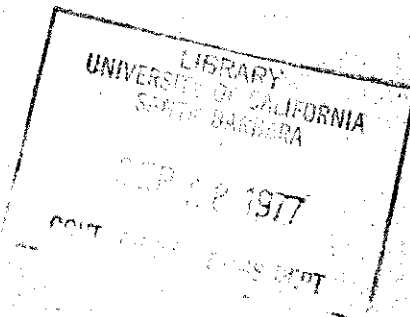


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THE ASSASSINATION OF PRESIDENT
JOHN F. KENNEDY: THE WARREN
COMMISSION REPORT AND
SUBSEQUENT INTEREST



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September 10, 1975

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PREFACE

This report provides background on the assassination of President John F. Kennedy and related subsequent events: the establishment of the President's Commission on the Assassination of President Kennedy and its report; the transfer of evidence relating to the assassination to the National Archives; public forums questioning the findings of the Warren Commission; Congressional and other governmental action relating to the assassination investigation and recent efforts to open new investigations into the assassination of President Kennedy.

INTRODUCTION

On November 22, 1963, in Dallas, Texas, John Fitzgerald Kennedy, 35th President of the United States, was mortally wounded, the fourth time in our nation's history that a President has been assassinated. The others were Abraham Lincoln in 1865, James Garfield in 1881, and William McKinley in 1901. Riding in the Presidential limousine at the time President Kennedy was assassinated were the President's wife Mrs. Jacqueline B. Kennedy; Texas Governor John B. Connally, Jr.; and Mrs. Connally.

The President was in Texas on a political visit. President Kennedy had given serious consideration to a visit to Texas as early as the previous year. The President had last visited that State during the 1960 Presidential campaign. President Kennedy, Vice President Lyndon Johnson, and Special Assistant to the President Kenneth P. O'Donnell, believed that the President's appearance in Texas could play a vital role in the 1964 campaign. According to Mr. O'Donnell's testimony before the President's Commission on the Assassination of President Kennedy:

[President Kennedy] hadn't conducted any political activities in Texas. There were great controversies existing. There was a party problem in Texas that the President and the Vice President felt he could be helpful, as both sides of the controversy were supporting President Kennedy, and they felt he could be a bridge between these two groups and this would be helpful in the election of 1964. I think that is the major reason for the trip.^{1/}

The President decided to visit Texas in late November 1963.

^{1/} U.S. Warren Commission. Investigation of the Assassination of President John F. Kennedy. Hearings. Vol. VII. Washington, D.C., U.S. Govt. Print. Off., 1964. p. 441.

Much interest was generated throughout the State of Texas about the coming Presidential visit. On September 26, both Dallas Newspapers-- The Morning News and the Times-Herald -- cited White House sources as confirming the President's plan to visit Texas on November 21 and 22, with Dallas scheduled as one of the stops.

Supportive articles, editorials, and letters to the editor on the Presidential visit exemplified the general mood of the community. An editorial in The Times-Herald of September 17 called on the people of Dallas to be "congenial hosts...[even though]...Dallas didn't vote for Mr. Kennedy in 1960...[and] ... may not endorse him in '64."^{2/}

Security preparations for this trip included the use of the Protective Research Section (PRS) of the Secret Service which maintains records of people who have threatened the President or have conducted themselves in such a manner as to be considered a potential danger to him. Their preparations also involved checking and cross-checking the files of the local police departments and other law enforcement offices.

Preparations for the President's visit seemed to be going smoothly in the Dallas community until the evening of October 24, when after addressing a meeting in Dallas, U. S. Ambassador to the United Nations Adlai E. Stevenson was jeered, jostled and spat upon by hostile demonstrators. The FBI identified the protesters as members of a right-wing group whose intentions were to protest general policies of the Kennedy Administration. Also, the FBI's Dallas office advised the Secret Service that a handbill

^{2/} U.S. Warren Commission. Hearings, Appendix, Commission Exhibit (CE) 1369.

dated November 21, 1963, which was sharply critical of President Kennedy, was being circulated on the streets of Dallas. Neither the FBI nor the Dallas police could identify the source of this handbill.

