



Written by [Jack Kenny](#) on November 25, 2013

## History Still Casts Doubts on the Warren Commission Report

In September of 1964, the President's Commission on the Assassination of President John F. Kennedy, chaired by Chief Justice Earl Warren, published its findings in a 469-page report, accompanied by 410 pages appendices. Two months later, approximately a full year after its creation, the Commission brought forth 26 volumes of supporting documents including the testimony or depositions of 552 witnesses along with 3,100 exhibits.



Given all that, one might suppose that if there had been a conspiracy to assassinate the president, the commissioners would have come upon it somewhere. But then one might have supposed a year earlier that a prisoner as important and heavily guarded as Lee Harvey Oswald could not have been bumped off by a lone gunman in the basement of the Dallas Police Department, of all places. By shooting the alleged assassin at point-blank range in front of police, reporters, and television cameras, Jack Ruby gave Dallas police their one moment of glory in that bizarre weekend of November 22-24, 1963. They apprehended Oswald's killer in no time at all.

Warren Commission critic Sylvia Meagher in her 1966 book, *Accessories After the Fact*, noted that Dallas officials seemed to believe they had solved the president's assassination and the murder of police officer J.D. Tippitt almost as quickly. Oswald's body was hardly cold before a police spokesman announced the case was closed. The conclusions published by the Warren Commission 10 months later were virtually identical to the verdict announced in Dallas a mere 48 hours after President Kennedy was shot. Lee Harvey Oswald was the lone assassin, who also killed Tippitt. Jack Ruby acted solely on his own in killing Oswald. No sign of conspiracy anywhere.

Given the speed with which they solved those crimes, Meagher offered the following mock tribute to the Dallas police:

They are brilliant. In some 48 hours they solved three murders of unparalleled complexity and mystery with the same conclusions reached a year later by the Chief Justice and his six eminent colleagues, the stable of bright young lawyers, the legion of investigators and the regiment of criminology experts. The Dallas police achieved in a matter of three days what the Commission achieved after an investigation said to be unprecedented in scope, depth, duration and dare we say, expense.

Meagher's rhetorical arrows were aimed not at the Dallas police, but at the Warren Commission. The obvious implication is that the Commission, for all its hundreds of witnesses and thousands of pages and exhibits, reached a pre-ordained conclusion: the same "case-closed" verdict announced in Dallas 10 months earlier. That has been a frequent charge made by Commission critics over the years and was the theme of one of the first books on the subject, *Inquest* by Edward Jay Epstein. A pattern is discernible throughout the report, Epstein noted: Any evidence or testimony pointing to Oswald's guilt



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as the lone assassin was deemed to be of “probative value.” Anything pointing away from that verdict was dismissed, with little to no consideration to any troubling questions it may have raised.

There are, to be sure, many on the political left with an ideological motive for second-guessing the official verdict of the Dallas police, the FBI, and the Warren Commission. In the brief interval between the shooting and the identification of Oswald as the suspect apprehended in the manhunt for the president’s assassin, there was much discussion of a right-wing “climate of hate” in Dallas, with specific reference to an anti-UN demonstration in the city a month earlier, in which UN Ambassador Adlai Stevenson had reportedly been struck with a placard and spat upon by two of the demonstrators.

That explanation had obvious appeal to not only liberals and left-wingers in the United States, but also the Soviet press in Moscow, which was quick to denounce Dallas as a “hotbed of reaction.” To this day, there are those in the media who manage to drag The John Birch Society (which runs this website) into any account of the assassination. “The John Birch Society designated Dallas a regional headquarters and opened a bookstore here,” noted Scott Parks in *The Dallas Morning News*. Assassins have been known to read books, so perhaps that’s the connection. Opening a bookstore could be a subversive activity, one that might be the occasion today for a bulletin from the Department of Homeland Security.

Some seemed actually disappointed to learn the accused assassin was not a Southern racist motivated by violent opposition to the president’s civil rights bill, but was instead a self-proclaimed Marxist, who had defected to the Soviet Union and boasted of membership in the Fair Play for Cuba Committee. Even the president’s widow expressed her dismay upon learning of Oswald’s background and ideological bent. “He didn’t even have the satisfaction of being killed for civil rights,” Jacqueline Kennedy said of her slain husband, according to William Manchester in his 1967 book, *Death of a President*. “It’s — it had to be some silly little communist.”

That a communist might be more dangerous than “silly” apparently had not previously occurred to Mrs. Kennedy. But whether Oswald was, in fact, a lone gunman, part of a conspiracy, and/or the fall guy or “patsy” he claimed to be, there remain, half a century later a number of unanswered questions that the Warren Commission either ignored or glossed over.

