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Open Mind

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PROGRAM

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FULL TEXT

ANNOUNCER: "Open Mind. Free to examine, to question, to disagree, with Moderator Eric Goldman, Professor of History at Princeton University.

"The subject of today's discussion, 'The Warren Report: An American Controversy.'

"To introduce the participants in today's discussion, Mr. Goldman."

GOLDMAN: "Hello, ladies and gentlemen.

"Having finished its inquiry into the assassination of President Kennedy, the Warren Commission concluded the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald.

"On the basis of the evidence before the Commission, it concludes that Oswald acted alone. Now, that, to most Americans, settled the matter.

"A number of European critics were unsatisfied, but their remarks were generally taken as another outburst of anti-American, particularly since they tended to make the assassination a result of right-wing fanaticism.

"Recently, however, in America, by Americans, the discussion has been reopened in important ways. Most notably, by the publication of two books, whose authors are here tonight.

"Our total panel, to my far left, Mr. Mark Lane, the attorney who was asked by Mrs. Marguerite Oswald to represent her son's interests before the Warren Commission, and who is now the author

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of 'Rush to Judgment: a Critique of the Warren Commission's Inquiry,'

"Here to my immediate left, Mr. Wesley J. Liebeler, one of the assistant counsels of the Warren Commission, who is now Professor or Law at the University of California in Los Angeles.

"To my immediate right, Mr. Edward J. Epstein, a B.A. and M.A. from Cornell, who is now taking his Ph.D. in government at Harvard. It was as an M.A. student at Cornell that Mr. Epstein began his inquiry into the Warren Commission, which has now resulted in the publication of the volume, 'Inquest: The Warren Commission and the Establishment of Truth.'

"Next to Mr. Epstein, Mr. Richard Rovere, author of the Regular Letter from Washington, of the New Yorker magazine, and one of America's most respected political commentators.

"And, to my far right, Mr. Bert W. Griffin, another of the assistant counsel of the Warren Commission, and at present, director of the Legal Aid Society of Cleveland.

"Gentlemen, in reading these two books, by Mr. Epstein, and Mr. Lane, it seemed to me that together they raised three questions. One, did the Warren Commission do any adequately thorough job?

"Two, did it adequately establish that Oswald did the assassination?

"And Three, it he did do it, did it adequately establish that Oswald did the assassination alone?

"Those, it seems to me are the three questions, not raised by both books, but by the two books combined.

"Am I right, Mr. Epstein, and Mr. Lane, in that interpretation, to begin with?"

EPSTEIN: "I think those are the three main questions; but I think there is another question, and that is the difference in appearance and reality in a government operation, a government commission.

"I mean, what appeared to the public to be the truth, that is, that seven men, seven commissioners prepared a report, and wrote the report; and it was an exhaustive investigation, and what in fact is reality, that a group or staff, working under severe pressure and not be able to complete the task with loose end remaining.

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GCLDMAN: "Well, isn't that an expanded and more subtle form of the question, 'was the investigation adequate,' was it fair enough or good enough?

EPSTEIN: "Well, there's something more to it, was it represented to the American people as being exhaustive, and was it, in fact? I think it's a slightly different question."

GOLDMAN: "Mr. Lane, would you give us your comment on the scatement of the issues that are raised in the two books?"

LANE: "Yes, I think you summarized them very well. I think those are the three basic questions asked by the two books toether."

GOLDMAN: "All right, then let's jump then into the first one, this question -- 'Was the investigation adequate?' Just to use that word.

"Would you comment on it, Mr. Griffin, you were involved in it deeply."

GRIFFIN: "I'd be happy to, Mr. Goldman. I think that the Warren Commission had, as its primary objective, to establish the question of who killed President Kennedy? And was there a conspiracy involved?

"And then, three or four further questions dealing with police protection measures in the activities of Jack Ruby. I am confident from having discussed this many, many times before this evening, that on those issues, the Commission did a thorough job.

"There is a second level of inquiry, which I think that these two gentlemen here, Mr. Lane and Mr. Epstein, direct themselves toward, and that has to do with whether or not various loose ends on the periphery of the central question were thoroughly tied up, and I think that, in that respect, the both of these gentlemen have a done a worthwhile job pointing out a number of loose ends which I don't think are central or germane to the basic question, which the Commission has investigated."

GOLDMAN: "Mr. Liebeler would you agree with that? And, if so, what are these loose ends?"

LIEBELER: "Well, I do agree with that, I would go on a bit beyond that, if I might, before I get to this question of the loose ends, which I think Mr. Lane would be more than happy to enlighten us about in a moment.

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"I think we have to distinguish between the question of whether or not the investigation itself was thorough, and the way in which the report was written, and the way it reflected the evidence that was the underlying record that resulted from the investigation that was conducted.

"I think that most of the points that Mr. Epstein and Mr. Lane have made relate to language that was used in the report, sometimes the report, perhaps, didn't take into consideration all the evidence that was in the record; didn't reflect all of it.

"But that does not affect the thoroughness and the detail that went on in the underlying investigation. And I do agree with Mr. Griffin in that regard, that as far as the basic conclusions of the report was concerned, that Oswald killed the President, and that there was not a conspiracy involved, and he did it alone.

"I'm absolutely convinced of that, after having gone through both of these gentlemen's work with a good deal of care."

GOLDMAN: "Mr. Lane, you've been designated the authority on 'loose ends,' so..."

LANE: "Well, I'll be happy to talk about 'loose ends,' but I think the problem is a big more severe than that. I think that the ends are so loose that the whole fabric unravels, and that there's nothing but a hodge-podge rushed together, which has no reality to the evidence.

"I think that the one-volume Warren Commission Report bears no serious relationship to the twenty-six volumes of evidence showing what it is the investigators for the Commission uncovered — I wonder if I might use this photograph for a moment.

"This is a picture of the Dealy Plaza area, and the limousine came here on Main, up Houston and Down Elm, and it was about here when the first shot was fired, and it was about here when the last was fired.

"The Commission said all the shots were fired from Oswald, who was here, said the Commission, on the sixth floor of the Book Depository building. And the Commission went further, and said that no credible evidence suggests the shots were fired from anywhere else. What is the other evidence that the Commission holds not to be oredible?

