

**THE FIRST DISSENTER:
Richard B. Russell and the Warren Commission**

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RICHARD B. RUSSELL AND THE WARREN COMMISSION

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Thanks for all of
your help.
Dani E. Biancolli

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DEDICATION

To Dr. Gerald McKnight, one of a rare breed of true educators. Thank you for always believing in me.

To Mom, Dad and Jackie, for always standing behind me no matter what direction I was facing. Thank you for always picking up the pieces.

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Abstract

On November 22, 1963, the United States was shaken to the core by the assassination of its young President. In an attempt to provide a grieving nation with some answers, the new President, Lyndon Johnson, convened a special commission to investigate the crime and provide a public report. Chaired by the Chief Justice of the Supreme Court, Earl Warren, and composed of a wide variety of highly respected individuals, the Warren Commission would spend several months examining the evidence of that fateful day in Dallas.

However, when the Warren Commission published its conclusions concerning the assassination of President John F. Kennedy, the questions of many Americans remained unanswered. Dissatisfied with the Commission's explanations, some called for a new investigation while others proposed a plethora of theories. However, the public dissent of Senator Richard Russell, a former member of the Commission, provided the public with a legitimate basis for doubt. In an unpublished dissent as well as several interviews, the powerful Senator cited several reasons for his hesitancy to accept the majority findings of the Commission. Unfortunately, very few of the multitudes of volumes on the Warren Commission and the Kennedy Assassination do more than mention Russell's dissent in passing.

While refraining from posing any theories myself, I hope to be able to examine the questions Russell raised and the motivations behind them. By briefly tracing Russell's early life and career, I wish to emphasize just who this individual was and why his opinion was so important. A major political figure in Washington politics for almost forty years, Russell had a well deserved reputation for honesty and integrity. Why then has the public dissent of such a man, who was privy to all of the evidence before the Commission, been virtually ignored by history? In examining Russell's reasoning, I hope to add a new voice to the unceasing discussion of the Kennedy assassination.

Introduction

The murder of the young and charismatic American President on a Dallas street shook the foundation of the nation to its very core. For days, Americans as a whole remained glued to their televisions, searching for some answer or explanation. Then, on November 24th, a mere two days later, the man who could possibly provide those answers was shot to death on national television. With the murder of Lee Harvey Oswald, the alleged assassin, any hope of a definitive end to speculation over Kennedy's death was forever lost. With Oswald dead, the American public would never have an opportunity to hear from the popularly convicted murderer himself just what had motivated the assassination of America's top executive.

Perhaps as a result of this very uncertainty, the new President, Lyndon Baines Johnson, established a "blue-ribbon" commission of government officials to investigate the death of the late President Kennedy. To lend credibility to his commission, Johnson selected and coerced into serving some of the most respected politicians of the day. The members, Chief Justice Earl Warren, Senator John Sherman Cooper (R, KY), Senator Richard B. Russell (D, GA), Congressman Hale Boggs (D, LA), Congressman Gerald Ford (R, MI), Mr. John McCloy and Mr. Allen Dulles, would be responsible for providing the grief-stricken public with the "truth" about that fateful day in Dallas. By the time the Commission's final report was published, it would take twenty-six volumes to present all of the non-classified evidence to the American people. In addition to establishing the truth about the

events in Dallas, the Commission operated under the assertion that they must do so in a manner that would prevent unrest both at home and abroad. For this reason, it was imperative that the public receive some sort of answer as quickly as possible.¹

In May of 1964, the members called then FBI Director J. Edgar Hoover, perhaps the most well-known figure in American law enforcement, to testify. Hoover's statements to the Commission provided a measure of reassurance for any who would doubt the Commission's as yet unpublished findings. Hoover also warned the members that they could expect to be doubted and criticized by certain segments of both the media and the public.²

Not surprisingly, time would prove Hoover correct. Following closely on the heels of the Commission's report came the doubts and criticism from every corner of the nation. In the years since the 1964 publication of the *Warren Commission's Report on the Assassination of President Kennedy*, the American public has been bombarded with a wide variety of books and films proposing a host of conspiracy theories. Almost immediately following the Report's release, the public was presented with works such as Edward Jay Epstein's *Inquest*³ and Harold Weisberg's *Whitewash*.⁴ Successive years saw the publication of works by Gerald Posner⁵, Sylvia Meagher⁶ and even Commissioner, and former President, Gerald Ford.⁷ These

¹ Edward Jay Epstein, *Inquest* (New York: The Viking Press, 1969), 3-27.

² Investigation of the Assassination of President John F. Kennedy, *Hearings Before the President's Commission on the Assassination of President Kennedy* (Washington, D.C.: U.S. Printing Office, 1964, vol. 5, (99-101).

³ Edward Jay Epstein, *Inquest* (New York: The Viking Press, 1966).

⁴ Harold Weisberg, *Whitewash* (Frederick, MD: Self-published, 1965).

⁵ Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (New York: Random House, 1993).

⁶ Sylvia Meagher, *Accessories After the Fact*, (Indianapolis: Bobbs-Merrill, 1967).

⁷ Gerald Ford, *Portrait of the Assassin* (New York: Ballantine Books, 1965).

works and the host of others that joined them have led to an almost untouchable mystique around the events of November 22, 1963. The Warren Report has served as the starting point for generations of critics and conspiracy theorists. And, as Hoover had hoped, most of these nay-sayers have been dismissed as paranoid lunatics. Yet, no matter how prepared the establishment was for these doubters, they could never have foreseen that the first dissenter would be one of their own, Senator Richard Brevard Russell, Jr., a conservative Democrat from Georgia, and one of the most powerful men in the country.

Chapter I

Richard B. Russell, Jr., Democrat from Winder, GA

The Road to the Senate

Born on the late autumn afternoon of November 2, 1897 in the little town of Winder, Georgia, Richard Brevard Russell, Jr. was destined for great things. The first son of Judge and Ina Russell, young Richard Russell, Jr. was ensured all of the benefits of a well established Southern family. Indeed, Russell was descended through both of his parents from families that had lived in South Carolina and Georgia since the earliest colonial settlements.⁸ Although Russell would eventually be joined by a total of thirteen siblings, six sisters and seven younger brothers, his position as the eldest son and heir placed the young man in a position of both great privilege and great pressure.⁹

For Judge and Ina Russell, family reputation and honor stood above all else. They taught Russell early and often to “work hard, do well, and be a gentleman.”¹⁰ A strong emphasis on morality and virtue which stressed the importance of honesty, decency, responsibility, fairness and respect for others augmented this mantra. This early education would later prove to be the basis for much of Russell’s political

⁸ Gilbert Fite, *Richard B. Russell, Jr.: Senator from Georgia*, (Chapel Hill: The University of North Carolina Press, 1991), 1.

⁹ Fite, 7.

¹⁰ Fite, 17.

reputation.¹¹ Late in his Senate career, Russell in describing his personal philosophy recalled that his father “used to tell his seven sons that all of them could not be brilliant, all of them could not be successful, but all of them could be honorable.”¹² Given Judge Russell’s own political aspirations, education was also important to the Russell clan. As a young man, Richard Russell developed an early love of reading that remained with him for the remainder of his life. Most particularly, he discovered a keen love of history. Writing at nine years old of his love of the subject, Russell stated that he liked “to read the histories of all countries.”¹³ Perhaps it is important to understand this early fascination with the historic record to understand the importance Russell placed upon it later in life. In general, Russell took from his reading the idea that knowledge was power; an idea that would persist through his time in the Senate.¹⁴

A frustrated politician, Judge Russell had a grand vision of his eldest son accomplishing all that he had failed to achieve himself. As a result, the Judge took young Russell and enrolled him in the Gordon Military Institute in Barnesville, Georgia, a school known for its rigorous academics and successful alumni. While Russell had a great interest in reading and history, he did not strive to apply his intellect to his formal education. Consequently, he struggled with subjects such as Latin and algebra which did little to hold his interests. Away for the first time from the daily scrutiny of his family, Russell enjoyed a thriving social life. Well liked by

¹¹ Fite, 8.

¹² U.S. Congress, 88th Congress, 2nd Session, *Congressional Record* 110, pt. 8 (Washington, D.C.: Government Printing Office, 1964), 11086.

¹³ Fite, 12.

¹⁴ Fite, 42.

both his fellow students and the young ladies, Russell's grades suffered from a lack of attention. In danger of failing to graduate, he transferred during his senior year to the Seventh District Agricultural and Mechanical School. Away from the social distractions at the Academy, Russell's grades improved and he graduated in 1914. Bolstered by his improvement, Russell returned to the Gordon Military Academy and graduated in May of 1915.¹⁵

After graduation, it became clear that Russell had never truly considered any other career than law and politics. Delighted in his son's wish to follow in his own footsteps, Judge Russell assisted his son with admission to the University of Georgia Lumpkin School of Law. In Athens, Georgia, Russell once again fell victim to the perils of an active social life. Well liked by his peers, and pursued by women Russell's grades again suffered as a result. During this time, there was no hint of the diligent and hardworking Senator that would dominate post-World War II national politics. However, Russell did manage to complete his legal studies and graduate in June of 1918.¹⁶ Following a brief, seventy-nine day stint in the Navy, Russell returned home to Winder to join his father's legal practice.