PRS files reportedly did not contain any information concerning Lee Harvey Oswald nor did they identify him as a threat to the President.^{3/}

As the day of the President's visit approached, the Dallas papers made repeated and frequent pleas that citizens not demonstrate or create disturbances. On November 18, the Dallas City Council, in the hopes of assuring the President a pleasant trip, adopted a new city ordinance prohibiting interference with attendance at lawful assemblies. Two days before the President's arrival, the Chief of Police warned the community that the Dallas police would not permit improper conduct during President Kennedy's visit.

TRIP TO DALLAS

The Dallas trip began when President and Mrs. Kennedy departed Washington on the morning of November 21 in the Presidential plane, Air Force One and flew to San Antonio, Texas. During Mr. Kennedy's visit in San Antonio, he dedicated the U.S. Air Force School of Aerospace Medicine at Brooks Air Force Base. He later flew to Houston where he spoke at Rice University and attended a dinner honoring U.S. Representative Albert Thomas. Late in the evening, the Presidential party flew to Fort Worth where they spent the night at the Texas Hotel.

^{3/} U.S. Warren Commission. Report of the President's Commission on the Assassination of President John F. Kennedy. Washington, U.S. Govt. Print. Off., 1964. p. 440.

About 11:30 a.m. on November 22, the Presidential party which included Texas Governor John B. Connally, Jr. and Mrs. Connally and U.S. Senator from Texas Ralph W. Yarborough, arrived at Dallas' Love Field shortly after Air Force Two had arrived with Vice President Johnson and Mrs. Johnson. Following a brief reception at the airport, the Presidential motorcade left en route to downtown Dallas. During the motorcade, President Kennedy rode on the right-hand side of the rear seat with Mrs. Kennedy on his left. Governor Connally occupied the right jump seat in front of President Kennedy and Mrs. Connally the left in front of Mrs. Kennedy. Two Secret Service Agents accompanied them. One drove the limousine while the other's responsibilities included maintaining radio communications with the lead and follow-up cars, scanning the route and protecting the President when the car stopped.

THE PRESIDENTIAL MOTORCADE

The motorcade route selected by the Secret Service Agents was the most direct route from Love Field to the Trade Mart, the site selected for a Presidential luncheon. According to one of the agents:

...It...[the route]...afforded us... wide streets most of the way because of the buses that were in the motorcade. It afforded us a chance to have alternative routes if something happened on the motorcade route. It was the type of suburban area a good part of the way where the crowds would be able to be controlled for a great distance, and we figured that the largest crowds would be downtown, which they were, and that the wide streets that we would use downtown would be of sufficient width to keep the public out of our way.^{4/}

^{4/} U.S. Warren Commission. Hearings, v. IV, p. 326.

Secret Service planning of the Presidential motorcade also included advance preparations for security arrangements along the route. This involved watching overpasses, deploying foot patrolmen, and providing motorcycle escorts. No arrangements were made for police to inspect buildings along the motorcade route since, according to the Secret Service, it did not normally request or make such a check.^{5/}

When the Presidential motorcade entered the downtown area, the streets were jammed with people:

According to plan, the President's motorcade proceeded west through downtown Dallas on Main Street to the intersection of Houston Street... From Main Street the motorcade turned right and went north on Houston Street, passing tall buildings on the right, and headed toward the Texas School Book Depository Building. The spectators were still thickly congregated in front of the buildings which lined the east side of Houston Street, but the crowd thinned abruptly along Elm Street, which curves in a southwesterly direction as it proceeds downgrade toward the Triple Underpass and the Stemmons Freeway.^{6/}

^{5/} Ibid. v. V. p. 466-467: During questioning in these hearings about the inspection of buildings, the Chief, U.S. Secret Service replied: "except for the inauguration in Washington, and other parades, involving the visit of foreign dignitaries in Washington, in which the President would ride in the motorcade with the head of state, where we had ample time to make these surveys, we had never conducted on trips out of Washington surveys of this nature."

^{6/} U.S. Warren Commission. Report, p. 48.

In testimony before the Warren Commission, Governor Connally pointed out that

...as we ... approached downtown, the downtown area of Dallas, going down the main street, the crowds were tremendous. They were stacked from the curb and even outside the curb... it was a tremendous reception, to the point where just as we turned on Houston,...Mrs. Connally remarked to the President, "Well, Mr. President, you can't say there aren't some people in Dallas who love you." And the President replied. "That is very obvious," or words to that effect. 7/

THE ASSASSINATION

The motorcade proceeded through downtown Dallas and approached the Texas School Book Depository Building. At that point several gunshots resounded in rapid succession. The President and Governor Connally were wounded. The driver of the Presidential limousine pulled out of the motorcade and proceeded immediately to Parkland Memorial Hospital four miles away, where a team of 12 doctors, alerted by Secret Service agents, were standing by.