"Almost two-thirds of those in the Dealy Plaza were asked where the shots came from. They said the shots came from behind

this wooden fence, high up on this little hill. That includes seven men who were on the railroad bridge, there, who said they looked over behind the fence when the shots were fired, because they thought the shots came from there, who said they saw puff or puffs of white smoke. It includes Lee Bowers, who was here in the railroad tower who looked down at the fence when the shots were fired.

"The question of the way the Commission handled the investigation can best be illustrated by -- or can be illustrated by a discussion of Bowers himself in the tower. Bowers said 'when the shots were fired, something attracted my attention to the fence, which I cannot define specifically something that' I think that's almost an exact quote, if not a very close paraphrase. After the word 'that', the Commission put a dash, and then it appeared that the Commission attorney who was questioning Mr. Bowers broke in to interrupt him before he finished the sentence, and he never was taken back to the question of what attracted him to the fence, when the shots were fired.

"But when I conducted a filmed and tape recorded interview with Mr. Bowers in March of this year, I told him that for a year or so, I was very interested to know he might have finished this answer, if permitted. He said, in essence, the Commission lawyer did interrupt me, evidently they did not want to hear the facts, but what I would have told them if they wanted me to finish my sentence, is that which attracted my attention to the fence when the shots were fired was a puff of smoke or a flash of light at the fence. And this I think is an indication, and just a small one, there are many others, of the lack of thoroughness. But if a pattern is portrayed, for the fact is that the majority of the witnesses who testified before the Commission were confronted with FBI reports of what they allegedly told agents of the F.B.I., a majority of cases where they were confronted with those reports, the witness said, the report was inaccurate, in at least one respect, and it was almost always a major respect, and there was a pattern which emerged from the F.B.I. changing what the witness said he told them, and that is, that in every case where there was a change, in almost every case, the F.B.I. report was consistent with Oswald's guilt as the lone assassin.

"But what the witness said was inconsistent, and if I may just add one more thing..."

ROVERE .: "What do you mean by a pattern? You said this twice, a pattern has emerged that you've..."

LANE: "I'd be happy to discuss that, of course. For example, there is a picture taken by a man named Major Philip Willis, of the Book Depository building, five minutes after the shots were fired, He gave this picture, that one and eleven others to the Commission, and on one of the photographs, there was the one taken of the Depository building, there's a man who appears in the picture, at the

right-hand portion of the picture, you can see his entire face, and a portion of his body, down to about his waist level, and he looks very much like Jack Ruby. And I was on a Dellas television program.."

ROVERE : " Excuse me, but is this the pattern that you described?"

LANE: "If you would allow me to finish, sir, I would be happy to..."

GOLDMAN: "Let me say..."

LIEBELER: "Again, before we get to the pattern, this is one of the problems, and the kind of thing that happens all the time. Mr. Lane has started off, and makes the remarks about the testimony that Mr. Bowers gave to Joseph A. Ball, who is one of the most outstanding trial lawyers on the west coast of this country. And he has indicated that Mr. Ball cut Mr. Bowers off without Mr. Bowers—before Mr. Bowers got a chance to tell him what it was that attracted his attention."

LANE: "Mr. Bowers says that himself, it's his own statement.."

LIEBELER: "Yes, and that what it says here on page 32 of your book."

LANE: "Yes, that's what he said."

LIEBELER: "Now, what you failed to point out, Mr. Lane, whether Mr. Bowers said that or not, I don't know, I know I went back and read Mr. Bowers' testimony yesterday, and the fact of the matter is that Mr. Ball had asked this same question twice before Mr. Lane picked up the quote here. And in both cases, Mr. Bowers tried to answer the question. And he said specifically, as a matter of fact, that he was unable to tell Mr. Ball exactly what it was, but that it was a sort of milling around. Now, he didn't say anything about a puff of white when he testified to Mr. Ball, and Mr. Ball cut him off on the third time around, Mr. Lane, not the first time around..."

LANE: "Well, let's start here, if there's any doubt in your mind to what Mr. Bowers said, we've just completed a film which will be released probably next month, we haven't done the opticals on it yet, and in it, there is Mr. Bowers being interviewed..."

LIEBELER: "That's not going to show what Bowers said to Ball, is it? It's going to show what Bowers said to you..."

LANE: "What happened.. what he said before the Commission ... "

EPSTEIN: "... it's very important.."

(SEVERAL VOICES OVERLAP HERE)

GOLDMAN: "Excuse me, Mr. Epstein and Mr. Lane. Mr. Rovere has not finished his questioning here. You were bothered by this..."

ROVERE: "Well, I'm just -- whenever somebody begins by saying a pattern is emerging, I want to know what it means. I don't want to know what Bowers said to you..."

LANE: "I was off that subject when ... "

ROVERE: "... a pattern suggests something with meaning and consistency, and."

I.ANE: "Precisely, yes. That's exactly what I'm saying. I was giving you an example of..."

ROVERE: "But I don't want examples; I want to know what the pattern is."

LANE: "Perhaps you don't want an example, but I'd like to answer the questions you pose the way I think they should be answered.."

GOLDMAN: "Well he wants to know what the pattern is."

LANE: "The pattern is quite simple, but the F.B.I...."

ROVERE ": "Partern of what?"

LANE: "That the F.B.I. -- I said that, if you want illustrations, I'll have to give -- if you just went me to say it again, I will. When the F.B.I. questioned the witnesses who then testified before the Commission and where the witnesses were confronted with the F.B.I. report, in a majority of cases, the witnesses said that the F.B.I. report is not accurate, 'that's not what I told the agents of the F.B.I. and the pattern is..."

GOLDMAN: "The pattern is, the F.B.I. has distorted what the witness has said."

LIEBELER: "According to the ... it's distortion, then."

ROVERE: "And the Commission itself set up these reports, because it was the Commission asked them.."

TANE: "Now, we get to that. In some cases, the witness who was then able to point out what had taken place. But, since the F.B.I. conducted twenty-five thousand interviews and reinterviews which the Commission said it relied upon, and the Commission itself only questioned ninety-four witnesses, and counsel for the Commission only questioned including those ninety-four, a total of five hundred and fifty two.."

ROVERE "Only?"

LANE: "Only. That's only out of twenty-five thousand, because you relied upon a lot of those twenty-five thousand..."