However detrimental Russell's social activities may have been to his educational career, they provided the young lawyer with the basis for his life-long political philosophy. Networking and personal contact became the basis for Russell's political strategy. After return home to Winder, Russell realized that to be an effective lawyer, he needed to know the people of his area. Thus, on July 8, 1920, he

¹⁵ Fite, 27-30.

¹⁶ Fite, 34.

announced that he was running on the Democratic ticket for the Barrow Country seat in the Georgia House of Representatives. To Russell, this campaign would provide a chance to come to know the people of his home county. The social skills that had made him so popular with his classmates also served to endear him to the voters. The result of this “personal contact” method of politics was Russell’s victory over the incumbent by a strong margin.

For the next ten years, Russell served an apprenticeship of sorts in the Georgia legislature. During this time, he came to be admired for two main qualities, integrity and honesty. Fellow politicians learned quickly that Dick Russell’s word was as binding as a formal contract. To Russell, a commitment, whether oral or written, was a commitment not to be broken.¹⁷ When he entered into a “gentlemen’s agreement” he strove to “live up to it to the very letter and spirit of the agreement.”¹⁸ This sentiment would force Russell to honor some rather unpleasant obligations during his time in the US Senate including his service on the Warren Commission. But, it would also secure the admiration and respect of his colleagues. Also during this decade in the Georgia House, Russell developed what would become his major political goal, honest and efficient government free from favors to or the power of special interests. Over the span of his political life, Dick Russell continually refused both aid from special interests and the trading of favors for votes. In general, Russell’s political quest endeared him more and more to the people he was

¹⁷ Fite, 42.

¹⁸ *Congressional Record* 110, pt. 8, 11086.

representing.¹⁹ Finally, Russell's political apprenticeship ended when he was elected Governor of the state of Georgia in 1930.²⁰

After only two years as Governor, Russell announced on April 25, 1932 that he would seek election to the United States Senate seat left vacant by the death of William J. Harris (D, GA). Opposed by Congressman Charles R. Crisp (R, GA), Russell once again took his campaign directly to the people of Georgia. A successful and popular governor during his brief time in office, Russell campaigned on the platform that he wanted to take his crusade for the good of Georgia to the next level. When election day came, Russell easily defeated Crisp by a landslide in the popular vote and with seventy-two percent of the county vote. As a result of this election, Russell earned the title he would carry for the rest of his life, "Richard B. Russell, Jr., Senator from Georgia."

Senator from Georgia

Arriving in Washington, DC, Russell gained an early advantage over the rest of the new "freshman" class in the Senate. Owing to the fact that he was completing an unexpired term rather than beginning a new one, Russell took his oath of office in January of 1933 rather than March, which gave him seniority over the other freshmen senators.²¹ Besides being a new Senator, Russell, at age 35, had the distinction of replacing Robert M. LaFollette, Jr., (Progressive, WI) age 38, as the "baby" of the

¹⁹ Fite, 77.

²⁰ Fite, 76.

²¹ Fite, 122.

group.²² Eager to begin his Senate career, Russell managed to talk his way in to an appointment to the Senate Appropriations Committee, arguably one of the most powerful committees in Congress. Also, during his first year, Russell was named chairman of the Appropriations Subcommittee on Agricultural Appropriations, a post he felt would enable him to improve the situation of Georgia farmers.²³

It took very little time for Russell to understand that there were two categories of senators, the workhorses and the showhorses. Given Russell's prior preference for socializing rather than working, one would imagine that he would quickly join the ranks of the showhorses. However, sometime during his tenure in the Georgia House, Russell had discovered a true love of politics. He had come to understand his own talents and abilities and to enjoy using them to their fullest. He also felt a keen sense of obligation to the people of Georgia, which needed to be upheld as befitting a Southern gentleman. And so, Dick Russell, former fraternity brother and socialite, joined instead the ranks of the workhorses, who preferred working quietly and behind the scenes to achieve their goals.²⁴ As such, Russell sought to maintain a measure of anonymity in his Senate work. Often, after devising a compromise amendment, he would ask a colleague to introduce it so that the other senator would be given the credit. Russell was so successful in keeping his name out of the media that he was often not even mentioned in connection to the compromises he brokered.²⁵ Yet, while the public might be unaware of Russell's abilities, his colleagues were not. Within the small Senate family, Russell's ability to defuse situations and untangle knots

²² Fite, 123.

²³ Fite, 124.

²⁴ Fite, 125.

became widely recognized. Just as his peers in the Georgia House had once come to Russell to discuss problems, fellow Senators now approached the quiet but effective Georgian.²⁶

Russell quickly learned that much of the most important work in the Senate was accomplished not on the Senate floor, but within the “Inner club,” the unofficial bipartisan committee that operated much like a corporate board of directors. The members of this “club” made most of the big decisions in the Senate and played an important role in deciding who would make the smaller ones.²⁷ Russell moved to become part of this group and to work within its confines to achieve his goals. By the end of his time in the Senate, Russell was considered the leader, or central figure, of this inner circle.²⁸

During his first years in the Senate, Russell became known as an FDR and New Deal supporter. Having seen the effect of the Depression on Georgia, Russell agreed with many of Roosevelt’s ideas for aiding the populace. In 1942, FDR drafted a letter praising Russell for his “steadfastness, untiring efforts and legislative leadership.”²⁹ The President was not the only politician in Washington to note Russell’s fine leadership qualities. As World War II drew to a close and the American public turned weary eyes in search of peace, Russell began to emerge as a Senate leader. Although still the junior senator from Georgia, there were only nineteen other members who outranked him. In addition, by 1945, Russell had

²⁵ Caro, 179.

²⁶ Caro, 179.

²⁷ Robert Mann, *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russell and the Struggle for Civil Rights*, (New York: Harcourt Brace & Company, 1996), 10.

²⁸ Fite, 126.

replaced Senator Tom Connally (D) of Texas as the head of the Southern Caucus, a natural progression as southern senators had already begun to turn to Russell for guidance on issues such as civil rights.³⁰

The Legislative Reorganization Act of 1946 was both a blow and a blessing to Russell. The Immigration committee, the only committee he chaired, was placed under the Judiciary Committee and as a result, Russell lost his position. However, when the Naval Affairs committee on which Russell sat was rolled into the newly created Armed Services Committee, Russell was in the position of sitting on the two most powerful committee in the Senate, Appropriations and Armed Services. More importantly, by 1949, Russell was second in seniority for Armed Services and fourth for Appropriations.³¹ In addition, by January of that year, Russell was also serving on the Joint Committee on Atomic Energy and as one of two members of the Central Intelligence Oversight committee.³²

In the Fall of 1950, Russell was offered the prestigious position of Majority Leader, which he rejected. Although such a position would seem to be the obvious conclusion of his rise to power in the Senate, Russell wanted to preserve his independence. As Majority Leader, he would be obliged to support administration policy regardless of his own personal views. Russell was unwilling to place himself in the position where his ability to evaluate his position would be compromised by another obligation. However, by this time, Russell was the unofficial leader of the “Inner Club,” and as such, his approval was required for any appointment. After

²⁹ Fite 157.

³⁰ Fite, 198-199.

³¹ Fite, 221.

refusing the post himself, Russell gave a nod to Ernest MacFarland's (D, AZ) appointment as Majority Leader. Russell also secured the Majority Whip's spot for his young friend, Lyndon Johnson (D, TX) of Texas.³³

In addition to his position of political power, Russell was revered for his understanding of the workings, the history and the traditions of the Senate. He was a master at aiding friends with pet projects. For the newcomers, Russell provided excellent tutelage in the workings of the Senate. When young Senator Edward Kennedy (D, MA) first arrived in Washington DC, he received one key piece of advice from his elder brother, Senator John F. Kennedy (D, MA). Kennedy was told to go visit with Russell if he wanted to get along in the Senate.

Yet, for all of his work as the "elder statesman," Russell was a major political player for the majority of his time in Washington. Serving on the Armed Services Committee provided Russell with the opportunity to influence some of the defining factors and moments in post-war history. In terms of foreign policy, Russell was guided by three basic assumptions. First, he believed, however erroneously, in the superiority of the "Anglo-Saxon culture." Second, Russell had always been a fierce patriot, defying anyone to attack or criticize his nation. And finally, he believed fervently that the US needed to maintain a strong military defense.³⁴ One result of this last belief was Russell's support for the National Security Act of 1947 which

³² Fite, 243.

³³ Fite, 266.

³⁴ Fite, 175.

unified the armed forces, established the cabinet-level position of Secretary of Defense and provided for the creation of the Central Intelligence Agency.³⁵

For more than the next twenty years, Russell would play a role in shaping the defense of the nation he held so dear from those he viewed as threats. Journalist Jack Bell wrote during the 1960s that in the field of national defense, Russell was “considered to be the greatest living expert on the military defense and establishment of the United States.”³⁶ During the Cold War, Russell played a key role in shaping the military budget and in “keeping America militarily strong.”³⁷ To Russell, the chief threat to US security was the Soviet Union. Even during World War II, Russell had never possessed any confidence in Soviet goodwill or honesty. He considered the Soviets a deceptive lot bent on adventurism and expansion as well as the source of “all our troubles.”³⁸

The MacArthur Hearings

Shortly after taking over as chairman of the Armed Services Committee, Russell became involved in the controversy surrounding the dismissal of General Douglas MacArthur as commander of American forces in Korea. Seeking a way to minimize damage to the Democratic party and to calm the nation, Russell proposed a joint Armed Services and Foreign Affairs probe into MacArthur’s dismissal. As the senior chairman, Russell assumed leadership of the hearings when they began on May

³⁵ Fite, 221.

