh only facts, not prestige.

On April 24, Lesar launched a fierce attack on Silbert designed to smash the factual base of Rankin's affidavit while at the same time wrecking his credibility. The argument fell into four parts.

• First, Lesar demonstrated the Warren Commission did not have the authority to classify its records pursuant to Executive Order 10501. That order specifically states that "except as such authority may be specifically conferred upon any such agency or unit," they "shall be deemed not to have authority for original classification of information or material under this order."

No specific authority for classification was given to the Warren Commission. Neither Rhoads nor Rankin nor the federal attorneys could offer one. It did not exist.

• Second, Lesar showed the classification procedures required by Executive Order 10501 were not followed for the documents generated by the Warren Commission. That directive sets forth specific ways for classifying material relating to national security. Persons who have the authority to classify must by law affix the security stamp. Ward & Paul's method of handling their bookkeeping simply did not meet the federal requirements.

Furthermore, it states that documents must be classified with respect to their contents only. Again this could not mean the routine of the stenographers who stamped everything, including putting a "top secret" stamp on documents that had come to them declassified by the government.

• Third, the court was told that the defendant had not shown that compliance with the President Lyndon B. Johnson's *Guidelines* on making the Warren Commission Records available to the people. This information and its documentary support presented to the court destroyed a portion of the irresponsible critics' myth concerning the sealed records of the Commission. Many had proclaimed throughout the land that Johnson was behind the killing and had deliberately sealed the evidence of his misdeeds.

Using documents that the Department of Justice attorneys had attempted to hide through subterfuge, Lesar and Weisberg revealed that in January, 1965, President Johnson ordered guidelines set up to release the Warren Commission Records to the public.

In implementing the order, the Attorney General of the United States requested Chief Justice Earl Warren's position on the question of the classification of the papers of the Commission he chaired. On April 3, 1965, Warren replied, saying the Commission wished "fullest possible disclosure" and did not wish to restrict any of its own records.

The Chief Justice's letter bluntly contradicts the reasons preferred by the Department of Justice and the National Archives for keeping the Jan. 27 transcript secret. That is why attorneys for the federal government kept the existence of the Warren letter quiet and then tried to block access to it by Weisberg.

In addition to Earl Warren's statement on disclosure, Lyndon B. Johnson's *Guidelines* supported Weisberg. Johnson had directed the National Archives to implement his *Guidelines* opening the Records to the public as expeditiously as possible consistent with law. The "top secret" stamp blatantly flies in the face of executive decree.

• Fourth, Lesar and Weisberg through a supplemental affidavit argued against Silbert's employment of the Rankin affidavit because substantial material facts are in dispute.

Rankin swore that the Warren Commission had ordered him to classify the transcript and he had directed Ward & Paul, Washington publishers of the Warren Records, to do it.

Weisberg stated there is no document in the Commission files that directs Rankin to classify and that the defendant did not produce any. Moreover, Rankin placed his affidavit in a chronological framework that disproves his own statement.

No Classification Orders

Rankin began work on Dec. 8, 1963. Weisberg swore and provided proof that no transcript of an executive session was ever classified prior to that date. The transcript of that date does not direct Rankin to classify transcripts or

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any other documents. The first time an executive session was classified, and this by Ward & Paul, was Jan. 21, 1964.

Between Dec. 8 and Jan. 21, no session of the Warren Commission was classified. The only session held between those dates was the Dec. 16 session. No order appears in it that directs Rankin to classify documents.

Quite soon after the order from President Johnson to declassify, the Jan. 21 transcript was removed from restriction and given to scholars. Its verbatim account does not contain a directive to Rankin. The Commission never directed Ward & Paul to classify documents. The Commission never directed Rankin to classify documents.

After the destruction of the Rankin affidavit, Lesar made a frontal assault upon Rankin's integrity. He submitted Weisberg's second affidavit in which Weisberg swore that the documentary evidence reveals several pages of the Sept. 18 executive session of the Warren Commission had been faked. J. Lee Rankin had personally delivered the faked pages to the seven members of the Warren Commission.

The session itself had been forced by Sen. Richard Russell in order that he might raise objections to the soon-to-be published conclusions of the Warren Commission. When Weisberg had taken his information to Sen. Russell, the elderly statesman was shocked. Russell asked Weisberg to seek more facts on the subject and report back to him. When this was done, he learned that the only copies of the Sept. 18 session that existed were the faked copies. He was angry.

In letters and telephone calls to Weisberg, the powerful senator communicated his anger: As Weisberg swore in his affidavit:

"Privately, Sen. Russell told me that he was convinced that there were two areas in which Warren Commission members had been deceived by the federal agencies responsible for investigating the assassination of President Kennedy. These two areas were: (1) Oswald's background; and, (2) the ballistics evidence. The first of these two areas was the principal subject discussed by the Jan. 27, 1964, Executive Session."