Upon arrival at Parkland, the President still showed signs of life, and immediate attempts were made to revive him. However, despite efforts of the medical team attending him, and the efforts of the President's physician who had accompanied him on this trip, President John F. Kennedy died at 1:00 p.m.

7/ U.S. Warren Commission. Hearings, v. IV, p. 131.

While one medical team had been working on the President, a second had been attending to Governor Connally. It was determined that he had sustained serious, but not fatal, gunshot wounds. Mr. Connally made a successful recovery after several months of convalescence.

Secret Service officials were concerned that Vice President Johnson, who was at Parkland Hospital, might also be a target for assassination. Therefore they urged the Vice President to leave the hospital and return to Washington immediately.

The Vice President, under Secret Service protection, returned to Love Field and boarded Air Force One. He consulted Attorney General Robert F. Kennedy by telephone. The Attorney General advised Vice President Johnson he should take the Presidential oath of office before the plane left Dallas. A Federal District Court Judge, Sara T. Hughes, was hastened to the plane, and at 2:38 p. m., Lyndon Baines Johnson took the oath of office as the 36th President of the United States.

At the direction of President Johnson, President Kennedy's body was placed aboard Air Force One, and after arrival at Washington, was taken to the National Naval Medical Center in Bethesda, Maryland.

THE ARREST OF THE ALLEGED ASSASSIN

Most persons interviewed at the scene of the shooting reported uncertainty concerning the origin of the gunfire they heard. Several witnesses, however, reported that they saw a rifle being fired from the Southeast corner window on the sixth floor of the Texas School Book Depository Building.

One eyewitness, who had been viewing the parade from a position on Elm Street directly opposite and facing the Book Depository Building, reported to the police that "he had seen a slender man, about 5 feet 10 inches, in his early thirties, take deliberate aim from the sixth-floor corner window and fire a rifle in the direction of the President's car." 8/ The police, shortly afterwards, broadcast a description of the suspected assassin based primarily on this witness' observations. Other witnesses stated that they saw a man standing at the sixth floor window, or saw a rifle being fired from that position, or that they believed it was from that position the shots had originated.

The Commission Report describes these actions which led to Oswald's later arrest:

When the shots were fired, a Dallas motorcycle patrolman, ...was riding in the motorcade at a point several cars behind the President. He had turned right from Main Street when he heard a shot...[he] was certain the shot came from a high-powered rifle. He looked up and saw pigeons scattering in the air from their perches on the Texas School Book Depository Building. He raced his motorcycle to the west and pushed his way through the spectators toward the entrance. There he encountered...the building superintendent, who offered [him] his help. They entered the building, and ran toward the two elevators in the rear. Finding that both elevators were on an upper floor, they dashed up the stairs. Not more than 2 minutes had elapsed since the shooting.

When they reached the second-floor landing on their way up to the top of the building...the [patrolman]...thought he caught a glimpse of someone through the small glass window in the door separating the hall area near the stairs from the small vestibule leading into the lunchroom...Gun in hand, he rushed to the door and saw a man about 20 feet away walking toward the other end of the lunchroom.

8/ U.S. Warren Commission. Report, p. 5.

The man was emptyhanded. At...[the officer's] ...command, the man turned and approached him ... [The superintendent]...who had started up the stairs to the third floor ahead...returned to see what had delayed the patrolman...[the officer]...asked...the superintendent...whether he knew the man in the lunchroom...[he]... replied that the man worked in the building, whereupon...[the officer]...turned from the man and proceeded...up the stairs. The man they encountered had started working in the Texas School Book Depository Building on October 16, 1963...His name was Lee Harvey Oswald. 9/

A short time later, another shooting occurred in Dallas...that of Patrolman J.D. Tippit of the Dallas police force, who had routinely stopped Oswald because he appeared to fit the description broadcast over the police radio. A witness later stated that Patrolman Tippit was gunned down by Oswald.

