

I. OPERATIONS AND PROCEDURES

CREATION OF THE WARREN COMMISSION

(4) On November 22, 1963, President Kennedy was assassinated and Vice President Johnson became President. President Johnson was immediately faced with the problem of investigating the assassination. On November 23, 1963, J. Edgar Hoover forwarded the results of the FBI's preliminary investigation to him. This report detailed the evidence that indicated Lee Harvey Oswald's guilt. (1) On November 24, 1963, Hoover telephoned President Johnson aide Walter Jenkins and stated:

The thing I am concerned about, and so is Mr. Katzenbach* is having something issued so we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with a suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, and so forth. Then the Attorney General can make the report to the President and the President can decide whether to make it public. I felt this was better because there are several aspects which would complicate our foreign relations, if we followed the Presidential Commission route. (2)

(5) Former Attorney General Katzenbach told the committee* that there were a number of factors that led to his belief that some kind of statement regarding the absence of a conspiracy should be issued without delay. Katzenbach recalled:

I think * * * speculation that there was conspiracy of various kinds was fairly rampant, at that time particularly in the foreign press. I was reacting to that and I think reacting to repeated calls from people in the State Department who wanted something of that kind in an effort to quash the beliefs of some people abroad that the silence in the face of those rumors was not to be taken as substantiating it in some way.

That is, in the face of a lot of rumors about conspiracy, a total silence on the subject from the Government neither confirming nor denying tended to feed those rumors. I would have liked a statement of the kind I said, that nothing we had uncovered so far leads to believe that there is a conspiracy, but investigation is continuing; everything will be put out on the table. (3)

*Mr. Katzenbach's testimony and deposition can be found in III HSCA—JFK hearings before the Select Committee on Assassinations, 94th Cong. 2d Session (Washington, D.C.: U.S. Government Printing Office, 1979), pp. 642, 680 et seq.

(6) Katzenbach further stated:

I had numerous reports from the Bureau of things that were going on. Again, I cannot exactly tell you the time-frame on this, but there were questions of Oswald's visit to Russia, marriage to Marina, and the visit to Mexico City, the question as to whether there was any connection between Ruby and Oswald, how in hell the police could have allowed that to happen.

Those were the sorts of considerations at least that we had during that period of time, I guess. The question as it came along as the result of all those things was whether this was some kind of conspiracy, whether foreign powers could be involved, whether it was a right-wing conspiracy, whether it was a left-wing conspiracy, whether it was the right wing trying to put out the conspiracy on the left wing or the left wing trying to put the conspiracy on the right wing, whatever that may have been.

There were many rumors around. There were many speculations around, all of which were problems. (4)

(7) Deputy Attorney General Katzenbach also indicated his desire to have "everyone know that Oswald was guilty of the President's assassination." (5) On November 25, 1963, Katzenbach wrote a memorandum to Presidential aide William Moyers in which he stated:

It is important that all of the facts surrounding President Kennedy's assassination be made public in a way which will satisfy people in the United States and abroad. That all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; that the evidence was such that he would have been convicted at trial.

* * * * *

3. The matter has been handled thus far with neither dignity nor conviction; facts have been mixed with rumor and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered. I think this objective may be satisfied and made public as soon as possible with the completion of a thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistency between this report and statements by Dallas police officials; but the reputation of the Bureau is such that it may do the whole job. The only other step would be the appointment of a Presidential commission of unimpeachable personnel to review and examine the evidence and announce its conclusion. This has both advantages and disadvantages. I think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement and all the facts will be

made public property in an orderly and responsible way; it should be made now; we need something to head off public speculation or congressional hearings of the wrong sort.(6)

- (8) Recalling that memorandum, Katzenbach stated:

Perhaps I am repeating myself, but everybody appeared to believe that Lee Harvey Oswald had acted alone fairly early. There were rumors of conspiracy. Now, either Lee Harvey Oswald acted alone or he was part of a conspiracy, one of the two, or somebody paid him. That is what I mean by conspiracy, somebody else was involved.

If he acted alone and if that was in fact true, then the problem you had was how do you allay all the rumors of conspiracy. If he, in fact, was part of a conspiracy, you damned well wanted to know what the conspiracy was, who was involved in it, and that would have given you another set of problems.

The problem that I focused on for the most part was the former one because they kept saying he acted alone. How do you explain? You have to put all of this out with all your explanations because you have all of these associations and all of that is said, you put out all the facts, why you come to that conclusion. I say this because the conclusion would have been a tremendously important conclusion to know.

If some foreign government was behind this, that may have presented major problems. It was of major importance to know that. I want to emphasize that both sides had a different set of problems. If there was a conspiracy, the problem was not rumors of conspiracy. The problem was conspiracy. If there was not conspiracy, the problem was rumors. Everything had to be gone into.(7)

- (9) On November 25, 1963—the same date as the Katzenbach memorandum—President Johnson directed the Department of Justice and the Federal Bureau of Investigation to conduct a “prompt and thorough investigation of all the circumstances surrounding the brutal assassination of President Kennedy and the murder of his alleged assassin.”(8)

- (10) Then, 2 days later, Senator Everett M. Dirksen proposed in Congress that the Senate Judiciary Committee conduct a full investigation. Congressman Charles E. Goodell proposed that a joint committee composed of seven Senators and seven Representatives conduct an inquiry. In addition to the proposed congressional investigations, Texas Attorney General Waggoner Carr announced that a court of inquiry, authorized by Texas law, would be established to investigate the assassination. In his oral history, Leon Jaworski described the creation of the Texas Court of Inquiry:

I saw Lyndon Johnson within a few days after he assumed the Presidency. Waggoner Carr had been * * * [interruption] * * * heard was that naturally the President—President Johnson—was tremendously concerned over what happened in Dallas from the standpoint of people understand-

ing what really happened. Here and in Europe were all kinds of speculations, you know, that this was an effort to get rid of Kennedy and put Johnson in, and a lot of other things. So he immediately called on Waggoner Carr who was attorney general of Texas to go ahead and conduct a court of inquiry in Texas. Waggoner Carr, following President Kennedy's funeral, appeared on all the networks and made an announcement to that effect.(9)

(11) On November 29, 1963, Walter Jenkins wrote a memorandum to President Johnson, which stated:

Abe [Fortas] has talked with Katzenbach and Katzenbach has talked with the Attorney General. They recommend a seven man commission—two Senators, two Congressmen, the Chief Justice, Allen Dulles, and a retired military man (general or admiral). Katzenbach is preparing a description of how the Commission would function * * *.(10)

(12) This memorandum also included a list of possible members of the Commission and asked Johnson if they were satisfactory. This list was in fact apparently satisfactory since all of the people noted were appointed to the Commission.

(13) Former Attorney General Katzenbach told the committee:

I doubted that anybody in the Government, Mr. Hoover, or the FBI or myself or the President or anyone else, could satisfy a lot of foreign opinion that all facts were being revealed and that the investigation would be complete and conclusive and without any loose ends.