(VOICES OVERLAP HERE)

GOLDMAN: "Excuse me, Mr. Liebeler, and Mr. Lane, may I interrupt Sanitized - Approved For Release : CIA-RDP75-00149R000300110001-9

for a moment? We are trying to establish what the opinions are on this subject of the adequacy or the inadequacy of the Commission. You're saying it is inadequate because it distorted F.B.I...."

LANE: "This is one of the things. I might say.."

GOLDMAN: "Do you agree with that, Mr. Epstein?"

EPSTEIN: "Well, I think that in dealing with the question of whether there was one or more assassins, the basic question is whether the shot came from behind the President, because if the shots came from behind the President, then it's not really relevant where witnesses thought the shots came from. And the autopsy, and autopsy photographs, and other evidence, would show exactly where the shots came from. And then, what bothers me is that the Commission did not look at this very basic evidence, the place where everything starts from. They never saw the photographs of the autopsy, and there was a major contradiction. And this bothers me more than what witnesses said."

LANE: "And I would add to that, also, the fact that I would think that the Commission should not publish pictures of the President's body, obviously. I think that the Commission maybe should have looked at them--yes, I agree with you. But I think the Commission should have published the X-Rays, because there's nothing gory or in bad taste, obviously, in X-Rays."

EPSTEIN: "I can't understand it why, maybe you could explain this to me, Mr. Griffin, why didn't the Commission look at this basic evidence?"

GRIFFIN: "Well, they had before them, Mr. Epstein, the expert witnesses, the doctors who had examined all of this evidence, and they all said..."

(VOICES OVERLAPPING)

GOLDMAN: "Mr. Griffin."

GRIFFIN: "In each case, and you know this is true, Mr Lane, where an expert testified to a particular matter, he had examined all the matters which would have been relevant to his expert testimony.."

EPSTEIN: "But there was a conflict among the witnessess..."

GRIFFIN: "I read your book on that, I don't see the contradiction .. "

EPSTEIN: "You don't believe there is a contradiction?"

GRIFFIN: "What contradiction do you see?"

EPSTEIN: "That there are three F.B.I. reports. Each of the F.B.I. reports state that the bullet entered below the shoulder, and did not pass through the body entirely."

GRIFFIN: "Are you talking about the December 9 report?"

EPSTEIN: "The December 9, the January 13, and the November 28th. Those three reports. By contradiction, I mean, if these F.B.I. reports are accurate, then the Commission's autopsy reports are not accurate. And in any sense of the word, that is a contradiction."

GRIFFIN: "No. no..."

EPSTEIN: "I'm sure you'd agree. You don't think there's a contradiction?"

UNIDENTIFIED VOICE: "May I add to that?"

GRIFFIN: "The object of the Commission, as in every investigation, is to get the best evident... now let me finish, the best evidence in this case is the comparison between what you've suggested we should have used, the heresay F.B.I, report..."

EPSTEIN: "No, I suggested we use the autopsy photographs."

GRIFFIN: "Well, you were talking about the contradiction.."

LANE: "Mr. Epstein said that the report raises the question of the contradictions, and there's no question that it does."

GRIFFIN: "It doesn't raise a contradiction, because--let me finish showing you... this is a common problem on programs like this.."

UNIDENTIFIED VOICE: "We all have suffered from that same problem. | "

GRIFFIN: "The F.B.I. agents who wrote these reports themselves never saw the X-rays; they never saw the photographs; they only overheard some conversations with the doctors...let me finish.. those F.B.I. reports were used, as is clearly set forth in their reports, to provide the Commission with a summary background. We felt that we could not rely, in any case, upon what the F.B.I. produced, and I think, Mr. Lane, you'd agree that we should not have done that."

LANE: :... a question to me, sir?"

GOLDMAN: "... gent lemen, later..."

GRIFFIN: "... so we went to the experts, whom the F.B.I. overheard, and those experts were called to testify, and that's the evidence we relied on, and these F.B.I. reports, which are summaries of heresay, written by people, F.B.I. agents who were not competent even to evaluate what was said, who didn't hear, who didn't have all the information available to them.."

EPSTEIN: ".. you don't think they're competent?"

GRIFFIN: "Certainly not. They're not doctors, in this case."

LANE: "The F.B.I. reports do paraphrase Dr. Humes (?) who conducts the autopsy. If I may read from page 285 of the report of Sebred and O'Neil, two F.B.I. agents. 'Dr. Humes stated that the pattern was clear that the one bullet had entered the President's back, and worked its way out of the body during external cardiac massage,' and the F.B.I. agents went on to state that Dr. Humes said that the bullets had not exited forward, that further probing determined that the distance traveled by this missile, the bullet in the back, was a short distance, inasmuch as the end of the opening could be felt with the finger."

GRIFFIN: "Now, you said all of that without having the additional evidence that should have been available to him of what happened down in Park Lane hospital. Isn't that right?"

LANE: "Yes..."

GRIFFIN: "... and the doctors, why we gave the final testimony after they had all of the evidence before them...what you have done in your book, the name is Griffin, what you have done in your book, and what you have done in your book, Mr. Epstein, is to take strictly secondary evidence, in some cases, tertiery evidence, if we can dignify with the word evidence..."

EPSTEIN: "... the F.B.I. report to the President..."

LANE: "And you relied on some twenty-five thousand of them, but not this one..."

GOLDMAN: "Gentlemen, if I may..."

LANE: "And if I may say what you did do, you say that this is heresay, and the photographs and the X-rays are not basic because we have the results of Doctor Humes, but what you did accept, of course..."

ORIFFIN: "F.B.I. reports were never relied on, in critical matters of this sort, and you've read all the testimony and you know that.."

LANE: "Let me say this, what you did accept, though, and solemnly marked in evidence, instead of the photographs, instead of the X-rays, are three drawings by an artist, based upon Dr. Humes" verbal description of what his notes said, and what he recalled had happened months before. Is that the best evidence?"

GRIFFIN: "Plus the autopsy report itself, plus the testimony of the autopsy surgeon, who drafted the report at the time, that was also..."

LANE: "Now, what you also had was..."

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LIEBELER: "... and there's no question whatsoever, when you look at the autopsy, and you take the trouble to measure fourteen centimeters from the right mastoid process down, and I think Mr. Epstein and I went through this on another television program the other day, it's quite clear that the evidence, the hole in the shirt, is entirely consistent with what the report finally concludes—Mr. Lane, if I may—the report finally concluded. And you say, of course, that the bullet entered in the back at a point lower than it exited in the front. Did you never take the trouble to measure fourteen centimeters down from your right mastoid process? Of course not. And you won't answer the question, either."