They remain unanswered in *History Will Prove Us Right* by Howard P. Willens, published in time for the 50th anniversary of the assassination. Anyone looking for a point-by-point refutation of the most familiar charges made by critics of the Commission’s report are sure to be disappointed. Willens, a Justice Department lawyer at the time, was one of three members of the Commission’s supervisory staff that coordinated various aspects of the investigation. The book’s title, he tells us in the introduction, is a direct quotation from Chief Justice Warren, who told a lawyer on the Commission not to worry about the report’s critics, because “history will prove us right.”

Yet the Willens book offers no real vindication of the committee’s findings, but is mainly a month-by-month journal of the internal workings of the Commission. It does take note of the withholding of relevant information by the FBI and the CIA, concerning, for example, the CIA’s covert plot to assassinate Fidel Castro, for which the Cuban dictator had vowed revenge. But the narrative by Willens simply ignores the troubling questions that still linger half a century later. They include matters as fundamental as:

### **Oswald’s Presence at the Sixth Floor Window**

The Commission’s star witness on this point was Howard Brennan, a construction worker who reported seeing a man with a rifle firing from the southeast corner window on the sixth floor of the Texas



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Schoolbook Depository building — the source, according to the Warren Commission, of all three shots fired at the presidential motorcade. Brennan was standing on the ground opposite the building at the time, but apparently possessed such remarkable powers of observation that he was able to describe the gunman kneeling in the window six floor above him as a slender man, about five feet ten inches tall and in his early thirties. After Oswald's picture had appeared on television, Brennan said that was the man he had seen with the gun in the window. But on the evening of November 22, he declined to make a positive identification when viewing Oswald in a police lineup. In his testimony before the commission, he offered the following explanation:

I could have picked out Oswald without any question. That was the man I saw in the sixth-floor window. But I was afraid for my own life, because I thought there might be others involved in a plot to kill the president. I was the only one that could finger the shooter, and that they might come after me as a result.

Others claimed to have seen one or more persons at the same window moments before the shooting, but Brennan was the only who claimed to have seen Oswald there. His identification of the suspect probably would not have held up under cross-examination had Oswald lived to stand trial, but it was conclusive enough for the Warren Commission.

The Commission is satisfied that, at the least, Brennan saw a man in the window who closely resembled Lee Harvey Oswald, and that Brennan believes the man he saw was in fact Lee Harvey Oswald.

### **Why Oswald Was Wanted**

The Commission identified Brennan as “most probably” the source of the description of the suspect that was called in by Inspector J. Herbert Sawyer and broadcast over the police radio at 12:45 p.m., approximately 15 minutes after the shooting. Yet Brennan testified that he gave the description to Secret Service Agent Forrest Sorrels, the head of the Dallas office of the Secret Service. Sorrels, who was in the motorcade's lead car, did not return from Parkland Hospital until sometime between 12:50 and 12:55, after the bulletin had gone out. Sawyer did not recall speaking to Brennan or to anyone wearing, as Brennan was, a construction worker's hardhat. Whoever was the source for the description of the shooter in the window, Sawyer seemed doubtful of it, telling the dispatcher a moment or two later that “it's unknown if he is still in the building *or if he was in there in the first place.*” (Emphasis added.)

### **The Mysterious “Mauser”**

The Warren Commission was hard pressed to explain how the rifle found on the sixth floor was initially identified as a German Mauser, but later turned out to be the Italian-made Mannlicher-Carcano mailed to “A.J. Hiddel,” which police said was an alias used by Oswald. The rifle was discovered by Deputy Constable Seymour Weitzman and Deputy Sheriff Eugene Boone at approximately 1:15, some 45 minutes after the shooting. Both men described the weapon as a 7.65 mm. Mauser; Weitzman in an affidavit he signed the next day, and Boone in two written reports to his superior, Sheriff J.E. Decker. Ignoring Boone's reports, the Commission explained Weitzman's mistake this way:

Weitzman did not handle the rifle and did not examine it at close range. He had little more than a glimpse of it and thought it was a Mauser, a German bolt-action rifle similar in appearance to the Mannlicher-Carcano. Police laboratory technician subsequently arrived and correctly identified the weapon as a 6.5 Italian rifle.



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On the following day, November 23, Weitzman signed an affidavit for the Dallas police, describing in unequivocal terms the weapon he had found: "This rifle was a 7.65 Mauser bolt-action equipped with a 4/18 scope, a thick leather brownish-black sling on it." That appears to be a lot of detail to be gained from "little more than just a glimpse," and it came from law enforcement official who described himself to the commission as "fairly familiar" with rifles "because I was in the sporting goods business awhile. Attorney Mark Lane, whose book *Rush to Judgment* was one of the early and best-selling attacks on the Warren Report, testified to the Commission about the conflicting reports of the alleged murder weapon.

Although I am personally not a rifle expert, I was able to determine it was an Italian carbine because printed indelibly upon it are the words "Made Italy" and "caliber 6.5." I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it clearly in English "Made Italy, Cal 6.5" and then the next day draft an affidavit stating that it was in fact a German Mauser, 7.65 millimeters.