So, from the beginning, I felt that some kind of commission would be desirable for that purpose * * * that it would be desirable * * * for the President to appoint some commission of people who had international and domestic public stature and reputation for integrity that would review all of the investigations and direct any further investigation.(11)

(14) On the same day, President Johnson told Hoover that, although he wanted to "get by" on just the FBI report, the only way to stop the "rash of investigations" was to appoint a high-level committee to evaluate the report.(12) That afternoon President Johnson met with Chief Justice Earl Warren and persuaded him to be chairman of a commission to investigate the assassination. Johnson explained his choice of Warren by stating, "* * * I felt that we needed a Republican chairman whose judicial ability and fairness were unquestioned."(13) Although Warren had previously sent word through a third party that he opposed his appointment as chairman, (14) President Johnson persuaded him to serve. In "The Vantage Point," President Johnson stated he told Warren:

When this country is confronted with threatening divisions and suspicions, I said, and its foundation is being rocked, and the President of the United States says that you are the only man who can handle the matter, you won't say "no" will you?(15)

(15) In his memoirs, Earl Warren stated that on November 29, 1963, Katzenbach and Solicitor General Archibald Cox met with him and attempted to persuade him to chair the Commission. Warren refused. He related:

* * * about 3:30 that same afternoon I received a call from the White House asking if I could come to see the President and saying that it was quite urgent. I, of course, said I would do so, and very soon thereafter I went to his office. I was ushered in and, with only the two of us in the room, he told me of his proposal. He said he was concerned about the wild stories and rumors that were arousing not only our own people but people in other parts of the world. He said that because Oswald had been murdered, there could be no trial emanating from the assassination of President Kennedy, and that unless the facts were explored objectively and conclusions reached that would be respected by the public, it would always remain an open wound with ominous potential. He added that several congressional committees and Texas local and State authorities were contemplating public investigations with television coverage which would compete with each other for public attention, and in the end leave the people more bewildered and emotional than at present. He said he was satisfied that if he appointed a bipartisan Presidential Commission to investigate the facts impartially and report them to a troubled Nation that the people would accept its findings. He told me that he had made up his mind as to the other members, that he had communicated with them, and that they would serve if I would accept the chairmanship. He then named them to me. I then told the President my reasons for not being available for the chairmanship. He replied, "You were a soldier in World War I, but there was nothing you could do in that uniform comparable to what you can do for your country in this hour of trouble." He then told me how serious were the rumors floating around the world. The gravity of the situation was such that it might lead us into war, he said, and, if so, it might be a nuclear war. He went on to tell me that he had just talked to Defense Secretary Robert McNamara, who had advised him that the first nuclear strike against us might cause the loss of 40 million people.

I then said, "Mr. President, if the situation is that serious, my personal views do not count. I will do it." He thanked me, and I left the White House. (16)

(16) In his oral history, Warren related a similar version of the meeting. (17)

(17) In his appearance before the committee, former President and Commission member Gerald R. Ford, also recalled the appointment of Chief Justice Warren as chairman. He testified:

I believe that Chief Justice Warren accepted the assignment from President Johnson for precisely the same reason that the other six of us did. We were asked by the President to undertake this responsibility, as a public duty and service,

and despite the reluctance of all of us to add to our then burden or operations we accepted, and I am sure that was the personal reaction and feeling of the Chief Justice.(18)

(18) In "The Vantage Point", President Johnson presented two considerations he had at the time. He believed the investigation of the assassination should not be done by an agency of the executive branch. He stated, "The Commission had to be composed of men who were beyond pressure and above suspicion."(19) His second consideration was that the investigation was too large an issue for the Texas authorities to handle alone.(20)

(19) Apparently, Earl Warren also did not want Texas to conduct the court of inquiry that had been announced earlier by Texas Attorney General Waggoner Carr. In his oral history, Leon Jaworski discussed Warren's attitudes and actions regarding the court of inquiry:

I came on to Houston, and then I began to get calls from Katzenbach and from Abe Fortas telling me that they were having a Presidential Commission appointed to go into this matter. This would be to keep Congress from setting up a bunch of committees and going in and maybe having a McCarthy hearing or something like that. The next thing I knew they were telling me, "Leon, you've got to come up here." This was Katzenbach and Fortas both. "Because the Chief (Chief Justice Warren, who had accepted the appointment from the President) doesn't want any part of the court of inquiry in Texas. And I said, "Well, as far as I can see it, there's no need in our doing anything that conflicts—let's work together." He said, "Well, he doesn't want any part of Waggoner Carr, the attorney general down there, because he said it would just be a political matter." He said, "He respects you and so * * *

In any event I then went up to Washington, and I had the problem of working this matter out. I must say that Deputy Attorney General Katzenbach was a great help; Solicitor General Archie Cox was of great help. Those two primarily and Waggoner Carr and I worked with them—Katzenbach saw the Chief Justice from time to time, bringing proposals to him from me; the Chief Justice was willing to talk to me without Carr present—I couldn't do that. It finally evolved that—from all these discussions, there finally evolved a solution that we would all meet. We did meet in the Chief's office, and the Chief addressed all his remarks to me and ignored Waggoner Carr, but I would in turn talk to Carr in his presence and direct the questions to him and so on. What we did is agree that we would not begin any court of inquiry, but that we would work with the Commission and have everything available to us that the Commission was doing; we would be invited into hearings; would have full access to everything.(21)

(20) After this meeting, Leon Jaworski related to President Johnson that the matter of the Texas court of inquiry had been resolved

satisfactorily. The President appeared to have been pleased with the result. Jaworski stated:

When we got through with that, I called Walter Jenkins and told him that we thought we had solved it properly, and that I thought I ought to have a word with the President. He said, "By all means. The President is waiting to hear from you." * * * I went on over there and he was in the pool; he came immediately to the edge of the pool and shook hands with me. Then I told him what had happened, and that we had worked it out and had worked it out in great shape, and we were going to work together, and everybody was happy and shook hands and patted each other on the back and so on. And that even the Chief Justice had warmed up to Waggoner Carr before the conference broke up. Then Lyndon Johnson looked at me and he said, "Now, Leon, you've done several things for me—many things in fact for me. Now, it's my time to do something for you." I said, Mr. President, there is nothing I want. I don't want you to do anything for me." And so he looked at me and he said, "All right, I'll just send you a Christmas card then." (22)

(21) On the evening of November 29, 1963, President Johnson issued Executive Order No. 11130 that created the President's Commission on the Assassination of President Kennedy, hereinafter the Warren Commission. The Commission was composed of seven people:

Hale Boggs—Democratic Representative from Louisiana;

John Sherman Cooper—Republican Senator from Kentucky, former Ambassador to India;

Allen W. Dulles—former Director of the CIA;

Gerald R. Ford—Republican Representative from Michigan;

John J. McCloy—former U.S. High Commissioner for Germany and former president of the World Bank;

Richard B. Russell—Democratic Senator from Georgia, and Earl Warren, Chief Justice of the Supreme Court.

PURPOSES OF THE WARREN COMMISSION

(22) The purposes of the Warren Commission, as stated in Executive Order No. 11130, were:

To examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by Federal or State authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the subsequent violent death of the man charged with the assassination, and to report to me its findings and conclusions.

(23) Although this may be an accurate statement of some of the purposes of the Warren Commission, there were indications that there were additional tasks that it was to perform.

(24) It is apparent from some of the statements previously quoted that many members of Government were concerned about convinc-

ing the public that Oswald was the assassin and that he acted alone.(23) In addition to the memoranda, referred to earlier, on December 9, 1963, Katzenbach wrote each member of the Warren Commission recommending that the Commission immediately issue a press release stating that the FBI report, which had been submitted to the Warren Commission that same day, clearly showed there was no international conspiracy and that Oswald was a loner.(24)

(25) The Commission did not issue the requested press release. Although in their testimony several of the Warren Commission staff members indicated they were not aware of these memoranda, (25) it is apparent that this purpose was clearly in the minds of some of the people who were in contact with the Warren Commission and the members of the Warren Commission could not have been unaware of the pressure.