³⁶ Robert Caro, *Master of the Senate: The Years of Lyndon Johnson* (New York: Alfred A. Knopf, 2002), 180.

³⁷ Caro, 180.

³⁸ Fite, 254.

3, 1951. When news of the investigation became public, a Washington source was quoted as stating that “if anyone could protect national interest against those who sought personal or political gain,” from the process, “Dick Russell can.”³⁹ However, shortly after the hearings began, Russell grew disheartened by the partisan sparring dominating the investigation. In an action that would have an eerie echo years later, Russell drafted a letter of resignation as chairman on May 16, 1951. Citing his inability to maintain a non-partisan investigation against the Republican quest for political advantage, Russell wished to be replaced. However, the letter was never sent and Russell remained in charge of the investigation.

Concerned with national security issues, the hearings were closed to the public, although some censored testimony was published. However, by investigating the situation and allowing the popular General MacArthur to discuss the situation in Korea, Russell had managed to turn the public’s attention away from the dismissal and back to the Far East. With this skillful maneuver, Russell was able to diffuse a situation that could have been horribly divisive to a nation in need of unity. In emphasizing the need for such unity and by striking a compromise between public disclosure and national security, Russell was able to calm public fervor and discontent as well as to minimize damage to his own party.⁴⁰

The hearings also helped to improve Russell’s reputation. Although MacFarland was the official majority leader, the public became aware of Dick Russell’s position as defacto leader of the Senate. The investigation also served to

³⁹ Fite, 256-7.

⁴⁰ Fite, 264.

enhance Russell's national image. Far more people outside of Georgia were aware of Russell at the conclusion of the hearings in June 1951 than in April of that year.⁴¹

The 1952 Democratic Primary

Perhaps as a result of this newfound national recognition, Russell was approached by the Southern Democrats to run for the Presidential nomination in 1952. Seeking a candidate from the South, the Southern portion of the party could find none stronger than Richard Russell. Reluctant at first to throw his hat into the ring, Russell finally announced that he was an official candidate for the nomination on February 28, 1952. Running on the same platform that had served him well his entire career, Russell claimed to stand for strong defense, careful public spending and a government free from fraud, corruption and divided loyalties. In terms of potential candidates, Russell seemed to be ideal, except that he was from the South. Those campaigning against him portrayed Russell as "a loyal, moderate Democrat who had outstanding abilities as a legislator, but who was irreparably handicapped by his southern location and attitudes," most specifically his States' Rights position and his opposition to any Federal civil rights legislation.⁴² Indeed, his opponents were careful about criticizing Russell too harshly as they would need his influence and power in the Senate if they won the election. When the Democratic nominee was finally selected, Russell lost to Adlai Stevenson. In evaluating the candidates, a *Washington Star* reporter was quoted as stating that "Kefauver was a lightweight,

⁴¹ Fite, 264.

⁴² Fite, 274.

Barkley and Rayburn were too old, Harriman was too rich, Kerr was too oily and Russell was too far South.” Well aware that his victory was largely due to Russell’s Southern heritage and not his own merits, Stevenson was quick to offer the Vice Presidential spot to Russell. But, ever mindful of his political independence, Russell declined for the same reasons he had refused to serve as Majority Leader earlier in his career.⁴³

The next decade and a half would see Russell’s actual power begin to ebb even as his reputation grew. During this time, Russell would watch his protégé, Lyndon Johnson elected both Vice President and President, he would see the inevitable passage of a Federal civil rights bill and he would serve on the commission investigating the assassination of President Kennedy. Finally, on January 3, 1969, Russell was rewarded for his thirty-six years of Senate service. With the retirement of Carl Hayden, Russell became the most senior member of the Senate. That same day, he was sworn in as President Pro Tempore of the Senate. Serving for two more years before his death on January 21, 1971, Russell was revered by his colleagues for “his fairness, integrity, wisdom, help to colleagues on special projects and steadfastness in protecting the traditions of the Senate.”⁴⁴

The Battle Against Civil Rights Legislation

During his decades of service in the Senate, one particular issue seemed to dominate Russell’s legislative career, the fight against Federal Civil Rights

⁴³ Fite, 296.

⁴⁴ Fite, 465.

legislation. Born to an old, if improvised Southern family, Russell was raised to hold many of the same racial views as the majority of his peers. In his youth, Russell lived in a strictly segregated area of Georgia where the few black families were relegated to positions of social and economic inferiority. Although he often spoke fondly and respectfully of his family's black servants, Russell always saw them as servants, not equals. Born into a world where the social order was dictated by adults, Russell, like many of his peers, accepted this gentile white supremacy without question.⁴⁵

As an adult, Russell held fast to this view even as the world changed around him. While faithful to his belief in the superiority of the white race, Russell was far from being a rabid racist. Always respectful of the black community and careful to avoid such pejorative terms as "nigger," Russell nevertheless continued to hold the elitist and paternalistic attitude once so common to his social group. In keeping with this gentile attitude, Russell vigorously supported anti-lynching legislation while denouncing those who would use violence to intimidate the black community. While he hoped that blacks could make economic gains and improve their lives, the Georgia Senator firmly believed that white and black societies needed to be strictly segregated for the preservation of both races. For Russell, integration could only lead to degeneration and ruin for both groups.⁴⁶

In general, Russell's views on racial issues stemmed more from cultural inheritance and southern tradition than from any real objective evaluation of the issue. Although these beliefs were an ingrained part of his character, Russell felt that it was

⁴⁵ Fite, 14, 74.

⁴⁶ U.S. Congress, 88th Congress, 2nd Session, *Congressional Record* 110, pt. 3 (Washington, D.C.: Government Printing Office, 1964), 4069.

unworthy and unbecoming for southern leaders to use the race issue for political gain. Thus, instead of joining with the more outspoken politicians like Thomas Watson (D, GA) and Eugene Talmadge (D, GA), Russell preferred to remain silent on the issue.⁴⁷

However, as time passed, attempts at silence proved futile. With the end of World War II, the cry for equality and civil rights began to build within the black community. In 1948, President Truman made an initial attempt at federal legislation which demanded a response from the Southern bloc, now under the leadership of the young Senator from Georgia. Mustering his colleagues, Russell advocated opposition to the proposed legislation for several reasons. Besides his firm belief in the necessity of segregation, Russell appealed to a deep-held southern belief in the preservation of States' Rights. For Russell, "the fundamental rights guaranteed to the individual citizen" by the United States Constitution, most importantly life, liberty and property, "protects all citizens, whether members of minorities or so-called majorities. Efforts to twist or distort these constitutional rights so as to penalize one citizen for the benefit of another" is a dangerous and destructive procedure.⁴⁸

As the years passed, it became more and more difficult to successfully mount a campaign against the growing call for civil rights legislation. Yet, through this, Russell remained committed to the preservation of segregation. For him, the political use of civil rights was nothing more than an attempt to "use the South as a whipping boy for political purposes in other areas."⁴⁹ Even as late as the early 1960s, Russell was still advocating the rejection of civil rights legislation on the grounds that it was

⁴⁷ Fite, 75.

⁴⁸ Cavin McLeod Logue, ed. *Voice of Georgia: Speeches of Richard B. Russell 1928-1969*. (Macon, GA: Mercer University Press, 1997), 325.

an “insidious campaign to harass the southern people and to destroy the southern way of life” by those seeking national recognition.⁵⁰ In a 1964 letter to a constituent, Russell stated that he had long believed that “the only fair means of bringing about a permanent solution to the racial problem is through a more equitable distribution of the Negro race throughout all states and sections of the country. Of course, this matter is shot through and through with hypocrisy, and some of those who demand the right to tell the South how to deal with our very real problem want no more of the Negro problem for themselves than they can possibly avoid.”⁵¹

By the time Lyndon Johnson proposed the 1964 Civil Rights Act, Russell had modified his position to emphasize the States Rights appeal over the gentile elitism. For Russell, the “Negro problem” needed to be handled at the state level. Any interference by the Federal government would only fuel the passions of the population causing additional strife. Russell, like many States’ Rights supporters, believed that the Federal Government needed to allow the states to deal with internal matters on an individual basis. Unfortunately for Russell, the majority of the American public had already been awakened to the injustices wrought upon the black population. Although he would try valiantly to once again prevent Federal legislation, not even Russell could stem the tide of progress.

⁴⁹ Logue, 331.

⁵⁰ Logue, 350.