Police later found and arrested Oswald in the "Texas Theatre," a motion picture house. At Police Headquarters, while under interrogation by officials of the F.B.I., U.S. Secret Service, and local police, Oswald flatly denied having anything to do with either the murder of Officer Tippit, or the assassination of President Kennedy. Based on the testimony of several witnesses who positively identified Oswald as the one who killed Tippit, Oswald was formally charged on November 22 with the patrolman's murder.

The formal charge against Oswald for the assassination of President Kennedy came shortly after 1:30 P.M. on Saturday, November 23, after collected evidence (e.g., the Mannlicher-Carcano 6.5 millimeter Italian rifle found in the Texas School Book Depository Building) had been linked to Oswald.

9/ Ibid.

The following Sunday, November 24, Oswald was to be transferred from the city jail to the Dallas County jail. In the process of the transfer, in full view of millions of Americans on nationwide television, Oswald was fatally shot by a man named Jack Ruby. During police interrogation, Ruby claimed that he had shot Oswald in a temporary fit of depression and rage over the President's death. Jack Ruby, born Jack Rubinstein, was indicted for the murder of Oswald by the State of Texas on November 26, 1963, and found guilty of that murder on March 14, 1964. He was sentenced to death.

Although Ruby was convicted and sentenced, a new trial for him was ordered; but before the second trial could occur, Jack Ruby died of cancer in Dallas, Texas, on January 3, 1967.

THE PRESIDENT'S COMMISSION TO INVESTIGATE THE
ASSASSINATION OF PRESIDENT KENNEDY

On November 23, 1963, President Lyndon Baines Johnson issued Executive Order No. 11130 creating a Commission to investigate the assassination of President Kennedy. ^{10/} The President directed the Commission to evaluate all the facts and circumstances surrounding the assassination and subsequent killing of the alleged assassin, and to report its findings and conclusions to him.

By this order, a factfinding body having the broadest of national mandates was created. As Chairman of the Commission, President Johnson selected Earl Warren, Chief Justice of the United States. Other members were Senators Richard B. Russell, Democrat from Georgia, and Senator John Sherman Cooper, Republican from Kentucky. Two members of the Commission were

^{10/} U.S. Warren Commission. Report, Appendix I, p. 471.

drawn from the U.S. House of Representatives: Hale Boggs, Democrat from Louisiana and Gerald R. Ford, Republican from Michigan (who served as the 38th President of the U.S.). President Johnson selected two persons from private life: Allen W. Dulles, former Director of the Central Intelligence Agency, and John J. McCloy, former President of the International Bank for Reconstruction and Development.

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, according to the Warren Commission:

...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) 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 also 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 dedi-

cation 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 Commissioner'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 recommended additional investigations 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 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. 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.

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 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 C. 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 President.

PHYSICAL AND DOCUMENTARY EVIDENCE OF THE ASSASSINATION

At the time of its published "Report", the Commission submitted "...the complete testimony of all the witnesses who appeared before the Commission...or gave sworn depositions or affidavits...The Commission ...has committed...all of its reports and working papers to the National Archives, where they...will...be permanently preserved under the rules and regulations of the National Archives and applicable Federal law." 11/ Two-thirds of this evidence used was made public. The remaining restricted evidence includes reports of government agencies such as the Central Intelligence Agency and the Internal Revenue Service.

On 29 October 1966, with certain restrictions placed on their use, the Kennedy family submitted to the National Archives the personal effects of the late President and autopsy data which included photographs, negatives

11/ U.S. Warren Commission. Report, p. X.

and X-rays from the autopsy performed at the National Medical Center, Bethesda, Maryland. According to this agreement transmitted in a letter dated 29 October and signed by Mr. Burke Marshall the representative of the Kennedy family, and addressed to Lawson B. Knott, Jr., Administrator of General Services, these restrictions were established because "...the Kennedy family...desires to prevent the undignified or sensational use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him..." The Kennedy family conferred on the General Services Administration (the parent body of the National Archives all of their right, title and interest in all of the personal clothing of the late President related to the assassination, and various X-rays and photographs connected with the autopsy, for deposit in the National Archives Building.

ACCESS TO EVIDENCE

In the "agreement" between the Kennedy family and the National Archives, access to evidence categorized under "Appendix " 12/ by the President's Commission on the Assassination of President Kennedy, was to be made available only to 1) any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to

12/ Clothing and personal effects of the late President Kennedy are identified by the following exhibit numbers relating to the President's Commission on the Assassination of President Kennedy: Commission Exhibit Nos. 393, 394, 395, and FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, and C36.

investigate matters relating to the death of the late President, for those purposes within the investigative jurisdictions of such committee, commission or agency; and 2) any serious scholar or investigator of matters relating to the death of the late President, for those purposes relevant to his/her study thereof. 13/ The Administrator of General Services was given full authority to deny requests for access, or to even impose conditions he deemed appropriate to access.