(26) Another purpose of the Warren Commission, which was at least apparent to Chief Justice Warren and to President Johnson, was the quashing rumors and speculation. President Johnson was concerned that the public might believe his home State of Texas was involved in the assassination. He was also aware of speculation about Castro's possible participation. President Johnson expressed his concern in "The Vantage Point":

Now, with Oswald dead, even a wounded Governor could not quell the doubts. In addition, we were aware of stories that Castro, still smarting over the Bay of Pigs and only lately accusing us of sending CIA agents into the country to assassinate him, was the perpetrator of the Oswald assassination plot. These rumors were another compelling reason that a thorough study had to be made of the Dallas tragedy at once. *Out of the Nation's suspicions, out of the Nation's need for facts, the Warren Commission was born.* [Italic added] (26)

(27) On January 20, 1964, at the first staff meeting of the Warren Commission, Chief Justice Warren discussed the role of the Commission. A memorandum about this meeting described Warren's statements:

He (Warren) placed emphasis on the importance of quenching rumors, and precluding further speculation such as that which has surrounded the death of Lincoln. He emphasized that the Commission had to determine the truth, whatever that might be. (27)

(28) At this meeting, Warren also informed the staff of the discussion he had had with President Johnson, including the fact that the rumors could lead to a nuclear war which would cost 40 million lives. (28) Both the Chief Justice and President Johnson were obviously concerned about the rumors and speculation, so concerned that they were afraid of a nuclear war if the rumors were not quashed.

(29) World reaction to the assassination, and its coverage in the media, may have reinforced this concern. An editorial on November 23, 1963, in the New York Times stated that President Johnson "must convince the country that this bitter tragedy will not divert us from

our proclaimed purposes or check our forward movement." On November 24, 1963, the New York Times reported that Pravda was charging right-wingers in the United States of trying to use the assassination of President Kennedy to stir up anti-Soviet and anti-Cuban hysteria. The same article stated:

The Moscow radio said Oswald was charged with Mr. Kennedy's slaying after 10 hours of interrogation, but there was no evidence which could prove this accusation.

(30) On November 25, 1963, Donald Wilson, acting director of the United States Information Agency, submitted a memorandum to Bill Moyers that discussed world reaction to Oswald's slaying. This memorandum went through each major city and summarized newspaper articles that had appeared regarding Oswald's death. A Tass dispatch released after Oswald was killed concluded:

All the circumstances of President Kennedy's tragic death allow one to assume that this murder was planned and carried out by the ultrarightwing, fascist, and racist circles, by those who cannot stomach any step aimed at the easing of international tensions, and the improvement of Soviet-American relations. (29)

(31) On the same day, the New York Times stated in an editorial:

The full story of the assassination and its stunning sequel must be placed before the American people and the world in a responsible way by a responsible source of the U.S. Government * * * The killing of the accused assassin does not close the books on the case. In fact, it raises questions which must be answered if we are ever to fathom the depths of the President's terrible death and its aftermath. An objective Federal commission, if necessary, with Members of Congress included, must be appraised of all and tell us all. Much as we would like to obliterate from memory the most disgraceful weekend in our history, a clear explanation must be forthcoming. Not in a spirit of vengeance, not to cover up, but for the sake of information and justice to restore respect for law. (30)

(32) An editorial in the Washington Post stated:

President Lyndon Johnson has widely recognized that energetic steps must be taken to prevent a repetition of the dreadful era of rumor and gossip that followed the assassination of President Abraham Lincoln. A century has hardly sufficed to quiet the doubts that arose in the wake of that tragedy. (31)

(33) On November 27, 1963, the New York Times reported a Tass dispatch that severely criticized the Dallas police. On the same day the Washington Post reported that "dozens of questions remain unanswered." On November 29, 1963, the Washington Post reported that Castro had accused American reactionaries of plotting the assassination to implicate Cuba. The Times also reported that the general feeling in India was that Oswald had been a "tool" and silenced

by "enemies of peace." (32) Throughout the world, identical sentiments were being voiced, probably impressing Johnson with the fact that something had to be done.

(34) The testimony of several staff members of the Warren Commission supported the conclusion that the Warren Commission had multiple purposes. Staff members testified that the purpose of the Warren Commission was to ascertain the facts of the assassination and to submit a report to the American people. (33) The staff was however, also aware of Chief Justice Warren's feelings. Staff counsel David Slawson stated:

His [Warren's] idea was that the principal function of the Warren Commission was to allay doubts, if possible. You know, possible in the sense of being honest. (34)

Staff counsel Arlen Specter described his reaction to Warren's concern about rumors by stating:

* * * that was a matter in our minds but we did not tailor our findings to accommodate any interest other than the truth. (35)

Staff counsel Norman Redlich believed that the objective of allaying public fears was "a byproduct of the principal objective which was to discover all the facts." (36)

(35) While their statements reflected that staff members were concerned with getting at the truth, there was an additional motive for finding the truth. Staff counsel Bert Griffin stated:

I think that it is fair to say, and certainly reflects my feeling, and it was certainly the feeling that I had of all of my colleagues that we were determined, if we could, to prove the FBI was wrong, to find a conspiracy if we possibly could. I think we thought we would be national heroes in a sense if we could find something that showed that there had been something sinister beyond what appeared to have gone on. * * * (37)

Slawson stated:

I think it is hard to remember 13 years ago what the timing of all these things was but among the staff members themselves, like when I talked to Jim Liebler and Dave Belin and Bert Griffin particularly we would sometimes speculate at to what would happen if we got firm evidence that pointed to some very high official. It sounds perhaps silly in retrospect to say it but there were even rumors at the time, of course, that President Johnson was involved. Of course, that would present a kind of frightening prospect, because if the President or anyone that high up was indeed involved, they clearly were not going to allow someone like us to bring out the truth if they could stop us. The gist of it was that no one questioned the fact that we would still have to bring it out and would do our best to bring out just whatever the truth was. The only question in our mind was if we came upon such evidence that was at all credible how would we be able to protect it and bring it to the proper authorities? (38)

(36) Although the staff members' primary concern was the truth, the members of the Warren Commission, and not the members of its staff, were the final decisionmakers with regard to what exactly went into the report. There was some testimony that indicated Earl Warren's concern about rumors did affect the writing of the report. When asked why some statements were made that were more definitive than the evidence, Slawson stated:

I think because Earl Warren was adamant almost that the Commission would make up its mind on what it thought was the truth and then they would state it as much without qualification as they could. He wanted to lay at rest, doubts. He made no secret of this on the staff. It was consistent with his philosophy as a judge. (39)

Slawson also stated:

I suppose he did not think that an official document like this ought to read at all, tentatively, it should not be a source of public speculation if he could possibly avoid it. (40)

(37) Staff counsel Wesley J. Liebeler, when asked about some of his critical memoranda that he wrote regarding the galley proof of the final report, stated:

I think also part of the problem was, as I said before, a tendency, at least in the galleys of chapter IV, to try and downplay or not give equal emphasis to contrary evidence and just simply admit and state openly that there is a conflict in the testimony and the evidence about this question, but after reviewing the evidence the Commission could conclude whatever the Commission could conclude. (41)

Liebeler also stated:

Once you conclude on the basis of the evidence we had that Oswald was the assassin, for example, taking that issue first, then obviously it is in the interest of the Commission, and I presume everyone else, to express that conclusion in a straightforward and convincing way. * * * (42)

(38) Former President Ford stated that there were in fact differences between the proposed language of the report's conclusions as drafted by the staff and what the Commission finally approved. Ford recalled that one such difference pertained to the wording of the Commission's conclusion about possible conspiracy:

There was a recommendation, as I recall, from the staff that could be summarized this way. No. 1, Lee Harvey Oswald was the assassin.