LANE: "What I have done, Mr. Liebeler -- of course-Ihave -- but what I have done. What I have shown, Mr. Liebeler..."

LIEBELER: "... where does it come to, where does it come?"

LANE: "It comes insofar as this autopsy..."

LIEBELER: "But, where does it come when you measure the actual fourteen centimeters?"

(VOICES OVERLAP)

LIEBELER: "Then, it's allright..."

LANE: "No, it's not alright, because you don't like, so it's an inaccurate diagram..."

(VOICES OVERLAPPING)

LANE: "Please, gentlemen, will you permit me, since the question was asked, and (inaudible).. you have the answer. Now, here's what Dr. Humes himself drew, it's called the Autopsy Descriptive Sheet, prepared by Commander J.J. Humes, it's Commission Exhibit 397, and here is the dot. It's not on the neck at all; it's on the back, just where the F.B.I. says Dr. Humes said it was."

LIEBELER: "Now what does that mean?"

LANE: "You said fourteen contimeters..."

GOLDMAN: "We are getting into a very detailed examination about the subject which I think is going to be beyond the comprehension of the audience, because they don't know the subject as well as we do. Could I get a more general commentary on this first question? It has been said that this investigation of the Commission was not adequate; it was not good enough, it wasn't exhaustive enough; it was not satisfactory in some sense or another. Now, Mr. Rovere, you wrote an introduction to Mr. Epsteins book, in which you said you started reading this manuscript, like most of the rest of us, feeling that the Warren Commission had settled the matter, and you ended up unsettled in your mind to some extent. Is your own unsettlement on this issue of was the investigation good enough?"

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ROVERE: "Yes, absolutely, and it grows all the time, I think, and I'm intrigued when Mr. Griffin, who, for all I know, may be very-have all the facts on his side, in this argument, I'm no authority on them, but, the Federal Bureau of Investigation is, after all, the Federal Bureau of Investigation, and if it's incompetent in medical matters, why is it paid to draw up a report..."

GRIFFIN: "Well, they're not trained in that area."

ROVERE: "No, but men are working on it, and somebody's asked for a report--I don't want to get into the fact of evidence here, because I'm not competent to, except as regards the workings of the Commission; and I--what this, basically what seems to me is at issue here, to me, at least, I want, as an American citizen, to be able to put some confidence in what my government says. And the usefulness to me, of the kind of inquiry that Mr. Epstein and a number of other people have conducted, is in that field, and it seems to me we can't settle on a few minutes with Mr. Lane holding up some pictures, and pointing to them. These seem to me to be the fundamental questions in a discussion of this kind."

GRIFFIN: "I think that's right, and what I think is fundamental here, Mr. Goldman, is the process; and if the readers understand—or listeners, viewers, understand the process, I think they'll understand a bit more what our argument has been about. Our process was to take volumes of F.B.I. reports, to read them, to digest them, to try to understand what the F.B.I. seemed to think, and the other agencies seemed to think, was found; and then, not to rely on those F.B.I. agents not to rely on those heresay reports, but to get the actual witnesses that the F.B.I. talked to, and to take his testimony. And those five hundred and fifty two witnesses, whose testimonies were taken, represented the witnesses whose testimony was central to the issues which we..."

(VOICES OVERLAPPING)

GOLDMAN: "Mr. Epstein, please."

EPSTEIN: "Mr. Griffin, what happens when you found that a witness was saying something contrary to his F.B.I. report? Now, it seemed to me that a lawyer should be able to then tell the witness that his statement is inconsistent with the F.B.I. report; but I believe when you did this, you were--I don't think reprimended so strong--but you were told that the lawyers on the Warren Commission should not--you were told this by the Chief Justice--that the lawyers on the Warren Commission should not do this, and in fact, as I understand it, you were asked not to question the witnesses too hard, and asked not to go to Dallas.."

GRIFFIN: "No, no, I was never told that by the Chief Justice. The Chief Justice told..."

(VOICES OVERLAPPING)

EPSTEIN: "... you mean the counseling general -- I was in the auditor tum at the time..."

GMIFFIN: "I was never told that by the Chief Justice. What the Chief Justice said to Sargeant Dean, who made the allegation that I called him a liar, which—and he made that to the press—but before the Commission if you remember, in his testimony, said I did not rell him that, was that no commission counsel had the right to make those kind of allegations..."

EPSTEIN: "No one said..he very specifically said no Commission counsel has the right to judge a witness's testimony..."

GRIFFIN: "... that's right.."

(VOICES OVERLAPPING)

GRIFFIN: ".. that was the function of the Commission ... "

UNIDENTIFIED VOICE: "I think that's right ... "

EPSTEIN: "Then, how did you evaluate the F.B.I. reports?"

GRIFFIN: "I evaluated the F.B.I. reports..."

EPSTEIN: "You said that you sat down and you evaluated the F.B.I. reports..."

GOLDMAN: "Mr. Lane?"

LANE: "I would like to raise, if we might, a somewhat different on the question of fairness, and whether we can have faith in the investigation. This is Commission Exhibit 917, it's a Cable from the American Embassey in Moscow, which was sent to the F.B.I., the State Department, the C.I.A., and the Commander of the Marine Corps, on the third of November, '59, relative to Oswald. And it makes reference to a request for citizenship by Lee Harvey Oswald, former marine, and, and then forty one letters are deleted. Oswald stated he was a radio operator in the Marine Corps, and has offered to furnish the Soviets with info he possesses on U.S. radio. What he really did, perhaps he should have been arrested when he came back, but instead he got his passport in twenty-four hours. It took me about eight days, which is the normal period.

"But I am intrigued by this description of Oswald. 'Lee Harvey Oswald, former Marine and forty one letters deleted.' I wonder if that was star of stage, screen and radio, or what else was in here.

And Mr. Jenner, of course, is the attorney for the Commission, the senior counsel, given the responsibility of investigating the area of Oswald's background, the question of conspiracy, Oswald's motive, etc.

"I was on a radio program with him quite recently, and I asked him what those forty-one letters were, because this is right in his field. He said, 'I don't know. The cable was deleted before I saw it.' I said, 'well, don't you have an abiding curiosity to know how Oswald was described? Did it say government agent, or good-what was their description? Have you any idea?' And he said, 'I have faith in whoever deleted it, he must know what he's doing.' And I said, 'who deleted it?' Andhe said, 'I don't know.'