⁵¹ Richard B. Russell to Andrew J. Moyer, III, 24 March 1964, Series XIII; Subseries A Box Assassinations Commission Correspondence Nov 1963- Oct. 1964 ; File 7 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

Yet, while many of Russell's Senate colleagues differed with his opinion on the race issue, they still had nothing but respect for the Senator from Georgia. Even during the fiercest moments of the debate, fiery orators such as Hubert Humphrey though critical of Russell's position remained adamant in their personal respect for the man. Michael Mansfield (D, MT), the majority leader during the debate and a supporter of the bill, stated on the Senate floor that "the distinguished Senator from Georgia is a man of honor and a man of determination. When he gives his word, it is as solid as gold, and when he is determined, he is like a bull in a china shop."⁵² In an ideal display of parliamentary behavior, the Senate was able to debate the bill that would change the lives of thousands without degenerating into personal attacks and insults.

In a speech not long after the passage of the 1964 Civil Rights Act, Russell defended his opposition by explaining that it grew from "a profound conviction that, in the long run," the bill would "only prove harmful to the country and curtail and destroy the rights of all Americans of every race." Yet, Russell continued, he still had "faith in the soundness" of the American institutions and "in the inherent good judgment of the American people." It was his hope that in time, the American public would "turn back the trend toward statism and enforce conformity in every activity of life." However, true to his character, Russell reminded his listeners that as the statutes were now law, it became the duty of all Americans "as good citizens to learn to live with them for as long as they" stand as law. Even though he and his followers

⁵² U.S. Congress, 88th Congress, 2nd Session, *Congressional Record* 110, pt. 8 (Washington, D.C.: Government Printing Office, 1964), 11086.

did not agree with the direction the government had turned, it was the duty of “good and patriotic citizens” during times of tension and unrest “to avoid all violence” and “defiance” for the good of the nation.⁵³

“Landslide Lyndon”

In 1948, the new crop of US Senators included several “standout members” such as “Clinton P. Anderson (D, NM), who had resigned as President Truman’s Secretary of Agriculture to run for the Senate in New Mexico; University of Chicago economics professor Paul H. Douglas (D, IL), who had been an authentic marine hero in World War II; Russell B. Long (D, LA), son of the Louisiana “Kingfish”; Rep. Estes Kefauver (D, TN), who had bested the powerful Crump machine in Memphis to win in Tennessee; oil baron and former Oklahoma governor Robert S. Kerr (D, OK); and the liberal former Minneapolis mayor Hubert H. Humphrey (D, MN), fresh from a fiery civil rights speech that prompted a Southern walkout at the Democratic National Convention.”⁵⁴ In such company, the former Congressman from Texas with the reputation for a mediocre work ethic did not seem particularly promising. Nonetheless, Lyndon B. Johnson was elected to the Senate by 87 late arriving votes earning him the nickname “Landslide Lyndon.”⁵⁵

Once in the Senate, Johnson worked tirelessly to improve both his standing and reputation. Unlike the carefree days in the House, Johnson’s staff now regularly

⁵³ Logue, 358.

⁵⁴ John A. Goldsmith, *Colleagues: Richard B. Russell and His Apprentice Lyndon B. Johnson*, (Macon, GA: Mercer University Press, 1998), 10.

⁵⁵ Goldsmith, 10.

worked fourteen to sixteen hour days. A shrewd politician, Johnson understood the politics of the Senate and realized that Dick Russell would be the key to success. With this in mind, Johnson sought an appointment to the Armed Services Committee. Johnson was later reported to have stated that he “knew that there was only one way to see Russell everyday – and that was to get a seat on his committee.”⁵⁶ Casual acquaintances since Johnson’s days in the House, the two men now became close friends as they worked together on the Armed Services Committee. In a demonstration of their close relationship and Russell’s position in the Senate, Johnson signed over to Russell his proxy vote in “any and all matters” before the Committee.⁵⁷

Johnson continually courted Russell’s good opinion. Realizing that the bachelor Senator might be somewhat lonely in Washington away from his family in Georgia, Johnson and his wife, Lady Bird, made Russell a frequent visitor to their home. While Russell was impressed with Johnson’s intelligence and political savvy, he had a genuine appreciation for Lady Bird’s classic southern charm. Over the next several years, Russell was such a frequent guest at the Johnson home that he became known as “Uncle Dick” to the Johnson daughters. Given the distinct nature of the friendship between the two men, it was no surprise that Johnson was the only Senator to travel to Winder when Russell’s beloved mother died.⁵⁸

Yet, while Johnson was courting Russell’s favor for his own interests, Russell was attempting to groom the Texas Senator for his own purposes. Russell felt that Johnson would be an ideal choice to bridge the gulf between the Northern and

⁵⁶ Fite, 268.

⁵⁷ Fite, 261.

⁵⁸ Fite, 269.

Southern delegations in the Senate. While Johnson, at this point in his career, held many of the basic white Southern attitudes towards race, he was not so firmly associated with the Southern bloc that he could not deal effectively with the Northern moderates and liberals.⁵⁹ As a result, Russell did everything within his immense power to promote the career of his young protégé. In 1950, after approving MacFarland as Majority Leader, Russell proposed Johnson to serve as Majority Whip, a position of little actual power but some prestige. Then, when MacFarland was defeated in 1952 and the Republicans took control of the Senate, Russell made sure that Johnson was named Minority Leader of the new Congress.⁶⁰

After Johnson assumed the position of Minority Leader and later Majority Leader, the two friends worked together to strengthen Democratic power in the Senate. Their fellow senators often remarked that the two men could be seen together whispering and consulting over policy matters. Together, they formed a center of great power in the Senate with Russell guiding and pushing Johnson's career at every opportunity.

However, over the years, Johnson had developed his own political strategy. When he was defeated by fellow Senator John F. Kennedy for the Democratic Presidential nomination, Johnson, against Russell's advice, accepted the Vice Presidential spot. Russell feared that by accepting the nomination, Johnson was going to be forced to become entangled in Kennedy's Northern policies. Although Russell had a warm personal relationship with Kennedy and great affection for his

⁵⁹ Fite, 269.

⁶⁰ Fite, 301.

wife, he opposed the vast majority of the young politician's policies. As a result, Russell refused to actively campaign for the two men in spite of much cajoling on Johnson's part. It was only at the very end of the race when it appeared that the Democrats might lose Texas, Johnson's home state, that Russell took to the road. If anything, Russell's outrage over the manner in which a Houston crowd had treated Lady Bird Johnson had more impact on his decision to help than anything else. Thus, with Russell's help, the Democrats were able to carry Texas by a narrow margin.⁶¹

Now that Johnson was safely secured in the executive branch of government it seemed as though the interaction between the two men would come to end. And yet, the campaign in Texas would not be the last time that Johnson would call on his old friend Dick Russell to lend both his name and his reputation to Johnson's own interests. The November 22, 1963 assassination of President Kennedy would force Russell yet again to come to the aid of his friend and former protégé.

⁶¹ Fite, 380.

Chapter 2

Dallas and After

November 22, 1963

On November 22, 1963, President John F. Kennedy and his wife arrived at Love Field in Dallas Texas. Maximizing his exposure in Texas, Kennedy was to deliver a speech at the local Trade Mart before flying to Austin for a Democratic fund raiser. Eager to demonstrate the young President's popularity, Texas Governor John Connally (D) and Kenneth O'Donnell, special assistant to the President, had planned a motorcade through the Dallas business district. In the final itinerary made public on November 19th, forty-five minutes were allowed for the trip from Love Field to the Trade Mart.⁶²

As the party departed the airfield, the President and Mrs. Kennedy rode in the back of a black, open-top limousine with Governor Connally riding in the front passenger seat. The car carrying Vice President Johnson and his wife followed several cars behind the Presidential limousine. Leaving Love Field at approximately 11:50am central standard time, the motorcade moved through residential areas, stopping several times to greet well-wishers. While the procession moved into the downtown district, the gathering crowd began to line the streets. As the Presidential limousine slowed for the sharp turn onto Elm Street, a Secret Service agent in the

motorcade radioed a colleague at the Trade Mart that the President would be arriving in approximately five minutes. Just seconds later, as the motorcade passed through Dealey Plaza, an open garden area marking the western boundary of the business district, shots rang out. As time seemed to slow, President Kennedy slumped slightly forward, prevented from falling over by the stiff back-brace required by an old war injury. Governor Connally, who had been facing the crowd, turned towards the rear of the car before being struck by a bullet in the back. Mrs. Connally, sitting next to her husband, pulled the Governor down onto her lap. Mere seconds later another shot struck the President causing a massive and fatal head wound. Severely injured, the young President fell into the First Lady's lap.⁶³

Momentarily stunned by the events, the Secret Service agents in the motorcade sprang into action. Agents assigned to the Vice-President pulled Johnson to the floor of the his car and bodily covered him. Agent Kellerman, riding in the front of the Presidential limousine, realizing the President had been hit, ordered the driver to find a hospital immediately. Rapidly, the Presidential detail headed toward Parkland Memorial Hospital only four miles away. In the trauma center, doctors took note of the large head wound and a small wound, about one-fourth of an inch in diameter, in the President's neck. In a vain attempt to save Kennedy's life, the doctors performed an emergency tracheotomy by enlarging the neck wound to facilitate breathing. At 1pm Dallas time, after the Last Rites had been performed by a Roman Catholic Priest, President John F. Kennedy was pronounced dead.