No. 2, there was no conspiracy, foreign or domestic.

The Commission, after looking at this suggested language from the staff decided unanimously that the wording should be much like this, and I am not quoting precisely from the Commission staff, but I am quoting the substance:

No. 1, that Lee Harvey Oswald was the assassin. No. 2, the Commission has found no evidence of a conspiracy, foreign or domestic.

The second point is quite different from the language which was recommended by the staff. I think the Commission was right to make that revision and I stand by it today. (43)

(39) In his appearance before the committee, former Commission member John J. McCloy stated that he had come to hold a different belief regarding the possibility of a conspiracy than he had at the time of the Commission's probe in 1964. He stated that he had come to believe there was in fact some evidence that tended in the direction of conspiracy, although he did not believe that evidence outweighed the Commission's conclusions. McCloy said:

Insofar as the conspiracy issue is concerned, there has been so much talk about that. I don't think I need to dwell on it any longer. I no longer feel we had no credible evidence or reliable evidence in regard to a conspiracy, but I rather think the weight of evidence was against the existence of a conspiracy (44)

(40) The late Senator Richard B. Russell, the senior member of the Warren Commission selected from the Congress, voiced much stronger feelings regarding the possibility of conspiracy before his death in early 1971. In a television interview reported by the Washington Post on January 19, 1970, he stated that he had come to believe that there had in fact been a conspiracy behind the President's murder. With respect to Lee Harvey Oswald, Senator Russell stated, "I think someone else worked with him." He also stated that there were "too many things" regarding such areas as Oswald's trip to Mexico City, as well as his associations, that "caused me to doubt that he planned it all by himself." Russell believed the Warren Commission had been wrong in concluding that Oswald acted alone.

(41) J. Lee Rankin, the Commission's general counsel, recalled that toward the end of the Commission's investigation, he encountered serious difficulty in the process of coordinating the staff's writing of the report:

The one factor that I did not examine with regard to the staff as much as I would from my having had this experience was their ability to write and most of them had demonstrated a considerable ability to write in Law Review or other legal materials by their record but my experience taught me that some people are fluent in writing and others while they are skilled at it have great difficulty in getting started and finishing and getting the job completed. I don't know just how I would have tried to have anticipated that problem and worked it out but it became a serious difficulty for me in my work as general counsel. Looking back on it I would have much preferred that I had not only all the skills that I did in the staff but the additional one that as soon as we had completed the investigation they would go right to work and write a fine piece in which they described their activities and the results. (45)

(42) Although the Executive order authorized the Warren Commission to conduct further investigations if the Commission found it de-

sirable, Chief Justice Warren did not believe further investigation beyond what the investigative agencies had provided would be needed. He stated at the first executive session of the Warren Commission:

Now I think our job here is essentially one for the evaluation of evidence as distinguished from being one of gathering evidence, and I believe at the outset at least we can start with the premise that we can rely upon the reports of the various agencies that have been engaged in investigation of the matter, the FBI, the Secret Service, and others that I may know about at the present time.(46)

In fact, the Warren Commission did rely extensively on the investigative agencies rather than pursuing an independent investigation. (The effects of this reliance is discussed in another section of this report.)

(43) The evidence indicated, therefore, that the Warren Commission not only had as its purposes those stated in the Executive order but it also had additional purposes that may have affected the conduct of the investigation and the final conclusions. The desire to quash rumors and speculation in particular appeared to have influenced at least the writing of the Warren report. The desire to establish Oswald's guilt and thus to quash rumors of a conspiracy may have had additional effects on the functioning and conclusions of the Warren Commission.

ORGANIZATION OF THE WARREN COMMISSION

(44) The Warren Commission investigation was divided into six areas, with two attorneys assigned to each. Area I was "Basic Facts of the Assassination"; Francis Adams and Arlen Specter were the two lawyers assigned to it. Area II was "Identity of the Assassin"; the lawyers were Joseph Ball and David Belin. Area III was "Lee Harvey Oswald's Background" to be handled by Albert Jenner and Wesley J. Liebeler. Area IV, "Possible Conspiratorial Relationships" was given to William Coleman and W. David Slawson. Area V was "Oswald's Death," and Leon Hubert and Burt Griffin were assigned to it. Area VI was "Presidential Protection." Samuel Stern was assigned to this area. The General Counsel of the Commission, Lee J. Rankin, was to assist Stern. Norman Redlich worked on special projects. He drafted the procedural rules for the Commission, prepared for the Marina Oswald testimony, and worked with Ball, Belin, and Specter on the investigation of the assassination itself. He also attended as many Commission hearings as possible and reviewed and edited the drafts of the report. Howard Willens assisted Rankin in organizing the work, staffing the Commission, reviewing the materials received from the investigative agencies, and requesting further information where necessary.

(45) The organization of the Warren Commission staff is important because it, in fact, determined the focus of the investigation. Four of the areas (I, II, III, and IV) were concerned primarily with Oswald—his activities on November 22, 1963, and his background. Only one area, representing one-sixth of the available personnel, was devoted to the investigation of Ruby's role. This area was also framed in terms

of Oswald—it was called “Lee Harvey Oswald’s Death.” No area specifically focused on the investigation of pro- or anti-Castro Cuban involvement, organized crime participation, or even the investigative agencies’ role in the assassination. The area of domestic conspiracy was considered as part of Area III, “Lee Harvey Oswald’s Background,” which again focused the issue of conspiracy on Oswald.

(46) Former President Ford testified that he had been critical of Chairman Warren’s selecting a general counsel without first consulting the other members of the Commission. Ford stated that he believed Warren was attempting to place too much control over the Commission in his own hands:

After my appointment to the Commission, and following several of the Commission’s organizational meetings, I was disturbed that the chairman, in selecting a general counsel for the staff, appeared to be moving in the direction of a one-man commission. My views were shared by several other members of the Commission.

The problem was resolved by an agreement that all top staff appointments would be approved by the Commission as a whole. (47)

(47) In his testimony, Howard Willens explained the rationale for the organization of the staff:

I believe the rationale is readily stated. In order to begin and undertake a project of this dimension, there has to be some arbitrary allocation of responsibilities. There is no way to do it that eliminates overlap or possible confusion but this was an effort to try to organize the work in such a way that assignments would be reasonably clear, overlaps could be readily identified, and coordination would be accomplished among the various members of the staff. (48)

(48) The staff members who testified before the committee generally believed the organization was effective. Specter stated, “Yes, I think the categories were adequate to finding the truth.” (49) Redlich said, “The procedures and the organization were an important part in introducing the end result which I thought was a professional and thorough investigation of the assassination.” (50) Only Griffin expressed dissatisfaction with the organizational structure:

GRIFFIN. As far as I was concerned, I did not feel that it operated in a way I felt comfortable.

STAFF COUNSEL. How would you have done it differently?

