



# Is Warren Commission Out of Commission?

NEWS 11/18/66

By **MARSHALL McNEIL**  
Scripps-Howard Staff Writer

Is the Warren Commission, created to investigate and report on the assassination of President John F. Kennedy, still in being and able on its own motion to inquire further into the murder?

The question arises because of new demands, in books and magazine articles, for further investigation to reveal what some say are facts that were glossed over by the Commission.

The answer to the question appears to be one of these:

✓ Yes, the Commission is alive, according to President Johnson.

✓ No, it is dead, according to the Justice Department and a member of the Commission.

✓ Maybe it is alive, according to a White House legal expert.

## STILL ALIVE

President Johnson indicated he thinks the Commission is alive and still able to inquire into any new evidence regarding the assassination.

At his televised press conference here last week, he was asked about the books and reports casting doubts on the work of the Commission.

"I think they (the Commission) made a very thoro study," the President said.

"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 and it is brought forth, I am sure that the Commission and the appropriate authorities will take action that may be justified."

The President's use of the words "will take action" seems to leave no doubt that he regards the Commission as still in being.

President Johnson created the Commission by an Executive Order.

He named Chief Justice Earl Warren as chairman and appointed these members: Sens. Richard Russell (D., Ga.) and John Sherman Cooper (R., Ky.),

Reps. Hale Boggs (D., La.) and Gerald Ford (R., Mich.), Allen W. Dulles, former head of the Central Intelligence Agency, and the New York banker and Presidential trouble-shooter, John J. McCloy.

The Commission, in a letter dated Sept. 24, 1964, submitted to the President what it called its "final report."

On the same day, the President wrote Justice Warren accepting the report, adding: "The submission of this report fulfills the assignment which I gave to the Commission, and accordingly I now discharge the Commission with my heartfelt thanks."

But, according to White House record-keepers, the President never has issued an Executive Order rescinding his original Order.

So, in theory, at least, the Commission still exists, as well as its source of operating money, the President's Emergency Fund.

## REACTIVATED

White House legal experts say that even if the Commission were not now alive, it could be reactivated at any time. "It's only a question of the President putting pen to paper," it was said.

But a Justice Department spokesman said the Commission is dead, that its career ended when the report it was created to make was accepted by the President. There was no explanation from that source, however, of what the President meant by his press conference statement.

The view that the Commission no longer exists is shared by member Dulles, who said he believed it ended when it made its report. He said he was speaking only for himself.

In any event, still on the books, is a public law which gives the Commission power to subpoena witnesses. It has not been repealed.

The White House lawyer indicated this law would be operative again if the Commission reopened its inquiry. But at Justice it is contended this law died with the Commission.