"Now, I think if we are asked to vest our faith in the Commission, I think the Commission is asking us to do too much when we find that men like Mr. Jenner, and I think this is a very important point, and there are many other instances, of course; but men like Mr. Jenner and perhaps others, investing their faith, in others, and we don't even know who they are."

GOLDMAN: "Mr. Liebeler?"

LIEBELER: "That's an inaccurate description of Mr. Jenner's position with the Commission, that's point one, because this area obviously falls into the question of Oswald's contacts outside the country, and that was not Mr. Jenner's responsibility, it was.."

LANE: "He said it was, on this radio program."

LIEBELER: "I don't know what he said on the radio program, but I'm telling you it wasn't, and I'll tell you whose responsibility it was, it was the responsibility of William Coleman, a lawyer from Philadelphia, and W. David Schlossen, formerly a member of a law firm in Denver."

"Now, on the question of whether or not there was any investigation made as to what letters were deleted there, I don't know
the answer to that question off hand, and I don't know whether there
is any response in the twenty-six volumes to this question."

LANE: "Are you curious, though?"

LIEBELER: "Yes, I'm curious about it, and there very well may be an answer to it somewhere. I'm not prepared to say that the question wasn't investigated at the time, I don't know about it, I'm quite sure that Jenner doesn't know about it, and there's no reason to expect Jenner to know anything about it, because in fact, this was not in his area."

LANE: "I assumed it was."

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LIEBELER: "Well, I'm telling you it wasn't, and it wasn't..."

LANEY "Well, he was wrong about that."

LIEBELER: "That's right, he was."

GOIDMAN: "Mr. Rovere, you wanted to comment before."

ROVERE: "I just wanted to get back to this question of the F.B.I. that we're a long way from it. The Commission early on, as I understand, made the decision not to employ independents, its own investigators, because it had this marvelous F.B.I...."

GRIFFIN: "Although it did do that in some instances."

ROVERE: "Well, maybe so, but this seems to me the kind of thing that's central to this kind of inquiry now, we may be forever beyond the truth in this matter, but something similar may happen again, and it seems to me that there are lessons to be learned in this, and I, to, for somebody's who's here to represent the Commission, or is defending its point of view, to make this cavalier dismissal of the F.B.I., I think it's probably right, but it does raise fundamental questions about the F.B.I., and about the processes that Mr. Epstein investigated."

GRIFFIN: "You see, the issue here is what the Commission did, and what it relied upon. Personally, I don't know how you would have gone about investigating this, how you would have investigated twenty-five thousand witnesses by hiring private eyes..."

ROVERE: "Well, I don't think..."

(OVERLAPPING OF VOICES)

EPSTEIN: "... other government investigating. Mr. Rovere has suggested that they pay investigators..."

GRIFFIN: "Which ones?"

ROVERE: "...tell, you've made (?) a pattern here..."

GRIFFIN: "To investigate a crime?"

ROVERE: "No, no."

GRIFFIN: "To investigate a homocide?"

ROVERE: "Excuse me, this is not quite what I suggested. I said that techniques might have been borrowed from other government agencies..."

GRIFFIN: "Let me tell you what we did do. You should know that we did use the Secret Service extensively; we did use the Post Office Department; we did use State Department investigators; we did use C.I.A. investigators..."

EPSTEIN: "Did they work directly for you? Or did you have to write a letter to the Department requesting them to investigate a certain matter?"

GRIFFIN: "In some cases, they worked directly for us. In the case of the Internal Revenue Service, they were on our staff."

EPSTEIN: "But those were accountants, weren't they?"

GRIFFIN: "In the case of the Secret Service Agents, I would say they worked directly for us, in the sense—they were not on our payroll—but in the sense that I could go to Dallas—I did this on a number of occasions, I was there three times.."

EPSTEIN: "Did you do this, with the F.B.I.?"

GRIFFIN: "We did not do this with the F.B.I. We did this with the Secret Service, let me say, with the Secret Service, we worked directly with them, they took instructions from us, and went out and investigated at our request. And in some cases.."

EPSTEIN: "Only a minority of reports are Secret Service.."

ROVERE: "Mr. Griffin, a distinguished member of the government, a few days after the assassination, and when the Warren Commission was in the process of formation, wrote a memorandum predicting sessions like the one we're at now two or three from now, and books like Mr. Epstein's and said, take it easy, take a long time at this, nail it down, or you'll be in just the kind of situation we're in now. This is what concerns me, and this seems to me to be the general concern of the American public."

GOLDMAN: "Gentlemen, we have obviously not said enough about the question of the general quality of the Warren Commission's work; but the time is racing, we'd be remiss in our duty if we didn't get to some of these other questions. Another one here is, did the Warren Commission adequately establish that if Oswald did do this, he did it alone? Now, your book concerns this to a great extent, although yours has a different emphasis. So, what, to your mind, is the most damaging point about the lack of qualities to follow the Commission's establishment of that point?"

EPSTEIN: "Well, I think it's exactly what you said. I'm more concerned about how the Commission went about establishing that point, then trying to determine that point. I don't know whether Oswald acted alone or not, I think there are improbabilities on both sides. I think it's very improbable that Oswald was able to fire the shots

in the amount of time that the Commission determined was--took place. But I also think it's very improbable that if there had been a conspiracy that no trace of it would have emerged."

GOLDMAN: "Mr. Liebeler, would you comment on this point?"

LIEBELER: "What he's essentially saying, as I understand, is that he..."

EPSTEIN: "I'm just weighing the improbabilities..."

LIEBELER: "...you're just unsatisfied?"

EPSTEIN: "Well, I didn't try to get into weighing these improbabilities; I'm just trying to point out that the Commission didn't--reading the report itself, and I think & Mr. Liebeler, at times when we've discussed, has gone further than the report in trying to, as he says, refine the report, and add new evidence; but on the evidence in the report, I don't think you can come to the conclusion that Oswald acted alone."

LIEBELER: "Well, I think that perhaps the strongest evidence on that, once again, we keep coming back to the problems of, or the alleged problems in the medical testimony and the medical evidence, prior to the autopsy; I think if the autopsy report is correct, and I have no doubt that it is, it indicates that all of the shots that struck into the occupants of the automobile came from above and behind the President. And this is obviously important, because if there were evidence, if there were any evidence for example, that a shot had been fired from anyplace else, obviously the question would have been raised as to whether or not anyone else was involved, and this would raise a strong inference that there might have been a conspiracy involved.