⁶² *The Warren Commission Report: Report of President's Commission on the Assassination of President John F. Kennedy*, (New York: St. Martin's Press, 1964), 2. (hereafter cited as *WC Report*)

⁶³ *WC Report*, 3.

As word of the President's assassination spread, Vice President Johnson was taken from Parkland Memorial to Love Field under close guard. Shortly thereafter, Mrs. Kennedy accompanied the body of her late husband back to the Presidential airplane. Once onboard Air Force One, Lyndon Johnson became the 36th President at 2:38pm central standard time. Arriving in Washington shortly before 6pm, eastern standard time, Kennedy's body was immediately taken to Bethesda Naval Hospital for a complete autopsy. During the course of the examination, a previously unknown wound in Kennedy's back was noted. Officially, the cause of death was listed as a "gunshot wound, head."⁶⁴

As the President was rushed to the nearby hospital, Dealey Plaza erupted in total chaos. Although witnesses differed on the location of the shooter, attention quickly centered on the Texas School Book Depository building. Several eyewitness claimed to have noticed shots coming from the sixth floor of the Depository. One spectator even stated that he had noticed a slim Caucasian male leaning out of the sixth floor window with a rifle. By 12:45pm central time, a description of the alleged assailant was broadcast over police radio. Shortly after the shooting, a Dallas motorcycle officer entered the Book Depository building and encountering the supervisor moved towards the stairs. On the second floor, the officer encountered a man in the lunchroom. When asked, the supervisor identified the individual as Lee Harvey Oswald, a building employee. As the officer proceeded up the stairs, Oswald moved downstairs and left the building, boarding a local bus about seven minutes later. With traffic at a standstill because of the shooting, Oswald exited the bus a few

⁶⁴ *WC Report*, 4.

minutes later and proceeded on foot for several blocks before hiring a taxi. At 1:45pm, Oswald, matching the description on the police radio, was apprehended at the Texas Theater and arrested.⁶⁵

Just about the same time President Kennedy was pronounced dead, the Dallas Police discovered a “sniper’s nest” in the sixth floor warehouse of the Depository building. At approximately 1pm, three empty cartridges and a paper sack were recovered in the southeast corner of the building. Twenty minutes later, the officers discovered a bolt-action Mannlicher-Carcano rifle with a telescopic sight between two rows of boxes in the northwest corner of the building. When Oswald was arrested less than an hour later, the investigation seemed well underway. The authorities now had the location, the weapon and a possible suspect who fit the description of an eye-witness.⁶⁶ Just after 7pm Dallas time, Oswald was charged in the death of Dallas Patrolman Tippit who had been murdered shortly after the assassination. After three different police line-ups, Oswald was formally charged with the assassination of the President at 11:26pm Dallas time.

However, the questions surrounding the assassination of President Kennedy seemed destined to remain unanswered. From the time he was arrested until about 11am on Sunday morning, Oswald spent approximately 12 hours under interrogation never confessing to either charge. Although aware of his Miranda rights, Oswald made no request for legal representation during his questioning. Concerned about statements made during a press conference, representatives of the American Civil

⁶⁵ *WC Report*, 7-8.

⁶⁶ *WC Report*, 9.

Liberties Union approached the police to ensure the suspect was not being deprived of counsel. Although Oswald tried over the course of the weekend to reach defense attorney Jon Abt in New York, he was unable to secure representation. When visited by a member of the Dallas Bar Association on Saturday, November 23, Oswald refused an offer to secure counsel expressing a preference for Abt.⁶⁷

In keeping with Dallas custom, Oswald was to be transferred from the police station to the county jail after being indicted. The decision was made to transfer the prisoner on Sunday morning around 10am. By 8:30 that morning, the press, aware of the pending transfer, had begun to gather in the basement of the station. Although threats had been made against the alleged assassin's life, the police decided to proceed with the transfer as planned, moving Oswald through the crowd of reporters in the basement. Just ten feet into the basement, Jack Ruby, a local nightclub owner, stepped forward and with a .38 caliber revolver fired a single, fatal shot at Oswald. Thus, three days after the assassination of the President, the alleged assassin was himself shot to death taking any answers he possessed about Kennedy's death to his grave.⁶⁸

The FBI Report

Only hours after the death of the President, the FBI under the direction of the infamous J. Edgar Hoover became involved in the investigation. In a memo dated 4:01pm on November 22, Hoover relayed to his chief subordinates that he had

⁶⁷ *WC Report*, 200-201.

⁶⁸ *WC Report*, 216.

informed Robert Kennedy, the late President's brother and the Attorney General of the United States, that the FBI felt they "had the man who killed the President down in Dallas."⁶⁹ Hoover went on to describe Oswald's actions immediately following the assassination including the murder of Officer Tippit. As the FBI continued to follow the investigation, a debate arose in Washington inner circles about how to handle the matter. Some wanted to publish the FBI findings, other wanted a full Congressional investigation. Speaking with Hoover on the morning of November 25, the day after Oswald's death, the new President expressed doubts about a Federal investigation. Complaining about a pending *Washington Post* editorial calling for a Presidential commission, Johnson claimed that the government could not go "checking up on every shooting scrape in the country."⁷⁰ Instead, Johnson expressed a preference for a quick FBI investigation with a final report to the Attorney General. Besides his desire to keep the investigation as far from the White House as possible, Johnson was concerned about jurisdictional questions. To him, the assassination was a state matter to be handled by the State Attorney General, Wagner Carr, a man he characterized as "young and able and prudent" as well as "very cooperative" with the FBI. Carr would conduct a court of inquiry in Dallas, as there now would be no official trial of Oswald. To Johnson, a Presidential Commission "that's not trained hurts more than it

⁶⁹ Federal Bureau of Investigations. "Memorandum from J. Edgar Hoover" (November 22, 1963), File 62-109060, RG 40 (National Archives; Copy from Harold Weisberg Archive, Hood College, Maryland), 1. (*hereafter cited as Hoover Memo 11/22/63*)

⁷⁰ LBJ Phone Conversation with J. Edgar Hoover, November 25, 1963 (10:30am), White House Phone Transcripts (Lyndon Baines Johnson Library, Austin Texas), 1. (*hereafter cited as LBJ/Hoover phone conversation*)

helps.”⁷¹ Obviously, the new President was very concerned about how the assassination of his predecessor was to be investigated.

In a memo dated the same day, Deputy Attorney General Nicholas Katzenbach addressed several of the key concerns the White House had about the investigation. To Bill Moyers, a senior FBI official, Katzenbach stated that his primary concern was that “the public must be satisfied that Oswald was the assassin” and that he acted alone.⁷² In an attempt to lend a sense of dignity to the investigation, Katzenbach offered two suggestions. First, the reputation of the FBI must be put squarely behind the investigation in order to account for the disparities between Bureau statements and those of the Dallas police. Or, “the only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusion.”⁷³

Debate continued in Washington even after the November 25 announcement by State Attorney General Wagner Carr of a court of inquiry in Dallas to publicly evaluate the evidence amassed by the FBI investigation. On November 26, Senator Everett M. Dirksen (R, IL) called for the Senate Judiciary Committee to conduct a full investigation into the assassination. The following day, Congressman Charles R. Goodell (R, NY) proposed a joint committee of seven Senators and seven Congressmen to investigate the murder. In the face of such debate, President Johnson and the FBI had few options. Finally, on November 29, Johnson took a step he

⁷¹ LBJ/Hoover phone conversation, 1.

⁷² Department of Justice, “*Memorandum for Mr. Moyers*” (November 225, 1963), GA 75-226, Exhibit 76 (Department of Justice Records Branch; Copy from Harold Weisberg Archive, Hood College, Maryland), 1. (*hereafter cited as DOJ Memo*)

⁷³ DOJ Memo, 1.

loathed to take and appointed a Presidential Commission “to ascertain, evaluate and report on” the particulars of the assassination. Following Katzenbach’s advice, Johnson attempted to create a Commission of highly respected members, naming the Chief Justice of the Supreme Court, Earl Warren as chairman. Senator John Sherman Cooper, former Ambassador to India and a leading liberal Republican joined Hale Boggs, the House Majority Whip and Gerald Ford, Chairman of the House Republican Conference. Rounding out the assemblage were Allen Dulles, former Central Intelligence Agency director and John J. McCloy, the former High Commission for Germany and President of the World Bank. The final commission member would be Johnson’s old mentor, Senator Richard Russell of Georgia, a powerful and distinguished figure in Washington.⁷⁴

With the establishment of what would become known as the Warren Commission, Johnson had struck a fine balance between political expediency and political survival. Eager to move on with the business of governing, Johnson needed to find a way to silence the swirls of rumors surrounding the death of his predecessor. The Commission would provide the public with the answers they craved without creating more chaos and questions. In Executive Order No. 11130, the document formally convening the Commission, Johnson stated that the purpose of the body would be to “examine the evidence developed by the Federal Bureau of Investigations and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such

⁷⁴ Epstein, 5.

assassination, including the subsequent violent death of the man charged with the assassination, and to report” the findings.⁷⁵ Thus, although the Warren Commission was to provide the definitive version of the assassination, it would use the FBI as its investigative arm. Johnson was able to ensure as much as possible that Hoover and FBI officials would remain in control of the situation.

