

## Foreword

PRESIDENT LYNDON B. JOHNSON, by Executive Order No. 11130 dated November 29, 1963,<sup>1</sup> created this Commission to investigate the assassination on November 22, 1963, of John Fitzgerald Kennedy, the 35th President of the United States. The President directed the Commission to evaluate all the facts and circumstances surrounding the assassination and the subsequent killing of the alleged assassin and to report its findings and conclusions to him.<sup>2</sup>

The subject of the Commission's inquiry was a chain of events which saddened and shocked the people of the United States and of the world. The assassination of President Kennedy and the simultaneous wounding of John B. Connally, Jr., Governor of Texas, had been followed within an hour by the slaying of Patrolman J. D. Tippit of the Dallas Police Department. In the United States and abroad, these events evoked universal demands for an explanation.

Immediately after the assassination, State and local officials in Dallas devoted their resources to the apprehension of the assassin. The U.S. Secret Service, which is responsible for the protection of the President, and the Federal Bureau of Investigation began an investigation at the direction of President Johnson. Within 35 minutes of the killing of Patrolman Tippit, Lee Harvey Oswald was arrested by the Dallas police as a suspect in that crime. Based on evidence provided by Federal, State, and local agencies, the State of Texas arraigned Oswald within 12 hours of his arrest, charging him with the assassination of President Kennedy and the murder of Patrolman Tippit. On November 24, 1963, less than 48 hours after his arrest, Oswald was fatally shot in the basement of the Dallas Police Department by Jack Ruby, a Dallas nightclub owner. This shooting took place in full view of a national television audience.

The events of these 2 days were witnessed with shock and disbelief by a Nation grieving the loss of its young leader. Throughout the world, reports on these events were disseminated in massive detail. Theories and speculations mounted regarding the assassination. In many instances, the intense public demand for facts was met by partial and frequently conflicting reports from Dallas and elsewhere. After Oswald's arrest and his denial of all guilt, public attention focused both on the extent of the evidence against him and the possibility of a conspiracy, domestic or foreign. His subsequent death heightened public interest and stimulated additional suspicions and rumors.

## THE COMMISSION AND ITS POWERS

After Lee Harvey Oswald was shot by Jack Ruby, it was no longer possible to arrive at the complete story of the assassination through normal judicial procedures during a trial of the alleged assassin. Alternative means for instituting a complete investigation were widely discussed. Federal and State officials conferred on the possibility of initiating a court of inquiry before a State magistrate in Texas. An investigation by the grand jury of Dallas County also was considered. As speculation about the existence of a foreign or domestic conspiracy became widespread, committees in both Houses of Congress weighed the desirability of congressional hearings to discover all the facts relating to the assassination.

By his order of November 29 establishing the Commission, President Johnson sought to avoid parallel investigations and to concentrate factfinding in a body having the broadest national mandate. As Chairman of the Commission, President Johnson selected Earl Warren, Chief Justice of the United States, former Governor and attorney general of the State of California. From the U.S. Senate, he chose Richard B. Russell, Democratic Senator from Georgia and chairman of the Senate Armed Services Committee, former Governor of, and county attorney in, the State of Georgia, and John Sherman Cooper, Republican Senator from Kentucky, former county and circuit judge, State of Kentucky, and U.S. Ambassador to India. Two members of the Commission were drawn from the U.S. House of Representatives: Hale Boggs, Democratic U.S. Representative from Louisiana and majority whip, and Gerald R. Ford, Republican, U.S. Representative from Michigan and chairman of the House Republican Conference. From private life, President Johnson selected two lawyers by profession, both of whom have served in the administrations of Democratic and Republican Presidents: Allen W. Dulles, former Director of Central Intelligence, and John J. McCloy, former President of the International Bank for Reconstruction and Development, former U.S. High Commissioner for Germany, and during World War II, the Assistant Secretary of War.

From its first meeting on December 5, 1963, the Commission viewed the Executive order as an unequivocal Presidential mandate to conduct a thorough and independent investigation. Because of the numerous rumors and theories, the Commission concluded that the public interest in insuring that the truth was ascertained could not be met by merely accepting the reports or the analyses of Federal or State agencies. Not only were the premises and conclusions of those reports critically reassessed, but all assertions or rumors relating to a possible conspiracy, or the complicity of others than Oswald, which have come to the attention of the Commission, were investigated.

On December 13, 1963, Congress enacted Senate Joint Resolution 137 (Public Law 88-202) <sup>3</sup> empowering the Commission to issue subpoenas requiring the testimony of witnesses and the production of evidence relating to any matter under its investigation. In addition, the

resolution authorized the Commission to compel testimony from witnesses claiming the privilege against self-incrimination under the fifth amendment to the U.S. Constitution by providing for the grant of immunity to persons testifying under such compulsion. Immunity under these provisions was not granted to any witness during the Commission's investigation.