GRIFFIN. Let me first of all preface it. Hubert and I began to feel after a couple of months that perhaps there was not a great deal of interest in what we were doing, that they looked upon the Ruby activity, based upon information that they saw as being largely peripheral to the questions that they were concerned with. We did have a disagreement, pretty clear disagreement, on how to go about conducting the investigation and I think that again was another reason why perhaps I would say the operation was not as effective as I would have liked to have seen it. (51)

(49) The pay records of the Warren Commission staff indicate that several of the senior attorneys did not spend much time working on the investigation, and the testimony of staff members supported this fact. Arlen Specter stated:

I would prefer not to ascribe reasons but simply to say some of the senior counsel did not participate as extensively as some of the junior counsel.(52)

He added:

It is more accurate to say I ended up as the only counsel in my area.(53)

(50) When asked if the senior counsels devoted much time to the investigation, Slawson stated:

A few did not. The majority of them did—and I think contributed very valuably. They did not, with a couple of exceptions, spend as much time as the younger men did, especially as the investigation wore on. Some of them, I understand, were hired with the promise that only a few weeks' work would be required of them. Of course that turned out not to be the case.(54)

(51) Howard Willens stated, when asked about the accuracy of the chart describing the pay records:

I think in the roughest terms this gives a fair picture of the days spent during the period by members of the staff. I think that with reference to my earlier comment you should note that several of the senior counsel felt that their primary responsibility was to work in the investigative stages of the Commission's work.(55)

(52) The failure of the senior attorneys to participate fully is attributed to the impression they had that their role on the Commission did not require their working full time and that their participation would only be needed for 3 to 6 months. Griffin supplied another reason for at least one senior counsel's leaving early:

A third reason was, however, that Hubert was disenchanted with some of the things that were going on in that he didn't feel he was getting the kind of support that he wanted to get, and he expressed to me a certain amount of demoralization over what he felt was unresponsiveness that existed between himself and particularly Mr. Rankin.(56)

(53) Some of the staff members testified that the staff were qualified people and that there were a sufficient number of lawyers to conduct the investigation. The testimony also indicates, however, that there was some dissatisfaction and that the failure to work full time on the part of the senior counsels probably affected the investigation. When Redlich was asked if the staff, not participating full time affected the work, he stated:

Any time someone is not able to spend full time it had that effect. It means that that work which might have been done during the course of that full-time work gets picked up by

others * * * I don't think on balance any of that had a permanent harmful effect because I believe that the entire staff, taken as a whole, managed to conduct what I consider to be a thorough inquiry. Obviously, as anyone who has conducted an investigation knows, you always would like to have everyone there all the time. That was not possible during a substantial portion of the Warren investigation. (57)

(54) Slawson responded to the same question:

As I said before, I felt overworked and I think many of the staff members felt the same way. I think the main problem was one of the great underestimation of the size of the task at the time. As I said, we were told, we were telephoned and asked to come in; it would be 3 to 6 months. It is my recollection they said it would be only 3 to 6 months on the outside and of course we ended up taking about 8. There was a reluctance, once we were there, to admit—again this is a matter of once you have made a decision you don't like to admit you were wrong—but people did not like to admit that we probably needed more help and more time. (58)

(55) The pay records indicated that from the middle of January to the end of September, Francis Adams, a Commission counsel, worked a total of 16 8-hour days and 5 additional hours. Adams held one of the single most important positions with the Commission, serving as senior attorney in the area of basic facts of the assassination. Arlen Specter, when asked if this affected his performance, stated:

I don't think it did although it would have been helpful if my senior counsel, Francis Adams, had an opportunity to participate more extensively. (59)

(56) J. Lee Rankin told the committee:

There is one member that you can see that did not attend hardly at all and I certainly should have gotten rid of him really. * * * That was Francis Adams and he really didn't contribute anything. (60)

(57) Liebeler also indicated he did not work closely with the senior attorney in his area, Albert Jenner. He stated:

My recollection is that during the early part of the Commission's work that Mr. Jenner was concerned, I believe he was interested in becoming president of the American Bar Association and I believe he spent some time on that issue. (61)

(58) While describing the organization of the work in his area, Liebeler stated:

It was difficult for Mr. Jenner and me to work out a general relationship on that question at that time. Since I was a so-called junior staff member at that time, Mr. Jenner was not, I was quite unsure when I started as to how to handle the problem. I finally just decided to do my own thing and basically went ahead and did most of that original work, myself. Mr. Jenner and I never actually worked very closely together. He worked on projects and I worked on projects. (62)

INDEPENDENT INVESTIGATORS

(59) As stated earlier, the Warren Commission staff was primarily composed of attorneys, with a few assistants drawn from other agencies of the Government. It had no independent investigators, but relied primarily upon Government agencies to supply leads and perform a large majority of the field investigation.

(60) The Commission's former general counsel, J. Lee Rankin, told the committee that he believed it would have been difficult to assemble an independent investigative staff. Rankin recalled:

Well, I gave some thought to that and I finally concluded that I would lose more than I would gain, that the whole intelligence community in the Government would feel that the Commission was indicating a lack of confidence in them and that from then on I would not have any cooperation from them; they would universally be against the Commission and try to trip us up. (63)

(61) J. Lee Rankin told the committee that the decision not to have the Commission employ its own investigators:

* * * was a decision of the Commission, although I recommended that kind of a procedure because I described various possibilities of getting outside investigators and that it might take a long period of time to accumulate them, find out what their expertise was, and whether they could qualify to handle sensitive information in the Government, and it might be a very long time before we could even get a staff going that could work on the matter, let alone have any progress on it. (64)

(62) Slawson stated:

We had special people assigned from CIA, FBI, and Secret Service who were with us more or less full time, especially the Secret Service who were investigators. (65)

(63) There was one indication that the Warren Commission used some independent experts for the examination of the physical evidence. Slawson stated:

I think that some of the areas of investigation such as that headed by Dave Belin, which was the immediate circumstances of the shooting in Dallas, employed private investigators at various points to cross-check and give an independent evaluation. (66)

(64) Redlich stated:

My recollection is that in ballistics I believe we used someone from the government of Illinois, either handwriting or fingerprinting. I am not sure it was not someone from the New York City Police Department. (67)

(65) There was also some indication that the staff would have preferred to have had independent investigators. Specter said:

If [in] organizational structure you include the personnel available, I think that everyone would have much preferred to

have had a totally independent investigative arm to carry out the investigative functions of the Commission, but I believe the Commission concluded early on, and I was not privy to any such position from my position as assistant counsel, that it would be impractical to organize an entire investigative staff from the start so that use was made of existing Federal investigative facilities * * * there would be an observation [among the staff] from time to time how nice it would be if we had a totally independent staff. (68)

(66) When asked if any consideration was given to hiring independent investigators, Redlich replied:

I have no clear recollection of that. Certainly during the time of the investigation from time to time staff members talked to Mr. Rankin about what it might have been like if we had had a completely independent staff. I think that we reached the conclusion then, with which I still agree, that while using the existing investigatory arms of the United States had certain disadvantages, on balance it was still the right decision to make. There were certain tradeoffs * * * I don't think there was any happy, completely happy solution to that dilemma. (69)

(67) John McCloy stated that he did not believe the Commission suffered from an insufficient investigative capacity:

* * * it is not true we didn't have our own investigative possibilities. There was a very distinguished group of litigating lawyers[on the staff] that we called on * * * We had a very impressive list and they did great work. So it is not true we relied entirely on the agencies of the Government. (70)

(68) Former President Ford told the committee that he believed the Commission's decision not to employ an investigative staff was correct:

It is my best judgment that the procedure and the policy the Warren Commission followed was the correct one and I would advocate any subsequent Commission to follow the same.

For the Warren Commission to have gathered together an experienced [investigative] staff, to get them qualified to handle classified information, to establish the organization that would be necessary for a sizable number of investigators, would have been time-consuming and in my opinion would not have answered what we were mandated to do.