In a memo dated November 29, the same day the Commission was announced, Hoover described to his subordinates both the composition of the Commission and the state of the investigation which was totally focused on Oswald. Hoover claimed to have assured the President that the FBI hoped to have the formal investigation completed within a few days. Specifically, the only area still outstanding was the question of Oswald’s recent trip to Mexico. However, he felt confident stating conclusively that there was “no question” that Oswald was the assassin. More specifically, only seven days after the assassination, Hoover told Johnson that there had been three shots and three hits. In the FBI’s view, the President had been hit by the first and third bullets, with the second striking Connally. Hoover even went so far as to say that if Connally had not been seated in the car, the second bullet would also have struck the President. Finally, the FBI’s key conclusions were that Oswald was the assassin; Connally was hit after the President; and if Connally had not turned after the first shot, Kennedy would have been hit by the second shot. The Cuban connection was still under investigation.⁷⁶

⁷⁵ *WC Report*, 471.

⁷⁶ ⁷⁶ Federal Bureau of Investigations. “*Memorandum from J. Edgar Hoover*” (November 29, 1963), (Harold Weisberg Archive, Hood College, Maryland), 4.

On December 9, 1963, Warren was provided with official copies of the FBI report into the Kennedy investigation. Katzenbach, in delivering the documents to the Chief Justice urged that the Commission issue a brief statement stating that the FBI report established “beyond a reasonable doubt that Lee Harvey Oswald shot President Kennedy,” and that the FBI had conducted “an exhaustive investigation” into any Oswald conspiracy and had concluded that he had acted alone.⁷⁷ In fact, the final report, submitted to the Commission as Commission Document 1 (CD-1) was compiled with remarkable speed. Less than a full month after the assassination of the President and the murder of the alleged assassin, the FBI was ready and willing to make definitive statements as to method and motive. In terms of specifics, the report established that there were three shots fired and three hits. Two bullets hit Kennedy and one struck Governor Connally. Discussing Oswald, the report detailed his background including his connections with the Soviet Union and Cuba as well as his military service and training as a “sharpshooter.”⁷⁸

Russell's Appointment

Richard Russell, shocked and dismayed by the assassination of the President, had no idea of the role his former protégé wanted him to play. At the time Kennedy was shot, Russell was reading the wire feed for the Associated Press and United Press services in the anteroom behind the Senate chambers. Although stunned by the news of the assassination, Russell thought first of national defense as would befit the

⁷⁷ Nicholas Katzenbach to Chief Justice Earl Warren, 9 December 1963, (Harold Weisberg Archive, Hood College, Maryland), 2.

Chairman of the Armed Services Committee. After a hurried phone call to Secretary of Defense Robert McNamara to ensure the defensive status of the nation, Russell sat with friend and colleague Mike Mansfield in the radio/television gallery. Sickened by the news, Russell remarked that it was a “dastardly crime which had stricken a brilliant dedicated statesman at the very height of his powers.” For Russell, Kennedy had not only been a President, but a former Senate coworker with whom Russell had had some personal dealings. It would be hard to imagine that Russell was not also concerned with the changes facing his friend, Lyndon Johnson. However, over the next few grief-stricken days, one fact made the greatest impact on Russell, the death of Jacqueline Kennedy. In a letter of condolence dated November 26th, Russell wrote:

At the danger of being thought presumptuous, I am writing to express my unbounded admiration of your demeanor and every act indeed during the past four tragic days.

No queen, born of the purple, could have acquitted herself more admirably. Your calm dignity vanquished the hysteria which threatened millions of your fellow Americans who followed your every movement on the television screen.

I am so old-fashioned as to believe that those who have departed this earth still know what transpires here, and I therefore believe that President Kennedy was prouder of you than he has ever been in this life. Only a great lady in the finest tradition of the old school could have displayed such magnificent courage.

Thank you for what you did to steady our national morale and to improve our nation's image...⁷⁹

As evidenced by Russell's eloquent words to the former First Lady, one of his foremost concerns was the stability of the nation. As he had demonstrated during the tumultuous days of the MacArthur hearings, the steady morale of the nation must be

⁷⁸ Hoover Memo 11/22/63, 3.

preserved at all costs. Eventually, it was this desire to act in the best interests of the nation that ensnared Russell into serving on the Warren Commission.

When first approached by Johnson on November 29, Russell politely refused to serve. He told the new President to “get someone else,” to “get John Stennis (D, MI).”⁸⁰ Johnson continued to cajole his old mentor by claiming to need a “good states rights’ man” to balance out John Sherman Cooper, the Republican senatorial selection. When Russell repeatedly declined, Johnson emphatically declared that “this country has a lot of confidence in you” and appealed to Russell’s sense of national duty and obligation. Still unable to convince the Georgian to serve, Johnson decided to go ahead and announce the names of the seven members, including the reluctant Senator from Georgia. Russell, shocked by Johnson’s actions, again tried to decline, citing a lack of confidence in Warren and an unwillingness to serve with the Chief Justice. Besides a general dislike for the Chief Justice, Russell felt that Warren had compromised the integrity of the Supreme Court with the 1954 *Brown v. The Board of Education* decision.⁸¹ In Russell’s mind, Warren was “the one person most directly responsible for the prejudice against the South that has arisen” in recent years and “responsible also for a great deal of the bitterness directed against the true conservatives.”⁸² Cutting to the heart of the matter, Johnson again appealed to Russell’s patriotism insisting that the Senator would “do everything” he could in

⁷⁹ Fite, 403.

⁸⁰ Michael R. Beschloss, *Taking Charge: The Johnson White House Tapes, 1963-1964* (New York: Simon & Schuster, 1997), 59.

⁸¹ Beschloss, 72.

⁸² Richard B. Russell to Mrs. Edwin Ladd Jones, Jr., 6 December 1963, Series XIII; Subseries A Box Assassinations Commission Correspondence Nov 1963- Oct. 1964 ; File 10 (Richard B. Russell

service to his country. In the face of the famous “Johnson treatment,” Russell gave way and agreed to serve though he did warn the President that he would have little time to devote to the issue.⁸³

The Commission

With the Commission now established, the seven members faced the enormous task of explaining to the American public who had killed their young President and what had motivated the crime. As the members gathered to begin the task laid before them, it became clear that their purpose was not just to uncover the truth, but to act in accordance with national interests. For Allen Dulles, former CIA director, the goal seemed to be to silence the rumors abounding both at home and abroad. John J. McCloy, an international businessman, felt it was vital to “show the world that American is not a banana republic, where a government can be changed by conspiracy.”⁸⁴ Dispelling the doubts that had been cast over American institutions was the primary concern of Senator Cooper while Congressman Ford wished to quell any damaging rumors. Taken together, it would seem that while the explicit purpose of the Commission was to illuminate the facts, the overriding goal was to protect national interests by eradicating potentially damaging rumors and suspicions.⁸⁵

Almost immediately after Kennedy’s death was announced, rumors began to surface alleging that he had been killed by the Soviets, the Cubans or even

Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

⁸³ Beschloss, 69.

⁸⁴ Epstein, 33.

Communist factions within the United States. The death of Lee Harvey Oswald only days later fed this vicious rumor mill until it threatened to explode into chaos. As the grieving public clamored for answers, the new Commissioners knew that they needed to replace fiction with fact.

As November gave way to December the Warren Commission staff debated the structure of both the investigation and the subsequent Report. At their initial organization meeting, the Commissioners decided to engage a General Counsel to managed the investigation and the staff. J. Lee Rankin, a New York City attorney, was drafted to fill this function. By the time the final Report was completed, Rankin would be charged with overseeing not only the running of the investigation and the drafting of the report, but examining witnesses before the Commission, managing the staff and acting as a liaison between the Commission and various agencies. In a very real way, Lee Rankin was the embodiment of the Warren Commission. Although the seven distinguished Commissioners would lend their time and their reputations to the investigation, most of the actual work would be completed by a staff of lawyers under Rankin's direction. Eventually, it was decided that the investigation and the Report would cover six different areas. First, there would be a basic discussion of the facts of the assassination. The second section would narrow the focus to the identity of the assassin, Lee Harvey Oswald. Next, the third area would focus on Oswald's biography. Any possible conspiracies would be dealt with in section four. The fifth area, originally the final section, would examine Oswald's murder by Jack Ruby.

⁸⁵ Epstein 32-33.

Later, the Commission requested the addition of a final section that addressed issues of Presidential security.

After the structure was decided, teams of lawyers were assigned to each area. While a team of “senior” lawyers, high-priced, high profile attorneys, was assembled, the majority of the work would fall to the “junior” lawyers. Subsequently, each section was assigned one senior and one junior attorney. Minor problems and questions would be handled by the staff while the major issues were passed along to the Commissioners. After completing an investigation of their “area” the teams would submit a written report that would comprise a chapter of the final Commission Report. It should be noted that the Commission began its tenure with the assumption that the FBI was correct as to the identity of the assassin. Lee Harvey Oswald was the focus of the Warren Commission. No other suspects were entertained.⁸⁶

Although the Commissioners had decided during their first meeting to pursue an independent investigation, they were forced to rely upon the FBI for the actual “police” work. An attempt to recruit a separate investigative unit would have been too difficult and time consuming. However, on December 13, a Joint Resolution of Congress was passed granting the Commission the power to subpoena witnesses and to compel testimony by granting immunity. While this last power was never invoked, the Commissioners did make frequent use of the subpoena power, calling various witnesses to appear before them. Thus, the FBI evidence and witness testimony would be the basis for the final report issued to the President.⁸⁷ When the

⁸⁶ Epstein, 12.