The Commission took steps immediately to obtain the necessary staff to fulfill its assignment. J. Lee Rankin, former Solicitor General of the United States, was sworn in as general counsel for the Commission on December 16, 1963. Additional members of the legal staff were selected during the next few weeks. The Commission has been aided by 14 assistant counsel with high professional qualifications, selected by it from widely separated parts of the United States. This staff undertook the work of the Commission with a wealth of legal and investigative experience and a total dedication to the determination of the truth. The Commission has been assisted also by highly qualified personnel from several Federal agencies, assigned to the Commission at its request. This group included lawyers from the Department of Justice, agents of the Internal Revenue Service, a senior historian from the Department of Defense, an editor from the Department of State, and secretarial and administrative staff supplied by the General Services Administration and other agencies.

In addition to the assistance afforded by Federal agencies, the Commission throughout its inquiry had the cooperation of representatives of the city of Dallas and the State of Texas. The attorney general of Texas, Waggoner Carr, aided by two distinguished lawyers of that State, Robert G. Storey of Dallas, retired dean of the Southern Methodist University Law School and former president of the American Bar Association, and Leon Jaworski of Houston, former president of the Texas State Bar Association, has been fully informed at all times as to the progress of the investigation, and has advanced such suggestions as he and his special assistants considered helpful to the accomplishment of the Commission's assignment. Attorney General Carr has promptly supplied the Commission with pertinent information possessed by Texas officials. Dallas officials, particularly those from the police department, have fully complied with all requests made by the Commission.

## THE INVESTIGATION

During December and early January the Commission received an increasing volume of reports from Federal and State investigative agencies. Of principal importance was the five-volume report of the Federal Bureau of Investigation, submitted on December 9, 1963, which summarized the results of the investigation conducted by the Bureau immediately after the assassination. After reviewing this report, the Commission requested the Federal Bureau of Investigation to furnish the underlying investigative materials relied upon in the

summary report. The first investigative reports submitted in response to this request were delivered to the Commission on December 20, 1963. On December 18, the Secret Service submitted a detailed report on security precautions taken before President Kennedy's trip to Texas and a summary of the events of November 22, as witnessed by Secret Service agents. A few days later the Department of State submitted a report relating to Oswald's defection to the Soviet Union in 1959, and his return to the United States in 1962. On January 7 and 11, 1964, the attorney general of Texas submitted an extensive set of investigative materials, largely Dallas police reports, on the assassination of President Kennedy and the killing of Oswald.

As these investigative reports were received, the staff began analyzing and summarizing them. The members of the legal staff, divided into teams, proceeded to organize the facts revealed by these investigations, determine the issues, sort out the unresolved problems, and recommend additional investigation by the Commission. Simultaneously, to insure that no relevant information would be overlooked, the Commission directed requests to the 10 major departments of the Federal Government, 14 of its independent agencies or commissions, and 4 congressional committees for all information relating to the assassination or the background and activities of Lee Harvey Oswald and Jack Ruby.

After reviewing the accumulating materials, the Commission directed numerous additional requests to Federal and State investigative agencies. The Federal Bureau of Investigation and the Secret Service executed the detailed requests for statements of witnesses and examinations of physical evidence with dispatch and thoroughness. All these reports were reviewed and analyzed by the Commission. Additional investigative requests, where appropriate, were handled by Internal Revenue Service, Department of State, and the military intelligence agencies with comparable skill. Investigative analyses of particular significance and sensitivity in the foreign areas were contributed by the Central Intelligence Agency. On occasion the Commission used independent experts from State and city governments to supplement or verify information. During the investigation the Commission on several occasions visited the scene of the assassination and other places in the Dallas area pertinent to the inquiry.

The scope and detail of the investigative effort by the Federal and State agencies are suggested in part by statistics from the Federal Bureau of Investigation and the Secret Service. Immediately after the assassination more than 80 additional FBI personnel were transferred to the Dallas office on a temporary basis to assist in the investigation. Beginning November 22, 1963, the Federal Bureau of Investigation conducted approximately 25,000 interviews and reinterviews of persons having information of possible relevance to the investigation and by September 11, 1964, submitted over 2,300 reports totaling approximately 25,400 pages to the Commission. During the same period the Secret Service conducted approximately 1,550 interviews and submitted 800 reports totaling some 4,600 pages.

Because of the diligence, cooperation, and facilities of Federal investigative agencies, it was unnecessary for the Commission to employ investigators other than the members of the Commission's legal staff. The Commission recognized, however, that special measures were required whenever the facts or rumors called for an appraisal of the acts of the agencies themselves. The staff reviewed in detail the actions of several Federal agencies, particularly the Federal Bureau of Investigation, the Secret Service, the Central Intelligence Agency, and the Department of State. Initially the Commission requested the agencies to furnish all their reports relating to the assassination and their relationships with Oswald or Ruby. On the basis of these reports, the Commission submitted specific questions to the agency involved. Members of the staff followed up the answers by reviewing the relevant files of each agency for additional information. In some instances, members of the Commission also reviewed the files in person. Finally, the responsible officials of these agencies were called to testify under oath. Dean Rusk, Secretary of State; C. Douglas Dillon, Secretary of the Treasury; John A. McCone, Director of the Central Intelligence Agency; J. Edgar Hoover, Director of the Federal Bureau of Investigation; and James J. Rowley, Chief of the Secret Service, appeared as witnesses and testified fully regarding their agencies' participation in the matters under scrutiny by the Commission.