It is my, it is my strong feelings that what we did was the right way. We were not captives of, but we utilized the information from the in-house agencies of the Federal Government * * *. (71)

(69) Ford also told the committee:

The FBI, and I use that as an example, undertook a very extensive investigation. I don't recall how many agents but they had a massive operation to investigate everything. The Commission with this group of 14 lawyers and some addi-

tional staff people, then drew upon all of this information which was available, and we, if my memory serves me accurately, insisted that the FBI give us everything they had. Now that is a comprehensive order from the Commission to the Director and to the FBI. I assume, and I think the Commission assumed, that that order was so broad that if they had anything it was their obligation to submit it. Now if they didn't, that is a failure on the part of the agencies, not on the part of the Commission. (72)

(70) In his testimony, Burt Griffin supplied another explanation for the Commission's decision to rely upon the investigative agencies:

* * * there was a concern that this investigation not be conducted in such a way as to destroy any of the investigative agencies that then existed in the Government. There was a genuine fear expressed that this could be done. Second, it was important to keep the confidence of the existing investigative agencies, and that if we had a staff that was conducting its own investigation, that it would generate a paranoia in the FBI and the other investigative agencies which would not only perhaps be politically disadvantageous, it would be bad for the country because it might not be justified but it might also be counterproductive. I think there was a fear that we might be undermining * * * My impression is that there was genuine discussion of this at a higher level than mine. (73)

COMMUNICATION AMONG THE STAFF

(71) The testimony of the staff members indicated that there generally was no problem of communication among the areas. Specter stated that the information was "funneled" by Rankin and he had no reason to believe the process was unsuccessful. (74) Willens described the procedures for facilitating the exchange of information:

One way of dealing with the separate areas within which the lawyers were dealing was to make certain that all the materials that came in the office were reviewed in one central place and that any material that bore even remotely or potentially on an area within the Commission's work was sent to that area. It was frequently the case that materials in our possession were sent to three or four areas so that each of the groups of lawyers could look at the same material from that group's perspective and decide whether it had any relevance in the part of the investigation for which those lawyers were responsible. I continued this function throughout the Commission and always erred on the side of multiple duplication so as to make certain that the members of the staff in a particular area did get the papers which I thought they needed. Another way of coordinating among the staff was by the circulation of summary memoranda, which happened on a regular basis throughout the Commission's work * * * The third way of coordinating among the staff was perhaps more informal and related primarily to the ease with which the mem-

bers of the staff could get together to discuss a problem in which more than one area had a particular interest. (75)

(72) Griffin also commented the communication between the staff members:

We had very few staff meetings of a formal nature. We did have two or three, maybe four or five. The bulk of the communication was on a person-to-person ad hoc basis. There were some memos, I believe, passed back and forth. (76)

He expressed some dissatisfaction with the communication he and Hubert had with Rankin:

I suppose that it would not be fair to say that we did not have direct access to Rankin. I cannot say at any point when we tried to see Rankin that we couldn't see him. I don't recall any situation where we were formally required to go through someone else to get there. There was no doorkeeper in a certain sense. All of those communications that were in writing that went to Rankin went through Howard Willens, but as a practical matter, and I am not sure entirely what the reasons are, Hubert and I did not have a lot of communication with Rankin. We really communicated with him personally infrequently. We had a certain amount of communication at the beginning. I do remember at the outset Hubert and I had a meeting with Rankin in which we discussed the work of the mission that we had, but I would say that by the first of April we had relatively little communication with Rankin. That is, we might not speak to Rankin maybe more than once every 2 weeks. Mr. Rankin is a formal person. Hubert and I did not feel comfortable in our relationship with him. I point this out because I think our relationship with Rankin was different than some of the other staff members. I think a number of them would genuinely say, and I would believe from what I saw, that they certainly had much better communication than we did. Whether they would regard it as satisfactory I don't know. (77)

(73) The staff also indicated that they would communicate informally in the evenings. Specter stated:

There was a very informal atmosphere on the staff so that there was constant contact among all the lawyers both during the working day and those of us who were around the evenings. We would customarily have dinner together, the virtual sole topic of conversation was what each of us was doing. So there was a very extensive exchange albeit principally informal among members of the staff as to what each was doing. (78)

INTERACTION BETWEEN THE WARREN COMMISSION AND THE STAFF

(74) In his testimony, Howard Willens stated that the majority of the communication between the staff members and the Warren Commission members was through Rankin. Direct contact with members of the Warren Commission was minimal:

Apart from those occasional meetings with the Chief Justice most of the staff's dealings with the members of the Commission occurred on a sporadic and limited basis. (79)

(75) Norman Redlich stated:

However, in terms of informal relationship between the staff and the Commission in the sense of the staff being present at the Commission meetings in a formal way, that did not exist. I was not present at any meeting of the Commission. I was not privy to any formal meetings of the Commission. Mr. Rankin was the official line of communication between the Commission and the staff. (80)

(76) Burt Griffin stated:

I had almost a total lack of contact with the Commission members. I have some thoughts in retrospect now about some of the perceptions, total conjecture but based on other things that have happened, but at the time I did feel Senator Russell was genuinely concerned about conducting the investigation. (81)

(77) Redlich also indicated that some of the staff were not satisfied with their relationship with the members of the Warren Commission:

I believe that perhaps some members of the staff would have preferred to have had a more direct ongoing formal relationship with the Commission. (82)

(78) Arlen Specter described the relationship with the members of the Warren Commission as "Cordial, somewhat limited." (83)

(79) There is at least one exception to this formal relationship between staff members and the Commission. W. David Slawson indicated he often met with Allen Dulles:

Allen Dulles and I became fairly close I think. He had aged quite a bit by the time he was on the Warren Commission and was also sick. I have forgotten, he had some kind of disease that made one of his legs and foot very painful. So he was not effective sometimes but when he was he was very smart and I liked him very much. Because of my particular assignment of course he spent a lot of time with me. We talked informally quite a bit. (84)

(80) In spite of this lack of contact between the staff and the Commission members, some of the staff members believed that the Commissioners were reasonably well informed and the interaction was satisfactory. Arlen Specter thought the Commissioners were generally well informed about the facts of the case. (85) When asked if the Commissioners were informed, Redlich responded:

I think some of them were tremendously well informed. The Chief Justice was extremely well informed. I believe that former President Ford was extremely well informed. Mr. Dulles attended a great many hearings. I believe that on the broad areas of the Commission's inquiry the Commission was informed. They were obviously not as informed of some

of the specific enormous factual data in connection with the assassination as was the staff. I have never known a staff that thought that the group that it worked for was as well informed as the staff was, and the Warren Commission was no exception. (86)

(81) Wesley Liebeler, discussing a statement he was alleged to have made regarding the Warren Commission, stated:

What I had intended to convey to Mr. Epstein (the author of a book on the Commission) was the idea that in terms of developing the investigation, the direction in particular of the investigation, and in drafting the report, the Commissioners themselves were not directly involved, and they were not. (87)

(82) Despite Liebeler's statement that the Commissioners were not involved in writing the report, the drafts of the report were in fact circulated among the Commission members for their review, suggestions and approval. The Commissioners made comments and criticisms at this point and the drafts were rewritten to conform with their desires. (88)

(83) The Warren Commission had no formal sessions from June 23, 1964 to September 18, 1964. This was the period during which the final report was written. Had the Commissioners participated to a greater extent during the investigative stages and had they had more interaction with the staff members, there might have been additional discussion and comments about the content of the report. Further investigation might have been pursued, and the report might have been substantially different. Additional issues might have arisen. For example, in his testimony, Specter stated:

* * * the Commission made a decision as to what would be done which was not always in accordance with my own personal view as to what should be done, for example, the review of the X-rays and photographs of the assassination of President Kennedy. I thought that they should have been observed by the Commission and by me among others perhaps having responsibility for that area and I said so at the time. (89)

(84) John McCloy told the committee that he had also voiced objections over Chief Justice Warren's decision not to have the Commission view and evaluate these materials during the investigation:

I think we were a little lax in the Commission in connection with the use of those X-rays. I was rather critical of Justice Warren at that time. I thought he was a little too sensitive of the sensibilities of the family. He didn't want to have put into the record some of the photographs and some of the X-rays there. (90)

(85) During the final stages of the Warren Commission, the Commissioners were almost evenly divided on the question of whether the single-bullet theory was valid. To resolve this conflict, the Commissioners had the report worded in such a way that there was no conclusive answer. The report stated:

Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth-floor window of the Texas School Book Depository. (91)

(86) Of the controversy over the single-bullet theory, John Sherman Cooper recalled:

We did have disagreements at times in the Commission and, I as I recall, I think the chief debate grew out of the fact or the question as to whether there were two shots or three shots or whether the same shot that entered President Kennedy's neck penetrated the body of Governor Connally.