Lesar then rested his case against the General Services Administration and awaited the decision of Judge Gesell. He felt, and the factual data clearly sustained him, that he had shown that classification of the transcript was unlawful and his client Weisberg should be permitted to examine it. Gesell shocked him.

Gesell Delivers an Opinion

On May 3, 1974, Judge Gesell delivered his opinion. "The issues," he said, "are ripe for adjudication." He agreed with Lesar that the defendant had failed "to demonstrate that the disputed transcript has ever been classified by an individual authorized to make such a designation under the strict procedures set forth in Executive Order 10501." Lesar won the argument but then lost the case with the order.

Gesell decreed that Exemption 7 "appears to be fully justified by the record." Then he buried his opinion in what he thought was the finding of the recent Supreme Court decision of *Weisberg v. Department of Justice*.

Gesell opined:

"The Warren Commission was an investigatory body assigned to look into the assassination of President Kennedy and the subsequent murder of Lee Harvey Oswald. It can hardly be disputed that its findings would have led to criminal enforcement proceedings had it uncovered evidence of complicity in those events by any living person. The Archives' collection of Warren Commission transcripts therefore constitutes an 'investigatory file . . . compiled for law enforcement pur-

poses . . . within the meaning of the seventh exemption."

Gesell's embrace of the seventh exemption moved Lesar into action. He immediately filed a motion for reconsideration of the summary judgment. The Freedom of Information Act, he argued, placed the burden of proof squarely upon the shoulders of the government. It had not proven the seventh exemption status applied to the transcript.

This status had merely been claimed by the federal attorneys, but they had not shown the "top secret" stamp on the face of the transcript as the Freedom of Information Act explicitly requires.

Moreover, the evidence provided the court specifically and in detail proved

just the opposite of Gesell's finding. The transcript was not stamped "top secret" for law enforcement purposes but to help commercial typists sort and keep records. Archivist Rhoads had refused to swear that the transcript had been compiled for law enforcement purposes, said Lesar, "from a well-grounded fear of committing perjury."

The evidence presented to the court and not questioned by attorney Silbert, established that no law enforcement official ever saw the transcript until the winter of 1967-68. No law enforcement official was ever provided with a copy of the transcript. Furthermore, he continued, in their original correspondence and statements of reasons for classification the General Services Administration invoked the seventh exemption for just one transcript, i.e., Jan. 27.

Gesell gave them the seventh exemption for all documents collected by the Warren Commission, so sweeping that it would include those published 10 years previously in the *Hearings and Exhibits* volumes, as well as the report itself. In effect, the court order suppressed all the "records of an official commission established to make the truth about an assassination known to the public."

Next: A bizarre twist

MADISON, WIS., Wednesday, Dec. 3, 1975

The Warren Records: Lesson in Suppression

Weisberg Is Handed the Secret Transcripts; Some Conspiracy Theories Lose

This is the fourth and final segment of a series on the Kennedy assassination by David R. Wrone, associate professor of history at the University of Wisconsin-Stevens Point.

Part 3 Wednesday continued the story of researcher Harold Weisberg's 10-year struggle to obtain secret transcripts in the Warren Commission records. This final installment offers a bizarre twist to the story and an interpretation of the entire series by Wrone.

By DAVID R. WRONE

On May 3, 1974, U.S. District Court Judge Gerhard Gesell ruled against Kennedy assassination researcher Harold Weisberg and his attorney, James Lesar.

Gesell decided that the Jan. 27, 1974, transcript of the Warren Commission Records sought by Weisberg was "off limits."

Attorney Lesar immediately filed a motion for reconsideration of the summary judgment. We pick up his argument opposing Gesell's "suppression" order.

Lesar pointed out that the use of the transcript precluded its ever having been compiled for law enforcement purposes. Before they were made available to law enforcement officials, several of the 86 pages of the transcript had, in effect, been sold to the public for a personal profit by Gerald Ford. In addition, the judge simply had misread Weisberg vs. Department of Justice.

This brazen act capped Weisberg's years of costly and time-consuming effort to get documents for his scholarly concerns. That the Department of Justice attorneys had fought for Rhoads and the General Services Administration to block access to it did not matter. That the act mocked the ruling of a federal judge was immaterial. That they negated the principles of their respective professions while insulting a citizen's quest for intelligence was a trivial matter apparently compared to their allegiance to a peculiar code of conduct.