Weitzman testified that he did not pick up the weapon, but he apparently had a long enough look at it to describe in some detail what he swore in an affidavit was a German Mauser.

### **The Source and Direction of the Shots**

Much has been made of the fact that many of the people in Dealey Plaza that day believed the shots came from behind the stockade fence atop the grassy knoll that was to the front and right of the president when the shots rang out, while the Texas Schoolbook Depository was behind him. A number of both policemen and civilians went rushing up the knoll, presumably in search of the shooter or shooters. It may be, as some have explained, that confusion was caused by an "echo effect" in the plaza. The sight, captured on the now famous Zapruder film, of the president's body falling violently backward and the left when the bullet struck, suggesting a shot from the right front, may have been due to a [neuromuscular response](#), as some ballistics experts have claimed.

But some of the witnesses on the grassy knoll were quite certain shots came from behind them. One of them, Gordon L. Arnold, was a 22-year-old soldier in uniform at the time, recalled standing near the top of the knoll as the motorcade approached. Jim Marrs, author of *Crossfire: The Plot That Killed Kennedy*, interviewed Arnold in 1985 and quoted him as follows:

Just after the car turned onto Elm Street and started toward me, a shot went off from over my left shoulder. I felt the bullet rather than heard it, and it went right past my left ear.... You don't really hear the whiz of a bullet; you feel it. You feel something go by and then you hear a report just behind it.

### **The Bogus "Secret Service" Agents**

Arnold also said that he was in the area behind the stockade fence before the motorcade arrived and was ordered to leave by someone who claimed to be with the Secret Service. Other witnesses told of encounters with men claiming to be Secret Service officials in the same area immediately following the shooting. Deputy Constable Weitzman was one. Dallas Police Officer Joe Marshall Smith was another. Smith told the Warren Commission that he encountered someone in the parking lot behind the fence who produced "credentials from his hip pocket which showed him to be Secret Service. I have seen those credentials before and they satisfied me and the deputy sheriff."

The Commission acknowledged Smith's testimony in its report, while pointing out that none of the Secret Service agents was in the area at the time, since all were in the motorcade that sped off to Parkland Hospital. Sorrels was the first to return some 20 to 25 minutes after the shooting. That,



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however, leaves open the question the Commission did not address: If there were no conspiracy, why were people impersonating Secret Service agents in the vicinity of Dealey Plaza at the time of the assassination? Or were Smith, Weitzman, Arnold, and others all mistaken — or lying — about what they saw and heard?

The above are just a few of the inconsistencies and omissions in the Warren Report that Willens never mentions in a book purportedly written to show that the commission got the whole thing right. His narrative suggests, rather, that the commission began with a heavy presumption that foreshadowed and all but dictated its final conclusion: that Oswald was the assassin and that he pulled off the crime of the century with no assistance whatsoever.

There remains any number of possible motivations for the commission to, in Lane's words, "Rush to Judgment" in favor of the "verdict" reached by the Dallas police within 48 hours of the president's assassination. The seven members of the committee, including the chief justice and four members of Congress, had competing duties, making heavy demands on their time. The same was true of the lawyers on the staff, including Arlen Specter, then a district attorney in Philadelphia, and David Belin with a busy private practice in Iowa.

There was also the danger that the discovery of a conspiracy in high places could throw the nation into turmoil. The mere speculation about a plot originating in a foreign country, such as the Soviet Union or Cuba, could, as Secretary of State Dean Rusk told the commission, "create a very dangerous situation." There was pressure from the press and public get the answers to questions about the assassination sooner rather than later, and political pressure to get the report written and out of the way before the presidential campaign in the fall of 2004. Willens even notes there was an effort, ultimately unsuccessful, to get it done before that year's Democratic National Convention in August. Surely as the new president stood for election, it would be reassuring for the nation to be told authoritatively that the only man responsible for the murder of his predecessor was safely dead and buried.

The order in which the witnesses were called and the manner in which they were interrogated also says something about the political considerations surrounding the commission's investigation. Marina Oswald, widow of the accused assassin, was the first witness and she was called back three more times. Despite what Willens described as the commission's need "to hear from all those in the presidential vehicle," Mrs. Kennedy, seated next to her husband at the time of the shooting, was not called until June, when she was questioned for all of nine minutes. Her appearance and the nature of the questions were negotiated with her brother-in-law, Attorney General Robert Kennedy. Neither President Johnson nor his wife Lady Bird, riding two cars behind the president in the motorcade, was called upon to testify.

No reasonable person would suggest that the task given the Warren Commission was easy. But neither is it easy to believe what Willens claims to have been the commission's guiding principle: "Truth is our only client."

*Photo shows President Kennedy about one minute before being shot: AP Images*



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