I must say, to be very honest about it, that I held in my mind during the life of the Commission that there had been three shots and that a separate shot struck Governor Connally. (92)

(87) Had the Commissioners been close to the investigation and more aware of the questions and issues regarding the ballistics evidence, they might have agreed to examine the photographs and X-rays. Instead, probably because of the time problem, the issue was resolved by the use of agreeable adjectives, rather than by further investigation.

PRESSURES

(88) The Warren Commission was created on November 29, 1963. By the end of January 1964, the staff of the Warren Commission had been completely assembled. The hearings began on February 3, 1964, and were completed on June 17, 1964. The summer of 1964 was spent writing and editing the report. On September 24, 1964, the Warren report was submitted to President Johnson. The Warren Commission, therefore, lasted a total of 10 months, with approximately 3 to 4 months spent on the investigation itself and the remaining months, as previously stated, on writing the report and organizing the staff.

(89) Time and political pressures were much in evidence during the course of the Warren Commission and may have affected the work of the Commission. While some staff members testified that there was no time pressure others indicated that time was a concern and was inextricably combined with political pressures.

(90) There definitely was a desire to be prompt and to complete the investigation as soon as possible. Specter stated:

* * * The attitude with respect to time perhaps should be viewed in November of 1977 as being somewhat different from 1964 to the extent that the Commission was interested in a prompt conclusion of its work. It did not seek to sacrifice completeness for promptness. When the Commission started its job there was no conclusion date picked. My recollection

is that it was discussed in terms of perhaps as little as 3 months, perhaps as much as 6 months. As we moved along in the investigation there were comments on attitudes that we should be moving along, we should get the investigation concluded, so that the scope of what we sought to do and the time in which we sought to do it had as its backdrop an obvious attitude by the Commission that it wanted to conclude the investigation at the earliest possible date. (93)

(91) Specter also stated:

It is hard to specify the people or Commissioners who were pushing for a prompt conclusion, but that was an unmistakable aspect of the atmosphere of the Commission's work. (94)

(92) When asked if there was enough time, Willens responded:

I think the time was sufficient to do the work of the Warren Commission. I cannot deny that the work could have gone on for another month or two or six. (95)

(93) In spite of the desire for promptness, Specter and Redlich also believed there was still enough time to complete their work. (96) At one point in his testimony, Slawson stated this:

* * * although at times I was afraid there wouldn't be. There was time pressure on all of us. I think that all members of the staff were bothered and somewhat resented the fact that we were pushed to work at such a rapid pace, but we resisted any attempts to make us finish before we felt we were ready to be finished. When the report came out neither I, and I don't think anybody else, felt that there was anything significant that we had not been able to do in the time. * * * But the amount of paper that we had to go through to do our job well was tremendous * * * I had so many documents to get through and try to understand and try to put together. They continued pouring in from the ongoing investigation after that. There weren't that many of us. So we had more than enough to do, I would say. (97)

(94) Later, when asked about some of the problems with the footnotes of the report. Slawson indicated one effect that time pressure had on the work of the Commission:

I took, and I think everyone else did, as much care as we could. But the time pressure was severe. With the mass of material that we had I am sure that errors of numbering, and perhaps what footnote A should have had, footnote B did, and vice versa, occurred. I don't think that the kind of cross-checking that normally goes into a good professional publication, for example, ever went into this (98)

(95) Griffin also indicated some concern about the amount of work that had to be done within the short period of time:

* * * But Hubert and I, we had a completely, we had a scope of investigation that was as great as all the other people put together, because we were investigating a different

murder. We had two people who were investigating a conspiracy from one man's point of view and we had a security question, how did he get into the basement, and so forth. (99)

(96) In his testimony before the committee, former general counsel J. Lee Rankin gave his perception of the time factor:

Well, we had pressures from the beginning of the time element because the country was anxious to know what had happened and whether there was any conspiracy involved. I was assured by the Chief Justice that it would only take me 2 or 3 months at the outside in this job and that is all the time I would be away from my law practice, and, of course, I wished to get the job done correctly and properly, but also to get back to my other work and, on the other hand, the first meeting we had with the staff, I told them that our only client was the truth and that was what we must search for and try to reveal, and I think we adhered to that, that we never departed from that standard, any of the Commission or myself or the staff. (100)

(97) Rankin recalled further:

I didn't think there was any pressure. There was an expression by some members of the Commission that it would be better if the problem of the assassination and whether any conspiracy was involved and what had happened, who the assassin was, as the Commission found, all of those questions were not injected into the various political conventions, but there was no indication at any time that we should try to get it out for any such purpose and not adequately make a report or investigate whatever sources we were able to find. (101)

(98) In an interview with the committee, John McCloy stated that while he believed the Commission had been falsely accused of a "rush to judgment" in its investigation, he did in fact believe there had been "a rush to print." In his public appearance before the committee, McCloy stated:

We had no rush to judgment. We came to a judgment. There were some questions of style in regard to the preparation of the report that I would like to have had * * * another crack at to make it a little more clear * * *

* * * I had a feeling at the end we were rushing a little bit the last few days to get to print rather than to arrive at any conclusions. We had already arrived at the conclusions. (102)

(99) Chief Justice Warren stated in his oral history that there was no deadline, as illustrated in the following exchange:

Q. You never did feel a deadline pressure so that you hurried your work?

A. No, sir, we did not.

Q. You were just going to get through whenever you finished.

A. Absolutely not [sic], there was no deadline of any kind for us, no deadline of any kind. (103)

(100) When asked if the fact that it was an election year affected the Warren Commission, Warren replied:

WARREN. This wasn't an election year that we did this, was it? This was in 1963.

Q. No, it was November 30, after Kennedy was shot——

WARREN. Of 1962?

Q. Of 1963. And then Johnson had to run in 1964.

WARREN. My gosh, I guess that's right.