⁸⁷ Epstein, 8.

Commission submitted its final, and seemingly unanimous, Report to the President in September of 1964, its conclusions followed the December 1963 FBI report rather closely. The one major change involved the sequence of the bullets. Unlike the FBI that claimed three shots, three hits, the Commission Report stated that the second shot missed, hitting the curb and grazing a by-stander. The first shot, the so-called “magic bullet,” hit both the President and Governor Connally. Over time, this one discrepancy called the entire Report into question.

Chapter 3

Commissioner Russell

Russell and the Commission

As evidence by his protests to Johnson, Richard Russell was not pleased to have been drafted into service on the Warren Commission. A dedicated public servant, Russell was concerned that the Commission's work would interfere with his other important duties, namely his service on the Armed Services Committee and his leadership of the Southern Bloc. Aware that his former protégé would soon be introducing a new version of the late President Kennedy's Civil Rights bill, Russell felt that all of his considerable talents would be needed to defeat the bill. On November 26, just days after Johnson assumed office, Russell wrote to a friend that the new President had "gone all out, even further in some respects than President Kennedy, on the racial issue," and would work tirelessly for the passage of the "iniquitous" civil rights bill.⁸⁸ As seasoned politician, Russell quickly realized that the Kennedy mystique and Johnson's natural political abilities would result in the adoption of many bills that Russell opposed. However, the Civil Rights bill was his biggest fear and worry as 1963 drew to a close.

During the first few weeks following the assassination, Russell enjoyed unprecedented access to the White House. Besides continuing his frequent dinners with the Johnsons, Russell spent considerable amounts of time on the phone with

⁸⁸ Fite, 404.

Johnson daily. In a television interview with Cox Cable shortly before his death, Russell described his astonishment at his continued relationship with the new President.

My relationship with Johnson, I suppose, has been one of the most peculiar in American History. We had been very intimate friends in the Senate and Johnson was such a can-do young man that I had pushed him for all I was worth, and of course, he finally changed his mind on a great many issues that I did not change my mind on, and was President, and I didn't really expect, knowing that he knew and knew how I would respond to his requests on these things if he made any, I really didn't expect to have a very close relationship with the President. But to my surprise our relations were very close – almost altogether socially. We'd kid each other a little like we had in the Senate, about our difference in views of things. But President Johnson is a man who doesn't like to be by himself, and he would call me up, not weekly, but pretty frequently, to come down there and have supper with him. I'd go down and we'd sit around and have a highball and eat supper and talk about things and people. He was always interested in people and what they were doing. The people up there on the Hill, without getting into any argument about the matters that we differed over. He was as kind to me as a man could have been to his own father. He would call me about things, well like the Dominican incident and things like that, the Panama Canal controversy. He never did stop advising with me on things like that...⁸⁹

When the Senator journeyed home to Winder, Georgia for the Christmas holiday, messages from the President were waiting for him. Initially, much of their conversation centered around Russell's service on the Warren Commission. As Russell loathed to assume any responsibility he could not totally fulfill, he pleaded with the President to first appoint someone else and then later to replace him. For Russell, time would be of a premium over the next few months. Understanding Johnson as he did, the Georgia Senator realized that marshalling a defense against the pending Civil Rights legislation would amount to a full-time job. However, time was

⁸⁹ Cox Television Broadcast, WSBTV, September 18, 1969. (Richard B. Russell Papers, special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia) (hereafter cited as Cox interview)

not Russell's only concern. The idea of serving under Chief Justice Earl Warren was anathema to Russell, a staunch Southern Democrat. One of Warren's main critics since the 1954 *Brown v. the Board of Education* ruling, Russell felt that the Chief Justice has destroyed the integrity of the entire Supreme Court and impugned the South. In an interesting twist, Earl Warren also had to be forcefully persuaded by Johnson into service on the Commission.⁹⁰

In letters to his constituents, Russell attempted to explain his stance on the Commission. As Johnson's had expected, Russell's presence in the investigation generated a great deal of confidence among individuals not just in Georgia, but throughout the nation. In a letter to John Jones of California, Russell wrote that he "did not seek appointment on the Commission to investigate the assassination of President Kennedy" but that nevertheless he would do his "best to get to the truth of this matter."⁹¹ To another constituent, Russell explained that serving on the Commission when added to his other Senate work was "very onerous and disagreeable" but that he knew no way to "avoid the responsibility."⁹² In the final days of his life, Russell described those days to a reporter as "the most arduous four or five months" of his life. In Russell's opinion, "all of the members of the Commission were very anxious to get it off their shoulders, and the Chief Justice, who was Chairman, did set a deadline." The older Senator was "badly overloaded,

⁹⁰ Fite, 406.

⁹¹ Richard B. Russell to J. Jones, 9 December 1963, Series XIII; Subseries A; Box Kennedy File (box 11); File 8 (December 6-11, 1963), (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

⁹² Richard B. Russell to Mrs. John W. Atkisson, 7 February 1964, Series I; Subseries H (Kennedy Assassination); Box 19; Folder 7 (Dictation, Kennedy Assassination, 1963-1967), (Richard B. Russell

undoubtedly more so than any man on the Commission” and was “in the midst of a very long education campaign that many people called a filibuster on the Civil Rights Bill.”⁹³

Charged with leading the Southern bloc against the pending legislation, Russell had little time to devote to the Commission’s investigation. Although he attended the initial meeting and heard the first two witnesses, Russell was present for only 6% of the testimony. In contrast, Allen Dulles was present for 71% and the average for the entire Commission was 45% of the testimony.⁹⁴ Present for the important testimony of Governor Connally, Russell missed the appearance of such important witnesses as J. Edgar Hoover, Robert Oswald and Marina Oswald. Disturbed with missing Marina Oswald’s questioning, Russell managed to have her recalled in September of 1964, less than a month before the official Report was presented.

In a vain attempt to maintain at least a semblance of participation, Russell engaged Alfreda Scobey, a legal clerk from Georgia, to attend the sessions and report back to him. In addition, Russell made a concerted effort to read every line of testimony himself, though he did question the reliability of such methods. Finally, in February, overwhelmed by his duties both on and off the Commission, Russell drafted a formal letter of resignation for President Johnson. Again citing his massive workload, Russell respectfully asked to be relieved of his duties. Describing the past few months, the Senator attempted to explain that given his experience as a trial

Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

⁹³ Cox interview.

lawyer, he understood the dangers inherent in evaluating testimony strictly from a transcript without hearing the witness at all. Also, a continuing series of miscommunications between Russell's office and the Commission had caused a good deal of distress. In particular, Russell was upset at not having been alerted about the pending appearance of Robert Oswald, the alleged assassin's older brother. Writing that he did not find it "reasonable to expect anyone to serve on any commission that does not notify all its members definitely as to the time of the meetings of the group and as to the identity of the witness that will appear," Russell requested that the President accept his resignation with the understanding that while Russell was always at the service of his nation, he did not feel that circumstances would allow him "to perform the important duties of membership on this Commission as thoroughly" as he would have liked.⁹⁵ In an echo of his service during the MacArthur hearings, Russell never sent the letter of resignation and instead continued in his "part-time" service to the Commission.

Early Concerns

In the early days of his service on the Commission, Russell expressed some doubts as to the true motives of his fellow Commissioners, particularly the Commission Chairman, Chief Justice Earl Warren. As one of two senators on a quasi-oversight committee for the Central Intelligence Agency, Russell had been

⁹⁴ Epstein, 110.

⁹⁵ Richard B. Russell to Lyndon Johnson, 24 February 1964. Series XVIII; Exhibit B; Red Line Files; White House/LBJ, (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia). (*hereafter cited as Resignation Letter*)

briefed by CIA Director John McCone about a possible connection between Oswald and Castro. According to Alvarado Ugarte, a Nicaraguan agent, while in Mexico, Oswald had received a large sum of money from the Cuban government to assassinate President Kennedy. Although the FBI later concluded that the information was false, Russell was shocked when Warren asked him about the Mexico situation. The fact that the Chief Justice, aware of a connection to Mexico City, knew more about the “Red Plot” and the “5 G” payment than Russell did, disturbed the Senator. Russell seemed confused as to why the Chief Justice of the Supreme Court would have more knowledge of sensitive materials than the ranking member of both the Armed Services Committee and the CIA Oversight Committee.