"So, that becomes crucial in terms of the discussion that was going on a minute ago, and you suggested we expand it a little, so we can really understand what we're talking about.

"Mr. Epstein has basically raised the point in his book that it's possible that the bullet that first struck the President struck too low in his back so that it couldn't have come out his throat, as the Commission concluded it did, and gone on to strike Governor Commally. Now, if this is so, then it is clear that Oswald could not have fired a shot as rapidly as required by the evidence of the motion picture camera that took pictures of the motorcade as it went down, because Governor Commally was hit so soon after the President was hit that Oswald couldn't have fired the rifle twice in that time space. So, once again, you get back to this problem of the medical testimony Mr. Epstein and I have discussed this, and there's no question in my mind at this point that the medical evidence does establish that all the shots came from above and behind.

"Now, as far as the evidence of a conspiracy on any other level. A lot of time, a lot of effort, and a lot of investigation was put into this question; and I think the only thing that was concluded was that if there was any substantial kind of conspiracy involved, some kind of indication would have come out at some place along the line. It's beyond the power of man to know the answer to every question, Mr. Rovere, as I'm sure you well know."

ROVERE: "Oh, absolutely; but ... "

GOLDMAN: "Excuse me. but Mr. Lane has been waiting over here."

LANE: "I think that there is some other basic evidence which the Commission did not handle properly, on this question, and perhaps did not even see. The Zapruda film was essential, I think we all agree, to the Commission's findings, it's called the Zapruda film, there's a motion picture eight millimeter film taken by an amateur photographer, who was to the front and to the right of the limosine, as he took the pictures, and it is relied on to a large extent by the Commission, with other documents and other photographs, primarily that one, to establish where the limosine was when the shots were fired, etc. I believe, and correct me if I'm wrong on this, Mr. Liebeler, that you agree that the Commission evidently never saw the whole Zapruda film."

LIEBELER: "No, I don't agree with that."

LANE: "You do not agree?"

LIEBELER: "Of course not. Because we did see the whole film, I saw it myself."

LANE: "No, no, no. One second. Published frames, that you did not publish frames of the whole film, is that correct?"

LIEBELER: "Yes, that's correct, but..."

LANE: "That you omitted, not you, but whoever made this determination, omitted for the Commission those frames between 207 and 212..."

LIEBELER: "Now, Mr. Lane, wait.."

LANE: "I haven't finished, sir..."

LIEBELER: "They didn't put them in the volumes of evidence, now that doesn't say that they omitted it for the Commission, you made it on behalf of the Commission, I misunderstand you."

CPYRGHT (VOICES OVERLAPPING)

GOLDMAN: "You are stating that these were not published for the public? Do you agree with that?"

LANE: "... 208, 209, and 211 are not published; and 212, which is published, which is the next published one after 207 in this sequence, although 210 is elsewhere, from 212 is a spliced picture. Would you admit that's so?"

LIEBELER: "That appears to be so, yes."

GOLDMAN: "Do you agree that there were several not published for publication?"

LIEBELER: "Yes, I think there were three, or five left out, altogether, and three were put somewhere else?"

LANE: "Well, 8, 9, ten, eleven, and then -- Now I think this raises, as you know, because you talked with one of our investigators on the west coast, Mr. Liebeler, some questions, because it does seem that when you see from 212, that it is possible that a sign which blocks a portion of that picture has been struck by a bullet, and if so, of course, we have too many bullets and the case against Oswald..'

EPSTEIN: "How is it possible to see .. (Inaudible)"

LANE: "Because you cannot see where the hole might be, because the very frames which have not been published by the..."

EPSTEIN: "You can see the sign..."

LANE: "No, Mr. Epstein, if you will allow me to finish my sentence, perhaps you'll get my meaning. You can see the succeeding frames, and you can see what physicist at universities on the west coast said are lines of strain in the sign which may be the result of a bullet hitting the sign.. In Frames from 12 to..."

UNIDENTIFIED VOICE: "It could be a rock, too, couldn't it, Mr. Lane?"

LANE: "Yes, someone might have thrown a rock when the shots were being fired."

LIEBELER: "And anyway, it's not a fair statement that physicists have said this, because your investigators, as a matter of fact, never made that claim to me, I raise this.."

LANE: "Well, that was after he spoke with you. But you did, did you not write a letter, Mr. Liebeler, to Mr. Rankin, and you said this is a plausible theory."

LIEBELER: "I said it seemed plausible to me."

LANE: "It seemed plausible. And you asked, in fact, that Mr. Renkin look into this matter formally with the Federal Bureau of Investigation to find out why the splice and the frames was left out, is that not true?"

LIEBELER: "My more specific request was that the frames should be obtained in public..."

LANE: "And didn't you ask that there be some formal inquiry made to the F.B.I.?"

LIEBELER: "I may have."

LANE: "Yes. Now, in addition to that.."

CRIFFIN: "Let me comment on this a second, because you see, the underlying premise that I think Mr. Lane is putting forth here is that somebody has deliberately deleted something, knowing that it would show, point to a conclusion contrary to the one that the Commission developed. And this, I don't understand this at all. And I think that Mr. Lane knows, and Mr. Epstein knows, that Mr. Liebeler and I provided a very substantial adversary system within the framework of the Commission, that, gentlemen, if I had any inkling that anything like that happened, I would have resigned, I wouldn't be here today. I certainly concur with Mr. Liebeler, that people--if Mr. Lane raises a doubt like this, that he challenges my integrity, I'd be more than happy to have those filmstrips shown; but what is the basis for this attack on our integrity? There's all sorts of reasons. Now, the most reasonable explanation that I can think of for omitting those is that they were simply cumulative, and we had space limitations. I think you gentlemen, all know..."

LIEBELER: "I think perhaps a more plausible explanation, if I may, is that for some reasons or another, this, probably when the individual slides were being made up, because this film was broken down to individual slides, and blown up, that the film was cut, and these frames were, for some reason or another, were inadvertently left out. Now, as Mr. Lane has already pointed out, there's no-there's very little conspiratorial inference to be drawn from this because one of the frames was in fact published somewhere else. So there's no reason for leaving 210 out.