Q. It must not have been much of a factor.

WARREN. No, no, really it was no factor. It was no factor at all, no factor at all. (104)

(101) Chief Justice Warren also stated:

The White House never gave us an instruction, never, never even looked at our work until I took it up to the President. Never commented——

Q. The President never made suggestions?

WARREN. Never once in any way, shape, or form. In fact we didn't talk to him about it. (105)

(102) The staff members of the Warren Commission did not perceive the question of time exactly in the same way as Chief Justice Warren did. Slawson stated:

His [Warren's] main motivation in wanting the work done, and which he repeated several times to different members of the staff, was that he wanted the truth known and stated to the public before the Presidential election of 1964 because he didn't want the assassination in any way to affect the elections. I am not sure at all how he thought it would, but he didn't want any possibility of it. That was his principal reason for having it finished. (106)

(103) Griffin stated that initially the report was to be completed by the Democratic National Convention, which was in the summer of 1964:

It was also indicated at the outset that the hope was that the report would be completed prior to the Democratic National Convention, that essentially had been indicated by the White House, that it was the President's feeling. (107)

(104) Later in his testimony, Griffin stated:

Let me say it was never communicated to us that it was the Commission that wanted to curtail things. There were two communications that were made as to where this pressure was coming from. The most prominent one was the White House, that there was a general, unspecified reference to the fact that the White House wanted this report out before the convention. That was said to us many, many times. I think the convention was in June. (108)

Griffin also indicated another deadline developed during the course of the Warren Commission:

Second, just by way of human interest, color, perhaps another date began to be set because the Chief Justice had a

trip scheduled to go to Europe and the hope was that it could be completed before he went on his trip to Europe. (109)

(105) Willens explained the concern about the election and the convention in the following way:

In part the concern was a media concern. There were numerous conversations with media representatives who were apprehensive about being scooped by the report being published at a time when their facilities were being allocated to covering some other major political event. That obviously was not a decisive concern but it was something that was brought to the attention of the Commission and various other officials as the Commission's report seemed to be working toward its conclusion. The concern about the election may be difficult to understand now. At the time there were ugly rumors and apprehensions regarding the work of the Commission and the nature of the conspiracy that may have occurred to have caused the assassination of President Kennedy. It was feared, perhaps without justification, that the report might become a campaign issue if it had not been published in advance of the election * * *. The other concern was that if it were postponed until after the election it would be assumed it had been repressed so as to avoid disclosures that might affect the candidacy of the President. (110)

(106) In this instance, it was clear that the concern for quashing rumors and speculation, discussed earlier in this report, affected the timing of the Warren Commission's work. It was a political concern in that President Johnson did not want the issues raised by the assassination to be raised at election time. The rumors, therefore, had to be quashed, and they had to be quashed prior to the election.

(107) In addition to the concern of completing the report either prior to the election or the convention, there were other political concerns that arose during the course of the Warren Commission. Griffin expressed some of these concerns of the Warren Commission.

I felt then, and I still feel, despite a lot of misgivings that I had, that the purpose was genuine purpose, to find the truth behind the assassination. I do think, however, that there were major political considerations that dictated how this work was conducted. The time frame that was set initially for the work was a political consideration. This investigation was carried on during a period when everyone was vividly aware of the results of the 1950's when Senator McCarthy held a prominent position. There was a great deal of concern that we not conduct an investigation that would have overtones of what people called McCarthyism. So that a lot of decisions that were made in terms of how we proceeded I think were made against that kind of background. (111)

(108) Another concern, which was discussed earlier in this report, was that of convincing the public that Oswald was the lone assassin. When asked if they were aware of the December 9, 1963, Katzenbach memorandum to the members of the Warren Commission requesting a press release stating that Oswald was the assassin, Redlich, Specter, and

Griffin all replied they had never heard of it. (112) When asked if they were aware of Hoover's November 24, 1963, phone call to the White House in which Hoover discussed "convincing the public that Oswald was the real assassin," Liebler and Slawson stated they were not aware of that conversation. (113) Only Howard Willens indicated that he was aware of these sentiments immediately after the assassination. (114) Four members of the staff who testified stated there was no preconceived belief among the staff members that Lee Harvey Oswald was the assassin or that the goal of the Warren Commission was to convince the public that Lee Harvey Oswald was the assassin. (115) Although Slawson testified that "Everybody was of course a possible suspect," (116) he also stated that the concern to convince the public that Lee Harvey Oswald was the assassin may have played a role in his area of investigation, particularly with some of the obstacles he encountered dealing with foreign governments. (117) (109) Cooper stated that he did not believe that external pressures or outside considerations played any part in the Commission's work, recalling:

We were not pressured in any way by any person or by any organization. We made our own decisions, as the President had asked us to do, and as we determined to do on the basis of what we thought was right and objective. (118)

(110) During an executive session meeting of the Commission on June 4, 1964, Gerald R. Ford had voiced strong concern over potential outside pressure that he believed may have been directed at the Commission. Nevertheless, at the time of his testimony, Ford said he did not believe that any such pressure had in fact affected the conclusions reached during the investigation:

I have no recollection of that particular June 4 meeting or any pressure that the Commission received for any definitive conclusion. As other members of the Commission, I think, will testify, we had a unanimous vote as to the fact that Lee Harvey Oswald committed the assassination and all other decisions of the Commission were also unanimous.

There was no pressure. We operated as a unit of seven members who fortunately all agreed. (119)

(111) Although it was clear that political concerns did exist, it was difficult to ascertain exactly how these pressures affected the Warren Commission. The pressure to maintain the respectability and legitimacy of the agencies, along with the pressure to complete the investigation prior to the election, probably interacted to cause the Warren Commission to rely almost entirely upon the investigative agencies. The political concern of completing the report prior to the election or the convention influenced the Commission to define severely the time frame in which their job was to be completed. The time pressure may have caused the Warren Commission to brush over issues that were important, i.e., the Ruby investigation. Despite these possibilities, however, some staff members did not believe that the pressure affected their work.

(112) Redlich stated that his greatest regret was that the majority of the American public apparently believed that various pressures had

in fact influenced the conclusions of the Warren Commission. (120) He indicated, however, that he believed there were other factors that have influenced the widespread nonacceptance by the public of the Commission's conclusions:

I think there are simply a great many people who cannot accept what I believe to be the simple truth, that one rather insignificant person was able to assassinate the President of the United States. I think there are others, who for reasons that are less pure have consciously tried to deceive. I think that since there is a residue of public sentiment that finds it very hard to accept the conclusion, that becomes a further feeling, for those who have found it in their interest, to pursue the attacks on the Commission.

I do not mean to imply that all of the critics of the Commission have bad motives. I think that there is in this country, fortunately, a healthy skepticism about government.

I believe that that was certainly true during the Watergate period. The assassination is a complex fact, as you will see when you investigate it. It was not an easy thing to investigate. Jack Ruby and Lee Harvey Oswald were two people with most unusual backgrounds. They did a variety of things.

That they should meet in the basement of the Dallas Police station and one shoot the other is something that does strain the imagination.

I think it is very unfortunate that the Warren Commission has been subject to the kinds of attack that it has. We did what we felt was a completely honest professional and thorough task.

I have done a lot of things in my public service in my life. I regard my service on the Warren Commission as an extremely important, perhaps the most important thing that I have done, because I believe I was instrumental in putting before the American people all of the facts about the assassination of President Kennedy.

That significant numbers of Americans don't believe it remains to me a source of great disappointment. (121)

II. RELATIONSHIP BETWEEN THE WARREN COMMISSION AND THE FEDERAL BUREAU OF INVESTIGATION AND THE CENTRAL INTELLIGENCE AGENCY

A. PERSPECTIVE OF THE WARREN COMMISSION

Attitude of the Commission members

(113) The initial attitude of the Warren Commission members toward the Federal Bureau of Investigation (FBI) was one of trust and a willingness to rely on it. As the investigation progressed, however, the members expressed some dissatisfaction with and distrust of the Bureau. Nevertheless, nothing was ever done to redirect the investigation or improve the Commission's relationship with the Bureau.

(114) The Warren Commission initially avoided using the facilities of the Central Intelligence Agency (CIA), but eventually did so, though reluctantly. They did not ask them to do much beyond answer