Those permitted access to "Appendix B" materials 14/ are 1) those persons who fall under category (1) under "Appendix A" above, as well as being "2) any recognized expert in the field of pathology or related areas of science or technology, provided, however, that such should not occur until five years after the date of the agreement between the Kennedy family and the General Services Administrator (1971) with the exception that consent from Mr. Burke Marshall be granted each time."

Upon passage of the Freedom of Information Act (5 U.S.C. Sec. 552) of 1966, which went into effect July 14, 1967, nearly all the heretofore restricted documents of the Warren Commission inquiry could be made

13/ Letter of agreement signed by Mr. Burke Marshall, representative for the Kennedy Family, to General Services Administrator.

14/ Appendix B materials include: (1) an envelope numbered 1 to 18 containing black and white negatives of photographs taken at the time of autopsy on the body of President Kennedy; (2) 7 envelopes containing 4 x 5 negatives of the autopsy material; (3) 5 envelopes containing 4 x 5 exposed film containing no image; (4) 1 roll of exposed film from a color camera entirely black with no image apparent; (5) an envelope containing X-ray negatives 14" x 17"; 6 X-ray negatives 10" x 12"; 12 black and white prints 11" x 14"; 17 black and white prints 14" x 17" all negative and prints pertaining to X-rays that were taken at the autopsy; (6) 36 8" x 10" black and white prints... autopsy photos; 27 color positive transparencies 4" x 5"; 1 unexposed piece of color film, and (7) 27 4" x 5" color negatives of autopsy photographs, and 55 8" x 10" color prints of autopsy photographs.

available to individuals upon a written and formal request. Among these documents are the famed "Zapruder and Nix" 15/ films of the assassination. Before passage of the Freedom of Information Act, access to some of these data including the films, was gained only by those persons whom representatives of the National Archives considered to have scholarly intentions -- that is, curiosity-seekers were denied access.

Presently, according to the Director of the Civil Archives Division, about 90 percent of the evidence relating to the assassination of President Kennedy is available for public inspection. This restricted 10 percent includes such items as the late President's income tax records, inter- and intra-agencies memoranda, and reports from the Federal Bureau of Investigation, the Secret Service and the Central Intelligence Agency.

REACTION TO THE COMMISSION REPORT

Between November 22 and November 27, 1963, prior to the publication of the Warren Report, a poll was conducted to determine the beliefs of the American public concerning the assassination of President Kennedy. One of the questions was "...Do you think that the man who shot President Kennedy acted on his own, or was some group or element also responsible?" Of those responding, 29 percent believed the assassin acted on his own; 52 percent believed the assassination to be the work of some group or element, while 19 percent said they were uncertain. 16/

15/ Zapruder, Abraham, and Orville O. Nix. Film of the assassination of President Kennedy.

16/ The Gallup Poll, Survey #680-K, Question #3, 11/22-27/1963.

In 1966, two years after the Warren Commission published its Report, which stated: "...the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald...[and]...the Commission has found no evidence that anyone assisted Oswald in planning or carrying out the assassination...[and that Oswald was not]...involved with any person or group in a conspiracy to assassinate the President..." 17/ another poll was taken, again asking: "...Do you think others were involved?" Of those responding, 36 percent believed just one man was involved, while 64 percent were either uncertain or thought more than one man was involved. 18/

Many scholars and writers have expressed their opinions on the Warren Report. Among them was the late Alexander M. Bickel, professor of law at Yale, who praised the Report [at the time of its publication]"...the Commission's Report was generally (sic) received in this country... The few remaining voices of dissent sounded increasingly remote and implausible, and there was every apparent prospect that they too would finally be still." 19/

Expressing a contrary opinion, Mark Lane, in his book Rush to Judgment, wrote "...I must confess that when I first read the Report, I found myself unable to join the cry of triumph. It seemed to me that there were grave defects in it. Moreover when one pressed the weak parts of the Report, they seemed even weaker..." 20/

17/ U.S. Warren Commission. Report, p. 17, 21.