"As a matter of fact, let me say something else, Mr. Lane, some other of your investigators are here on the east coast, one Jones Harris by name..."

IANE: "He has no relationship with me whatsoever.."

LIEBELER: "Has gone to--but anyway, whether he's a friend of yours or not, that doesn't affect his veracity one way or the other, has gone to Life Magazine, and has observed this film in its entirety, Sanitized - Approved For Release: CIA-RDP75-00149R000300110001-9

as we all did at the time, and Mr. Harris recalled to me and Mr. Epstein in conversation that there's no such thing as a bullet hole or anything in that sign. "

LANE: "Why would you rather have.."

EPSTEIN: "Doesn't this really bring us to -- excuse me..."

ROVERE: "I just wanted to say that there seems to be a leak between the Warren Report and if there's anything to this two-assassins theory is possible, then we being talking about conspiracy. These don't seem to be--to me to be the possible explanations of this at z11. I can conceive of a second assassin, no more involved in conspiracy than a couple of hold-up men..."

LANE: "Well, that is a conspiracy, it's acting in concert.."

ROVERE: "Yes, but it's not what comes to mind when people talk of conspiracy, and you know perfectly well that is's not the kind of conspiracy that we've been talking about. I'm not--my own feeling happens to be that in all probability, the improbable happened, and Oswald did it alone; however, if this should turn out not to be the case, it wouldn't necessarily alter the case fundamentally. If I can find one nut, I can find two; and nuts often get together."

GOIDMAN: "Gentlemen, I wonder if we could move quickly overinto that third question, did Oswald do it, apart from whether there was one or two assassins? We ought to say something about that. Mr. Lane, that's particularly your territory."

LANE: "Really no more than the other, because I have never said that I believe that Oswald did it, or did not do it. Yes, I have doubts about that. I say had Oswald had his trial, he would not have been convicted, and I think one of the commissions lawyers, Alfreda Scobi, had said that in a Law Review article as well. So I don't really go beyond her, but she did indicate, I think in fairness to her position, that she raised the possibility, that for example Marina Oswald, who did testify before the Commission and quite properly so, would not have been able to testify."

GOLDMAN: "Mr. Epstein, I gather that you do not agree with this."

EPSTEIN: "Well, I do think that in the Commission Report, there is enough evidence to show that Oswald did it. I'm not talking.. (Voices Overlap Here)... or whether this evidence would be admitted in the trial, but I think that someone has to be satisfied, on the basis of this evidence, and there's a chain of evidence from Oswald's rifle

to the time that Oswald killed Tippet, it seems that the case as they present it is reasonable and plausible, I mean as far as, but I didn't investigate whether the evidence was valid, I simply on the basis--what I was investigating was the process of the Commission, and I really assume that the Commission did present enough evidence on this point. It's not Mr. Lane I disagree with, it's the Commission."

LANE: "I'd like to comment -- on frame 313 of the Zapruda film, of course, is the frame which the Commission states and I think quite accurately, is the frame which shows the time that the bullet struck the President's head. And I think the next two frames, 314 and 315, in which the President's movement can be observed, is most important, is that he was driven forward or backward. I think it is most unfortunate that when the Commission published the frames, they incorrectly labeled 314 and 315, and published them backwards, and this of course did give an impression that the President was driven forward, when he was, in fact, driven backward. I think it's unfortunate that the Commission mislabeled these documents and published them out of context. If there's any question about that, here's a letter from."

LIEBELER: "I don't know whether that happened or not .. "

LANE: "Well, here's a letter from J. Edgar Hoover, dated December 14, 1965. 'You are correct in the observation that frames labeled 314 and 315 of Commission Exhibit 885 are transposed in Volume 18, as noted in your letter.' And Mr. Hoover goes on to say..."

GRIFFIN: "You wouldn't rely on the F.B.I.?"

LANE: "No, I'm not, but I do think that when we can prove it, even to the satisfaction of Mr. Hoover, which is going very far, I think, when one is dealing with facts, that even Mr. Hoover's concession that he made an error I think is an admission against interest, a concept with which we're all familiar, would indicate that Mr. Hoover may be accurate in this one particular respect."

GRIFFIN: "Well supposing he is?"

LANE: "Well, then, the Commission published the two frames just after the bullet hit the President's head, out of sequence, and mislabeled, thereby giving the impression that the President was driven forward..."

ROVERE: "Is this germane to the question that Mr. Goldman asked at the moment..."

LANE: "Of course, it is. If the bullet was fired from the right front, and since the Commission said Oswald was in the rear, obviously Oswald could not have fired that, you see. And that's the bullet which killed the President."

(VOICES OVERLAP)

GRIFFIN: "The evidence is that he was hit in the back of the head, not the front of the head."

LANE: "Well, that's what you say, but there is some question about that, because the closest..."

GRIFFIN: "I don't say that, all the doctors said that."

LANE: "No, not all the doctors, because eight of the doctors could not find that little hole to which the Commission refers."

(VOICES OVERLAPPING) ". is eight.. that they didn't look, Mr. Lane?"

ANE: "Well, I don; t know, if the doctors were not examining the President..."

VOICES OVERLAPPING: "I'd like to make ... "

GRIFFIN: "The doctors at Park lane Hospital had no question that the back of his head was blown out. You're talking about a hole.."

LANE: "Well, we know that the back of his head was blown out. But the question is, where did the bullet come? Did it come from 'he front.."

GRIFFIN: "These photographs you're talking about had to do with blowing off the back of his head. Now are you suggesting that the bullet that blew off the back of his head came from the front?"

LANE: "Of course. That'show the back of the head was blown off, because an exit wound is a large one, it takes bone material with it, and in fact, as you know, one of the witnesses, the closest, spectator, perhaps to the limosine, Charles Brin, said that he was fifteen feet, twenty feet, from the limosine, and he saw a portion of the President's head, the skull portion, fly backward and over the rear of the car and he said that on television, November 22, yet for some reason, the Commission never called this man, the closest spectator, as a witness, and none of your attorneys for the Commission questioned him, but you did of course question Professor Revelo Oliver, not you, but the Commission, Revelo Oliver, who said he had no facts whatsoever, he entertained the possibility that the President was killed because he was deciding to leave the Communist conspiracy and turn America..."