## COMMISSION HEARINGS

In addition to the information resulting from these investigations, the Commission has relied primarily on the facts disclosed by the sworn testimony of the principal witnesses to the assassination and related events. Beginning on February 3, 1964, the Commission and its staff has taken the testimony of 552 witnesses. Of this number, 94 appeared before members of the Commission; 395 were questioned by members of the Commission's legal staff; 61 supplied sworn affidavits; and 2 gave statements.<sup>4</sup> Under Commission procedures, all witnesses were advised that they had the right to the presence and the advice of their lawyer during the interrogation, with the corollary rights to raise objections to any questions asked, to make any clarifying statement on the record after the interrogation, and to purchase a copy of their testimony.<sup>5</sup>

Commission hearings were closed to the public unless the witness appearing before the Commission requested an open hearing. Under these procedures, testimony of one witness was taken in a public hearing on two occasions. No other witness requested a public hearing. The Commission concluded that the premature publication by it of testimony regarding the assassination or the subsequent killing of Oswald might interfere with Ruby's rights to a fair and impartial trial on the charges filed against him by the State of Texas. The Commission also recognized that testimony would be presented before it which would be inadmissible in judicial proceedings and might

prejudice innocent parties if made public out of context. In addition to the witnesses who appeared before the Commission, numerous others provided sworn depositions, affidavits, and statements upon which the Commission has relied. Since this testimony, as well as that taken before the Commission, could not always be taken in logical sequence, the Commission concluded that partial publication of testimony as the investigation progressed was impractical and could be misleading.

## THE COMMISSION'S FUNCTION

The Commission's most difficult assignments have been to uncover all the facts concerning the assassination of President Kennedy and to determine if it was in any way directed or encouraged by unknown persons at home or abroad. In this process, its objective has been to identify the person or persons responsible for both the assassination of President Kennedy and the killing of Oswald through an examination of the evidence. The task has demanded unceasing appraisal of the evidence by the individual members of the Commission in their effort to discover the whole truth.

The procedures followed by the Commission in developing and assessing evidence necessarily differed from those of a court conducting a criminal trial of a defendant present before it, since under our system there is no provision for a posthumous trial. If Oswald had lived he could have had a trial by American standards of justice where he would have been able to exercise his full rights under the law. A judge and jury would have presumed him innocent until proven guilty beyond a reasonable doubt. He might have furnished information which could have affected the course of his trial. He could have participated in and guided his defense. There could have been an examination to determine whether he was sane under prevailing legal standards. All witnesses, including possibly the defendant, could have been subjected to searching examination under the adversary system of American trials.

The Commission has functioned neither as a court presiding over an adversary proceeding nor as a prosecutor determined to prove a case, but as a factfinding agency committed to the ascertainment of the truth. In the course of the investigation of the facts and rumors surrounding these matters, it was necessary to explore hearsay and other sources of information not admissible in a court proceeding obtained from persons who saw or heard and others in a position to observe what occurred. In fairness to the alleged assassin and his family, the Commission on February 25, 1964, requested Walter E. Craig, president of the American Bar Association, to participate in the investigation and to advise the Commission whether in his opinion the proceedings conformed to the basic principles of American justice. Mr. Craig accepted this assignment and participated fully and without limitation. He attended Commission hearings in person or through his appointed assistants. All working papers, reports, and

other data in Commission files were made available, and Mr. Craig and his associates were given the opportunity to cross-examine witnesses, to recall any witness heard prior to his appointment, and to suggest witnesses whose testimony they would like to have the Commission hear. This procedure was agreeable to counsel for Oswald's widow.

## THE COMMISSION'S REPORT

In this report the Commission submits the results of its investigation. Each member of the Commission has given careful consideration to the entire report and concurs in its findings and conclusions. The report consists of an initial chapter summarizing the Commission's basic findings and conclusions, followed by a detailed analysis of the facts and the issues raised by the events of November 22, 1963, and the 2 following days. Individual chapters consider the trip to Dallas, the shots from the Texas School Book Depository, the identity of the assassin, the killing of Lee Harvey Oswald, the possibility of a conspiracy, Oswald's background and possible motive, and arrangements for the protection of the President. In these chapters, rather than rely on cross references, the Commission on occasion has repeated certain testimony in order that the reader might have the necessary information before him while examining the conclusions of the Commission on each important issue.

With this report the Commission is submitting the complete testimony of all the witnesses who appeared before the Commission or gave sworn depositions or affidavits, the accompanying documentary exhibits, and other investigative materials which are relied upon in this report. The Commission is committing all of its reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable Federal law.