18/ The Gallup Poll, Survey #738, Question #21, Index #20, 1966.

19/ Bickel, Alexander M. The Failure of the Warren Commission. Commentary, v. 42, October, 1966: 31.

20/ Lane, Mark. Rush to Judgment. New York, Holt, Rinehart and Winston, 1966. p. 12.

Shortly after the Commission published its Report, a Senator offered words of praise for the Commission's efforts. He spoke of its staff and members as "men of the greatest integrity and capability...who...are all patriotic and devoted to their country." He further believed that the Commission gave to their investigation all that they had, and that their Report represents an accurate, objective presentation of the facts available to them.

Another Senator thought that the Commission had performed an essential service for the country. He commended the Commission for its work and pointed out that the Commission's conclusions and recommendations, reached without any dissent among its members, bore the mark of credibility and truth.

OTHER GOVERNMENTAL INTEREST IN THE INVESTIGATION

Recently the Commission on C.I.A. Activities within the United States, established by President Gerald R. Ford on January 4, 1975, and chaired by Vice President Nelson A. Rockefeller, looked into the matter of the Kennedy assassination. On June 6, 1975, the Rockefeller Commission submitted its Report to President Ford. In Chapter 3 of the Report, "Summary of Findings, Conclusions, and Recommendations," the Commission stated:

Numerous allegations have been made that the CIA participated in the assassination of President John F. Kennedy. The commission staff investigated these allegations. On the basis of the staff's investigation, the commission concludes that there is no credible evidence of CIA involvement. 21/

21/ U.S. Commission on C.I.A. Activities Within the United States. Report to the President. Washington, U.S. Govt. Print. Off., 1975. p. 42.

The Commission decided to conduct this investigation when it was alleged that two of the three "tramps" routinely picked up for questioning by the Dallas police at the time of the assassination supposedly resembled two men involved in the recent Watergate affair. According to Robert Groden, 22/ who briefed members of Congress and senior staff, he has positively determined that the two men involved in the Watergate affair are not in fact the two men who were arrested in Dallas, Texas, on November 22, 1963.

Other governmental actions regarding the reopening of the investigation into the assassination might have come from the Senate Select Committee on Intelligence Activities, established January 27, 1975, pursuant to S. Res. 21, however, that Committee concluded that the FBI did not act improperly in investigating the assassination of President John F. Kennedy.

PUBLIC INTEREST IN THE ASSASSINATION OF PRESIDENT KENNEDY

There has been much public interest in the question of reopening the investigation into the assassination of President John F. Kennedy.

During the weekend of February 1, 1975, a group (no official title) located in Cambridge, Massachusetts, attracted about 1000 researchers and analysts to a program of films, workshops and panel discussions on the Warren Commission Report, and on reopening the investigation into the Kennedy assassination.

22/ Groden, Robert. Comments made in a Congressional and Senior Staff Briefing. Washington, D.C. Rayburn House Office Building, May 13, 1975. Groden is a New York based photo analyst.

Many articles have appeared in national magazines calling for reopening the investigation into the Kennedy assassination. Two Warren Commission critics, Bernard Fensterwald, Esq., and George O'Toole, in an article appearing in the April 2, 1975 edition of the New York Review, analyzed the allegation that there was confusion among Government agencies responsible for investigating the assassination as to the true identity of Lee Harvey Oswald. They concluded that either the FBI or the CIA mistakenly identified the man they claimed was Oswald.

Six weeks before the assassination of President Kennedy on November 22, 1963, the Central Intelligence Agency sent the following teletype message to the Federal Bureau of Investigation and the Departments of State and the Navy:

Subject: Lee Henry (sic) Oswald

1. On 1 October 1963 a reliable and sensitive source in Mexico reported that an American male, who identified himself as Lee OSWALD, contacted the Soviet Embassy in Mexico City inquiring whether the Embassy had received any news concerning a telegram which had been sent to Washington. The American was described as approximately 35 years old, with an athletic build, about six feet tall, with a receding hairline.
2. It is believed that OSWALD may be identical to Lee Henry Oswald, born 18 October 1939 in New Orleans, Louisiana. A former U.S. Marine who defected to the Soviet Union in 1959 and later made arrangement through the United States Embassy in Moscow to return to the United States with his Russian born wife, Marina Nikolaevna Pusakova, and their child.
3. The information in paragraph one is being disseminated to your representatives in Mexico City. Any further information received on this

subject will be furnished you. This information is being made available to the Immigration and Naturalization Service. 23/