(VOICES OVERLAPPING) "Forget about the Communist conspiracy"...
"We're talking about.." "I'd like to..." "We've been through it..."

LIEBELER: "Well, I'm glad you reised that question, because you, on page 58 of your book, go through the testimony of the surgeons.

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the doctors in Dallas, whose primary responsibility at that time was to save the President's life, not to determine whether these were exit wounds or entrance wounds, or to perform an autopsy. And they specifically stated themselves that they regarded it as far beyond their perogative to make any such examination of the President.

"Now, you quote Dr. Clark, and the question you ask is, 'did you observe any hole or wound in the President's head?' Now, the problem here is that there was a large exit wound on the right hand rear of the head, and a small entrance wound right below it. And you quote Dr. Clark as saying, 'No sir, I did not.' Now, I'd like to know why they didn't go on and quote the sentence that followed that, and say, that Dr. Clark said, 'that could easily have been hidden in the blood and hair.' And this is just one example of the way you handled your whole book, Mr.Lane, and if you want me to tick off fifteen more, I'll be happy to..."

IANE: "I'll tell you what, let me tick off fifty regarding the Commission, starting from the very beginning.."

LIEBELER: "You're criticising the Commission for being selective, now, how do you respond ..."

LANE: "I think I am entitled to respond to that, and I would like to..."

LIEBELER: "You tell me why you left that out."

IANE: "Mr. Liebeler, be patient, and I'm going to tell you, if you'll just listen."

LIEBELER: "After the program, I presume."

LANE: "If you're patient, and you will stop talking, I am going to tell you right now while we're still on to that. The Commission report was reportedly a fair, impartial document. My book is not an objective analysis, and I have never said it is. I have a position, and my position is that the Commission selected evidence out of context, the Commission distorted evidence, etc. And I say, also, that the Commission was not adequate in stating that the eight doctors at Park Lane who examined the President's head said that they could not find a hole in the back of the head. They did not see a hole, on the back of the head. And I made that point, and I listed it. And this is in answer to a prosecution document, in a sense, you might say, that the book is a brief for the other side."

GOIDMAN: "I think you have both stated your positions on that very technical point. We have only got five minutes to go, will you stick to the area of the whole three problems that we're discussing.

Mr. Griffin got us into something, I think we should say a word about. You raised the question, why this questioning, why should people assume that perhaps the Warren Commission was hasty, superficial, and so forth. Now, I take it, Mr. Epstein, your point of view is they were trying to satisfy a great public need at that time, which was to bring solidity to the situation, and a sense of knowing this thing.."

EPSTEIN: "Well, I think the very specific need was to get the report out at a certain date, and I think that that dominated the entire investigation, and that the lawyers were told time and time to finish their reports on time, and I think that, I can't say why they needed to get this report out, I could speculate on the reasons, and I agree with the reasons you gave.."

GOLDMAN: "I didn't give them, I was raising a question."

GRIFFIN: "I think Mr. Epstein, in raising this in his book, ignores the timing—there was no doubt a good bit of pressure, but he ignores the timing of this pressure. This pressure came on after all got a handful of witnessess, were questioned and at a point when we began, we were taking the evidence, we had investigated for three and one half months, and let me say that we had, as you know, twenty—six people working on the staff, not to mention the F.B.I. Let me finish, I'm trying to explain why I think this pressure developed. By this time, we had a tremendous amount of evidence, and the Chief Justice of the United States, who had been a prosecutor of Alameda County for twenty years, I think, began to wonder when he asked us, have you found anything, have you found anything that shows a conspiracy, and he had these twenty—six people who were investigating, and couldn't say we had found anything at this point.

"I think what happened -- this is my own appraisal from having worked with it -- I think this man with his experience looked back and said, I've never had this many investigators work on a case for so long and come up with nothing more, and he began to say, 'let's get this thing out.' And so I think..."

EPSTEIN: "... your experience, because in July, you were still trying to determine how Jack Ruby got into the basement, which was crucial to your issue..."

GRIFFIN: "That's right ... "

EPSTEIN: "... and that was one month past the deadline for admitting the reports.."

GRIFFIN: "That's right, that's right ... no, it is, because I

was trying to close a whole series of loopholes. Let me say that it was the Commission's view that we had sufficiently covered the question of how Jack Ruby got into the basement..."

EPSTEIN: "They never had said so before.."

GRIFFIN: "They told us at that time, but I didn't feel that.."

GOLDMAN: "Mr. Rovere, do you want to comment on the general atmosphere of the Commission, so to speak?"

ROVERE: "Well, Mr. Griffin and Mr. Liebeler, know far more about that than I do, I think, as far as the sources of the pressure, it's quite evident-I don't see how anybody could not have wanted to, I'd have felt there was a need to dispel rumors, particularly if they were false, and they could be dispelled. It was very much in the country's interest, in terms of foreign policy, of terms of domestic politics. I don't know that these pressures came out directly in this form, I think they were there, and I don't think--know what traffic the White House had with the Commission, but, one can think of a hundred reasons, and all of them valid in one way or another, for wanting to close this thing up in a hurry. People wanted to know, it would be reassuring."

LANE: "I think it is almost too easy on the Commission to say that time was a problem. Had Oswald lived to face trial.."

ROVERE: "Time is always a problem, Mr. Lane."

TANE: "Excuse me, Mr. Rovere..."

(VOICES OVERLAP HERE)

man can be tried for a crime of murder, and it can be much more complicated a case, in this one involving a conspiracy with a number of people, and rarely does the government, on a local or federal level, take ten months to conduct an investigation; never does it spend a million dollars, and never does it have the F.B.I. and the Secret Service, and the Local Police, this is a very unique situation. But if the Commission, as I said, earlier, is going to call people like Professor Oliver, to hear him speak on for hours about his theories—he was in Illinois when the shots were fired—and had no evidence to offer, but if the Commission is going to spend a lot of time..."

GOLDMAN: "I'm very sorry, gentlemen, but unfortunately, I've got to take this off the air. Thank you very much, Mr. Mark Lane, the author of 'Rush to Judgement'; Mr. Wesley J. Liebeler, of the Warren Commission; Mr. Edgar J. Epstein, author of 'Inquest'; Mr. Richard Rovere, of the New Yorker; and Mr. Bert W. Griffin, also an assistant counsel to the Warren Commission. Thank you for being with us, ladies and gentlemen, and goodbye for this week."