Weisberg had his document. Its contents show Gerald Ford, with unindicated editing, changed it to hide its meaning when he printed it in his book. It shows the Commissioners were afraid of the FBI and discussed the "dirty rumor" that Oswald was a federal agent. Proof also was found within the transcript that the bullet entered too low, "according to the autopsy" photograph, for the killing to have been the work of a single assassin.

There is much more to the transcript which Weisberg and Lesar discuss in their book, *Whitewash IV*. But for our purposes, the question of secrecy of the Warren Commission Records, the transcript shows one important thing.

Contrary to the allegations that have appeared in the press for many years and that continue to appear from lawyers associated with the Warren Commission investigation, the transcript reveals that the Kennedy family cooperated fully with the Commission.

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Having been intimately associated with the suit, Lesar convincingly elaborated on the appeal to fallacious precedent. The judge also had ignored the statements of Earl Warren, Lyndon Johnson, the attorney general, and even J. Edgar Hoover who had once declared the Records were not compiled for law enforcement purposes. But . . . to no avail.

Then the case took a bizarre twist, perhaps unique in crisis-connected lawsuits. On June 15, out of the blue and 10 years after Weisberg began attempting to get it, the mail carrier delivered the Jan. 27 transcript to him. The cover letter by Archivist Rhoads said it had just been declassified — so here it was.

The Commission members saw the autopsy evidence and the photographs associated with it, meaning also the conclusive evidence of a conspiracy therein. That is, they had the full set of autopsy film, not the doctored and incomplete material that had been revealed when the material in the Archives was opened to the public.

The autopsy film from the time it was taken until today is legally federal property and has always been in the possession of the federal government in the Archives.



John Kennedy



Lee Harvey Oswald



Jack Ruby

A Meaning?

What does this court contest then show concerning the reason for the restrictions of secrecy placed upon some Warren Commission Records? The facts clearly show that the reasons advanced through the years by irresponsible critics can be ruled out. The Kennedy family did not make

"secret" the records, but instead cooperated fully in the official investigation. To state otherwise is to distort reality.

President Lyndon B. Johnson ordered the material declassified. No executive act exists that seals the Archives. Former Chairman Chief Justice Earl Warren stated explicitly that the Commission's records should be made public; that was the commissioners' understanding when they placed them in the Archives.

National defense considerations are not behind the restrictions and suppressions. The documents serve no law enforcement purposes and never did. All of this we know for certain and can draw from the evidence the reason for secrecy.

The Warren Commission Records still secret are suppressed. Suppression though has several meanings. Legitimate suppression of records is properly applied to some material. It is a necessary and vital element in a legal system. For example, it is applied to medical records of witnesses, income tax returns, material on personal non-related activities, and to the defamatory.

These are sound and good principles. They should be used. The Archives did not use them. For example, dozens of pages dealing with Marina Oswald's pregnancy are available as well as countless and utterly irrelevant psychiatric records of those whose problems include the sexual.

False suppression has no basis in principle, but roots in political motivation that suppresses ideas and rewrites history. This applies to the evidence in the John Kennedy assassination. Some Warren Commission Records are illegally suppressed.

Rules properly designed by the federal government to safeguard the rights of citizens became twisted and were construed by the Department of Justice and a bureaucracy to function in a manner contrary to the legitimate ends of democratic government. By fraud, deception and misrepresentation to the courts, the law to make public information available to all citizens was converted into a license to suppress.

Origin of Suppression

When a student of a crisis has finished his examination, he is obligated to hazard the resolution of the issue when the conclusion is left incomplete. Following the leads found in the evidence, he knows full well that the gathering of documents must continue.

With the present physical evidence, testimony and documentary analysis, the facts are firm: a highly organized group of individuals killed President John F. Kennedy. There is no other construction that can be placed upon the facts and the relations in which they stand. It is only when one pushes into the complex background that so many gaps appear in the evidentiary picture, prompting speculation based on insight.

The inability of citizens to obtain all the essential information for objective study roots in the loss of integrity in government. From the first day of the Warren Commission Report's appearance, politicians from President Johnson down through senators and congressmen to their political aides affirmed their belief in the picture it presented to the public of that sad day in Texas.

They assumed the bickering and fact-mongering heard among the public in the first few weeks after the assassination was normal and would, like the dews of night that fade with morning sun, quickly go away in the light of reason shed by the report.

Trusting politicians believed the records of the Warren Commission contained no controversial information, so they derided those who spread alarms of a sinister conspiracy. The press, politicians and academic community endorsed the conclusions of the Warren report unaware that the records could be opened to researchers and that their "secrets" tell a different story.

As the cold truth gradually dawned on the official executive branch investigators and their Commission staff