Other interest in reopening the investigation has come from a committee of students at the University of Virginia who sent to Congress "A Draft Brief for Reopening the Investigation into the Assassination of President John F. Kennedy." 24/

This draft cites five reasons why an investigation should be reopened: (1) the implausibility of the single bullet theory; (2) discrepancies on the number of head wounds; (3) the findings of a Psychological Stress Evaluator concluding that Oswald was not the assassin; 25/ (4) alleged discrepancies in the autopsy report, and (5) the allegation that the Warren Commission inadequately investigated the movements and activities of Jack Ruby.

23/ Quoted in Fensterwald, Bernard, and George O'Toole. The C.I.A. and the Man Who Was Not Oswald. The New York Review, April 3, 1975: 141.

24/ Allan, Mark. Sally Boucher. Kevin Farrell. Mike Holm. Andy Purdy. A Brief Draft for Reopening the Investigation Into the Assassination of President John F. Kennedy. Congressional Record, Daily Edition, April 16, 1975: H2850.

25/ A Psychological Stress Evaluator (PSE) uses the medium of voice to determine whether a person is telling the truth.

Finally, according to a Warren Commission critic Robert Sam Anson, 26/ a petition being circulated on the West Coast now has over 250,000 signatures calling for a new investigation into the assassination of President John F. Kennedy.

26/ Anson, Robert Sam. The Greatest Cover-Up of All. New Times, v. 4, April 18, 1975: 16-29.

EXECUTIVE AND CONGRESSIONAL ACTION CONCERNING THE ASSASSINATION
OF PRESIDENT KENNEDY AND OF MARTIN LUTHER KING, JR.
88TH-95TH CONGRESS (February 2, 1977)

88th CONGRESS

Nov. 27 1963

H.J. Res. 814, establishing a joint committee to conduct an investigation and study the recent assassination of the President of the United States and of certain other matters pertinent thereto. Introduced by Mr. Goodell and referred to the Committee on Rules. No further action taken.

Nov. 29, 1963

Executive Order No. 11130, appointing a commission to report upon the assassination of President Kennedy, (more commonly referred to as the Warren Commission).

Dec. 4 1963

H.J. Res. 836, authorizing the Commission established to report upon the assassination of President John F. Kennedy, to compel the attendance and testimony of witnesses and the production of records. Introduced by Mr. Wyman, and referred to the Committee on the Judiciary. No further action taken.

Dec. 4, 1963

S. 2358, to authorize the Commission appointed by the President to conduct an investigation of the facts relating to the assassination of the late President John F. Kennedy, to compel the attendance of witnesses and the production of books, papers, and documents, and for other purposes. Introduced by Mr. Keating and was referred to the Committee on the Judiciary.

Dec. 6 (legislative day Dec. 5, 1963)

S. J. Res. 137, authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence, introduced by Mr. Russell and Mr. Cooper (P.L. 88-202). Dec. 13, 1963.

Dec. 7, 1963

H. J. Res. 852, authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence. Introduced by Mr. Boggs, and was referred to the Committee on the Judiciary. H. Rept. 1013. No further action taken.

Dec. 13, 1963

See Dec. 6, 1963
P.L. 88-202 (S. J. Res. 137)

Feb. 18, 1964

H. J. Res. 926, to provide that information relating to the assassination of the late President John F. Kennedy shall be made public. Introduced by Mr. Williams and was referred to the Committee on the Judiciary. No further action taken.

90th CONGRESS

April 13, 1967

H. Con. Res. 312, resolved by the House of Representatives (the Senate concurring) that there is hereby established a joint committee on the investigation of the assassination of President Kennedy. Introduced by Mr. Kupperman, and was referred to the Committee on Rules. No further action taken.

94th CONGRESS

February 19, 1975

H. Res. 204, to create a select committee to conduct a full investigation and study of the circumstances surrounding the death of John F. Kennedy, Jr., Robert F. Kennedy and Martin Luther King, Jr., and the attempted assassination of George Wallace. Introduced by Mr. Gonzalez, and was referred to the Committee on Rules.

April 30, 1975

H. Res. 432, to create a select committee to conduct a full and complete investigation and study of the circumstances surrounding the death of John F. Kennedy. Introduced by Mr. Downing, Mr. Whitehurst, and Mr. Harris, and was referred to the Committee on Rules.

