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We found hidden or undiscovered evidence in film of the murder itself, that the killer had more time than the minimal 5.6 seconds indicated in the Warren Report to get the shots off. And we concluded that beyond reasonable doubt, Oswald was indeed at least one of the killers.

But was there more than one? On Monday night, we interviewed eyewitnesses who said all the shots came from the School Book Depository. And others equally insistent that there were shots from the grassy knoll overlooking the motorcade itself.

We tested more exhaustively than did the Warren Commission the extremely controversial single bullet theory, found that one bullet could, indeed, have wounded both the President and Governor Connally. We heard autopsy surgeon, James Humes, break three and a half years of silence to report that he has re-examined the X-rays and photographs of the President's body, and still has no doubt that all the shots struck from behind.

We concluded that in the absence of solid evidence that there were other assassins, and with the indications that one killer could account for all the shots, there was no second gunman. But, even as the only gunman, was Oswald, as the Warren Report suggests, a lone madman? Or was he the trigger-man for a conspiracy to kill the President?

On Tuesday, we considered such frequently mentioned indications of conspiracy as the murder of Officer J. D. Tippit, found that he was legitimately ordered from his normal patrol area as part of a redeployment of police forces to cope with the assassination. Found too, that a partial description of the assassin, broadcast on police radio, could account for Tippit's stopping Oswald.

We found the nightclub owner, Jack Ruby, the man who killed Oswald, was a strange, mercurial creature given to hitting first and asking questions afterward. And none of his closest associates would credit Ruby with the ability to keep a secret very long.

We presented the conspiracy theories of New Orleans District Attorney Jim Garrison, theories which Garrison says he will present in a court of law, but which today remain a series of largely unsupported statements. And we concluded that, for now at least, no conspiracy theory of the assassination has been proved.

Tonight, we turn from the assassination to the Warren Commission itself. Having found that the Commission's conclusions, in the main, still stand up almost three years after published, we now ask our fourth and last fundamental question: Why doesn't America believe the Warren Report?

Tonight, as in our preceding reports, my colleague Dan Rather and I are going to break this fundamental question into subsidiary questions. For the first part of the broadcast, we will ask: Should America believe the Warren Report? We will explore just how well and honestly the Warren Commission operated, to what extent it deserves belief.

The second question will be: Could America believe the Warren Report? And we'll try to determine whether there are elements in the way people, and particularly Americans, think about great events, which would prevent their accepting the Warren Report, however trustworthy it might be.

But this final broadcast will be different. The questions we will ask tonight, we can only ask. Tonight's answers will be not ours, but yours.

RATHER. As we take up whether or not America should believe the Warren Report, we'll hear first from the man who perhaps more than any other is responsible for the question being asked. Mark Lane, lawyer and former New York State Assemblyman, was the gadfly of the Warren Commission. He demanded the right to appear before it as a defense counsel for the dead Lee Harvey Oswald. Refused, he began his own investi-

gation of the President's death, a study that produced first the best selling attack on the Warren Commission, "Rush To Judgment," and now a movie of the same name.

Mark Lane has lectured all over the world on his own theories of the assassination, theories which he spelled out for Bill Stout.

MARK LANE. There was one conclusion, one basic conclusion that the Commission reached, I think, which can be supported by the facts, and that was the Commission's conclusion that Ruby killed Oswald. But, of course, that took place on television. It would have been very difficult to deny that. But, outside of that, there's not an important conclusion which can be supported by the facts and--and this is the problem.

And what the Commission was thinking and what they were doing is still hidden from us, of course. The minutes of the Commission meetings are locked up in the National Archives and no one can see them. A vast amount of the evidence, F.B.I. reports, C.I.A. reports, which may be directly related to the information we should have, are also locked up in the Archives. No one can see that.

The photographs and X-rays of the President's body, taken at the autopsy in Bethesda, Maryland, taken just before the autopsy was begun, taken by Naval technicians, which in and of themselves might resolve the whole question as to whether or not there was a conspiracy, cannot be seen by anyone today and, in fact, not one member of the Warren Commission ever saw the most important documents in the case, the photographs and the X-rays. And not one lawyer for the Commission ever saw--was curious enough to examine the most important evidence.

I think the villain was the desire of government officials to be nice, to see to it that nothing would upset the American people, that the apathy which has seized us for all of these years be permitted to remain uninterrupted by a factual presentation of what happened. The American people would have been upset surely if they were told there was a conspiracy which took the life of your President.

CRONKITE. But Mr. Lane, who accuses the Commission of playing fast and loose with the evidence, does not always allow facts to get in the way of his own theories. In "Rush To Judgment," for example, he writes: "The statements of eyewitnesses close to the President tended to confirm the likelihood that the shot came from the right and not from the rear." Lane then quotes Associated Press photographer James Altgens, and another eyewitness, Charles Brehm, as giving testimony that would support the idea of a killer on the grassy knoll. Yet Mr. Altgens, as we saw Monday night, is entirely certain that all of the shots came from behind, a fact that Mr. Lane does not mention.

As for Mr. Brehm, Eddie Barker discovered that he holds no brief either for the grassy knoll theory or for the use of his words by Mark Lane.

EDDIE BARKER. Well now, some critics of the Warren Report have taken your testimony, or interviews with you, to indicate that you thought the shots came from behind the fence over there. What about that?

CHARLES BREHM. Well, as I say, it was not a number of critics. It was one critic, Mark Lane, who takes very great liberties with adding to my quotation. I never said that the--any shot came from here like I was quoted by Mr. Lane. Mr. Lane would like me to have positively identified the--what I saw fly over here--his skull--although I told him I could not--I did not--I thought it was but I could not. So, he has added his interpretations to what I said, and consequently that's where the story comes from that--that I said that the shots come from up there. No shot came from up there at any time during the whole fiasco that afternoon.

CRONKITE. Nor are these the only examples of Mr. Lane lifting remarks out of context to support his theories. Perhaps the most charitable explanation is that Mark Lane still considers himself a defense attorney for Lee Harvey Oswald--and a defense attorney's primary duty is not to abstract truth, but to his client.

There exists, however, a less partisan, and therefore perhaps more disturbing critique of the Warren Commission Report.

RATHER. One of the most influential attacks on the work of the Commission is the book, "Inquest," by a young scholar named Edward J. Epstein. It began as a thesis in political science. Mr. Epstein deciding to find out just how the Warren Commission had gone about solving this crime of the century.

He studied the 26 volumes of hearings, then interviewed five of the seven Commission members, General Counsel J. Lee Rankin and some of the Commission's top investigators. And the pattern that began to emerge disturbed him.

ERSTEIN. Well, there were three, I think, levels of complaint. The first one was the institutional, you might say: the general problem that a government has when it searches for truth. The problem of trying to have an autonomous investigation, free from political interference and at the same time, it's dealing by its very nature with a political problem.

The second level might be called the organizational level of--was the Warren Commission organized in a way that prevented it from finding facts. And here my findings were that by using a part time staff and by the Commission's detaching themselves from the investigation--in other words, not actively partaking in the investigation--it raised some problems as to whether the Warren Commission's investigation went deep enough, so that if there was evidence of a conspiracy, they would have in fact found it.

The third level of my criticism concerned the evidence itself, and this concerned the problem of when the Warren Commission was confronted with a very complex problem. For example, the contradiction between the F.B.I. summary report on the autopsy and the autopsy report they had in hand--how they solved this problem, whether they simply glossed over it or whether they called witnesses and--and this--this, of course, brought up the questions of--of a second assassin.

RATHER. One of the men Mr. Epstein interviewed for his "Inquest" is Arlen Specter, now District Attorney of Philadelphia, but in 1964, one of the principal investigators for the Warren Commission, charged with establishing the basic facts of the assassination. Mr. Specter thinks the Commission did its job well and came up with the right answers.

SPECTER. I would say after having prosecuted a great many cases that seldom would you ever find a case which was as persuasive that Oswald was the assassin and, in fact, the lone assassin, and we convict people in the criminal courts every day right here in City Hall, Philadelphia. And the times the death penalties are imposed or life imprisonment--so that--so that the case does fit together.

RATHER. In separate interviews we asked critic Epstein and investigator Specter to discuss some of the central issues that must determine how well or how badly the Warren Commission did its work.

ERSTEIN. Part of the job of the Warren Commission was restoring confidence in the American government. And for this he had to pick seven very respectable men, men who would lend their name and lend probity to the report. And so that the problem was, in any seven men he picked of this sort, they would have very little time for the investigation.

They would also have two purposes. One purpose would be to find the truth, all the