May 12, 1975

H. Res. 455, to create a committee to conduct a full and complete investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, and the attempted assassination of George Wallace. Introduced by Mr. Gonzalez with 15 cosponsors, and was referred to the Committee on Rules.

May 12, 1975

H. Res. 456 (same as H. Res. 455). Introduced by Mr. Gonzalez with 13 cosponsors, and referred to the Committee on Rules.

May 22, 1975

H. Res. 489; identical to H. Res. 432. Introduced by Mr. Downing, et al. Referred to Committee on Rules.

June 11, 1975

H. Res. 593; identical to H. Res. 204. Introduced by Mr. Gonzalez, et al. Referred to the Committee on Rules.

August 1, 1975

H. Res. 669; resolution creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. Introduced by Mr. Downing, et al. Referred to the Committee on Rules.

September 8, 1975

S. Res. 243; submission of a resolution relating to an investigation of the death of former President Kennedy. Introduced by Mr. Schweiker. Referred to the Committee on Government Operations.

September 14, 1976

H. Res. 1540; submission of a resolution establishing a House select committee to investigate and to study the circumstances surrounding the deaths of John F. Kennedy and Martin Luther King. Introduced by Mr. Gonzalez, et al. Referred to the Committee on Rules.

September 15, 1976

H. Rept. 94-1566: reported favorably to House from the Committee on Rules. Report submitted by Mr. Madden.

September 17, 1976

H. Res. 1540; resolution providing for a select committee to be composed of 12 members to be appointed by the Speaker for the purpose of conducting a full and complete investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King and of others the select committee shall determine, passed House

Sept. 17, 1976 (continued)

by roll call vote (280-65). H. Res. 1540 provides that the select committee is authorized to sit and meet throughout the remainder of the 94th Congress whether or not the House is in session and also provides that the select committee shall have subpoena power.

September 30, 1976

House of Representatives endorsed a preliminary budget of \$150,000 for the Select Committee on Assassinations.

November 15, 1976

Select Committee on Assassinations confirmed Richard Sprague, former Assistant District Attorney in Philadelphia, as chief counsel for the Committee.

December 9, 1976

Chief Counsel Richard Sprague went before full Select Committee on Assassinations with budget proposal of \$6.5 million for the first year. Committee voted unanimously to recommend the budget to the full House in the 95th Congress. (\$6,531,050)

December 31, 1976

H. Rept. 94-1781; report together with additional and supplemental views of the Select Committee on Assassinations submitted to the House of Representatives.

January 3, 1977

Select Committee on Assassinations officially expired at the end of the 94th Congress.

95th CONGRESS

January 25, 1977

H. Res. 9, providing for the re-establishment of the Select Committee on Assassinations and providing interim funding under the provisions of H. Res. 11. Referred to the Committee on Rules.

February 1, 1977

H. Rept. 95-3: H. Res. 222 amending H. Res. 9 reported favorably to House from the Committee on Rules. Resolution limited the life of the Select Committee on Assassinations to two months. Report submitted by Mr. Bolling.

February 2, 1977

Justice Department study concluding that James Earl Ray acted alone in assassination of Martin Luther King made public.

February 2, 1977

H. Res. 222; resolution providing for the creation of a select committee, which would expire on March 31, 1977, to be composed of twelve members to be appointed by the Speaker. Budget of \$84,000 per month for two months duration endorsed by the House. Extensive debate in the House about the select committee centering around questions of if it should be continued at all, and if so, for the duration of the 95th Congress or less (see Congressional Record, H. 790, February 2, 1977).
H. Res. passed House by roll call vote (237-164)

February 2, 1977

Speaker of the House of Representatives appoints as members of the Select Committee on Assassinations the following members and delegates of the House: Mr. Gonzalez, Texas, chairman; Mr. Preyer, North Carolina; Mr. Stokes, Ohio; Mr. Fauntroy, District of Columbia; Ms. Burke, California; Mr. Dodd, Connecticut; Mr. Ford, Tennessee; Mr. Fithian, Indiana; Mr. Devine, Ohio; Mr. Anderson, Illinois; Mr. McKinney, Connecticut; and Mr. Thone, Nebraska.

THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY
AND THE ENSUING CONTROVERSY

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