Russell was further troubled during the December 5, 1963 meeting of the Commission by Warren’s seeming total acceptance of the FBI’s conclusion that Oswald was a lone assassin. The fact that Warren was joined in the whole-hearted belief by Deputy Attorney General Nicholas Katzenbach raised additional questions. Contemplating the matter, Russell wrote, “Something strange is happening. W. and Katzenbach know all about F.B.I. and they are apparently [illegible] and others planning to show Oswald only one considered.” To the Senator revered by his peers for his honesty and integrity, this was “an untenable position.”⁹⁶ Before the initial meeting adjourned, Russell had managed to secure a call for an independent counsel. Although Russell never questioned the idea that Oswald was indeed the assassin, he did have some questions regarding a conspiracy. As early as his November 29th

⁹⁶ Handwritten notes found in Senator Russell’s desk dated 12/5/63, Series XIII; Subseries A; Kennedy Assassination Committee; Notes by RBR. (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

telephone conversation with Johnson, Russell speculated about possible Cuban involvement. Discounting the idea that Khrushchev had played a part in the assassination, Russell would not have been surprised if Castro had orchestrated the murder.⁹⁷ From his service on the CIA oversight committee, it would not be surprising if Russell were aware of the various sabotage and assassination plots directed by the CIA against Cuba and Castro. With this knowledge, it would not be such a leap to speculate that Castro might have tried to remove Kennedy before one of these missions succeeded.⁹⁸

In addition to these concerns, Russell was worried about the amount of information pertaining to the FBI report that was appearing in the press. During the December 5th session, Russell pointedly asked just how much information the FBI planned to leak to the press before the Commission could even begin to form its own conclusions. Even though he was assured that the source of the leak was not the FBI, Russell remained unconvinced as to the legitimacy of the FBI's "cooperation."⁹⁹ When discussing the use of CIA information regarding Russia, Russell, having worked with the CIA, expressed doubts as to whether the Agency would actually provide the information requested. Stating that the other Commissioners had "more faith" in the CIA than he did, Russell felt that any information from the CIA would be doctored.¹⁰⁰ In the early days of the investigation, these doubts combined to

⁹⁷ Beschloss, 69.

⁹⁸ Gerald McKnight, "Senator Russell Dissents" from unpublished manuscript, (Frederick, Maryland), 6.

⁹⁹ *The Warren Commission Executive Sessions*, 6 December 1963, (National Archives; Copy from Harold Weisberg Archive, Hood College, Maryland).

¹⁰⁰ *The Warren Commission Executive Sessions*, 16 December 1963, (National Archives; Copy from Harold Weisberg Archive, Hood College, Maryland). (*hereafter cited as 12/16 Executive Session*)

produce a skeptical Commissioner Russell. As time passed, these doubts would combine with inconsistencies in the Commission's conclusion to force the forthright Russell into a confrontation with his colleagues that would influence one of the most controversial documents in American history.

The Initial Dissent

On September 16, 1964, Richard Russell took the unexpected step of drafting an official dissent to the final conclusions of the Warren Commission Report. Unsatisfied with the Warren Commission's findings, Russell was unwilling to place his name and reputation behind a document in which he lacked full confidence. For Russell, there were three main areas of concern. First, he refused to subscribe to the idea that Kennedy and Governor Connally were struck by the same bullet. Although agreeing that three shots were fired, Russell saw three hits, instead of the two the Commission had decided upon. Russell also had unanswered questions and concerns about Oswald's ability to plan the assassination by himself. From the beginning, Russell had expressed concern about the possibility of a Cuban connection to the assassination. Combined with his distrust of Marina Oswald's testimony, these three factors formed the basis for a dissent that never came to light.

The "Single Bullet" Theory

When the FBI submitted CD-1 to the Commission on December 9, 1963, the report contained the conclusion that there had been three shots and three hits. Two bullets fired from the sixth floor of the Texas School Book Depository had struck

President Kennedy and one had hit Governor Connally. For a time, the Commission operated under this same assumption. Then, in January of 1964, Norman Redlich, Melvin Eisenberg and Arlen Specter, all Commission staff members, met with a series of government photograph experts to analyze the recently released Zapruder film. Abraham Zapruder, an amateur photographer, was taping the President's motorcade that fateful day in Dallas. From Zapruder's film emerged a graphic depiction of the entire assassination. Sold to *Life Magazine* and made into still photographs, the film provided the American public with a stunning visual of the last seconds of their President's life. However, the presence of the Zapruder film created problems for the Commission.

Meeting with the experts, the three staffers were attempting to discover through photo analysis the exact position of the Presidential car at the moment of the first shot. Frame by frame analysis showed that the latest point possible was frame 225, which showed evidence that the President had been injured. The earliest frame was fixed by the position of an oak tree that would have blocked the view from the Depository window between frame 166 and 207. As the President is still waving to the crowd in frame 207, it seemed unlikely that he had been shot before frame 166. However, pinpointing the position of the car for that first shot caused additional problems. FBI tests had shown that the Mannlicher-Carcano rifle alleged to be the murder weapon could not be fired twice in any less than 2.3 seconds or forty-two film frames in Zapruder's film. With this reasoning, if the first shot had taken place during frame 207, the next shot could not come before 249 and still be fired from the

same weapon. Initially, the staffers concluded that Governor Connally was therefore not hit until after frame 249 even though there is no evidence of a hit on the film.¹⁰¹

While this theory held initially, problems surfaced in February 1964 when the staff obtained the original copy of the film from *Life Magazine*. Considerably more detailed than the second generation copy of a copy the Commission had previously used, these new films showed quite clearly that Governor Connally was struck before frame 249. In addition, the Texas Governor's doctors testified to the Commission that Connally's injuries were not consistent with his position in the film after frame 240. Therefore, there were only 33 frames between the shot that injured Kennedy and the one that struck Connally, not enough time to have reloaded the alleged assassination rifle. The staffers charged with investigating the facts of the assassination, namely junior attorney Arlen Specter, now needed a new hypothesis to explain how Oswald could still be a lone assassin.¹⁰²

Discussing the problem with two of the Naval doctors who performed the Presidential autopsy, Specter found that it was medically possible for a single bullet to have injured both men. This would have meant that the first bullet would have to have struck the President and then exited from his body to hit Governor Connally. However, the FBI report states that the autopsy did not reveal an exit wound for the first shot. On March 16, 1964, Commander James J. Humes, one of the two doctors, testified before the Commission and entered into evidence an undated autopsy report. Humes claimed that the report was submitted to his superiors on November 24, 1963

¹⁰¹ Epstein, 114.

¹⁰² Epstein, 114.

and that previous notes and drafts had been destroyed at that time. This new report stated, contrary to the FBI report, that the first bullet struck Kennedy in the back of the neck and exited from his throat, whereby it would then have been able to inflict Connally's wounds. In contrast, the initial FBI report concluded that the first shot had hit the President slightly below the shoulder and "penetrated to a distance of less than a finger's length."¹⁰³ Even though Humes testified that no bullet path had actually been discovered, he had concluded deductively that the bullet had exited the President's body.¹⁰⁴ Taking this line of reasoning one step further, Humes explained that as Connally had been sitting directly in front of the President, the bullet exited Kennedy's throat and proceeded into Connally's chest. The single bullet theory had been born.

Yet, even as the theory was advanced, it generated problems for Specter and the staff. The FBI had reported the recovery of a pristine bullet, Commission Exhibit 399, from the President's stretcher. In a January 27, 1964 Executive Session, the Commissioners discussed how a complete bullet could have been recovered from the President's stretcher. According to Senator Cooper, one doctor had stated that manual massage in an attempt to resuscitate the President had dislodged the bullet from his shoulder.¹⁰⁵ As the FBI autopsy summary stated that the first shot had only penetrated a finger's length, this seemed a plausible explanation. However, during the same discussion, Lee Rankin introduced the possibility that the bullet had been

¹⁰³ Epstein, 116.

¹⁰⁴ Epstein, 116.

¹⁰⁵ David R. Wrone, ed., Vol. 1 of *The Freedom of Information Act and Political Assassinations: The Legal Proceedings of Harold Weisberg v. General Services Administration together with the January*

recovered from Connally's stretcher, not Kennedy's. At the time, this was an unsubstantiated rumor that startled Russell.¹⁰⁶ With the advent of the single bullet theory, it became vital that C.E. 399 had indeed been recovered from Connally's stretcher, not the President's. During the March meeting, Specter assured the Commission that the evidence proved the bullet was recovered from Connally's stretcher. In fact, this was not the case. Colonel Finck, a forensic expert testified that C.E. 399 could not possibly be the bullet that shattered Connally's wrist. The number of bullet fragments recovered from the Governor's wrist totaled more than the number of fragments missing from C.E. 399, defeating the theory with simple arithmetic. Yet, despite this glaring inconsistency, the single bullet theory persisted.¹⁰⁷

In April of 1964, Governor Connally himself was called before the Commission. Connally, a hunter familiar with fire-arms, swore under oath that he could not possibly have been struck by the same bullet as Kennedy. Connally distinctly remembered hearing the first shot before feeling the impact of a bullet. As bullets travel faster than sound, Connally believed that he could not have been hit by the first shot. The Governor's wife, Mrs. Connally, also testified that she saw the President grab his throat, a motion clearly visible in the Zapruder film, several seconds before her husband was hit. Both the Governor's testimony and that of Mrs. Connally concur with the statements of more than one hundred eyewitnesses.¹⁰⁸

22 and 27 Warren Commission Transcripts (Stevens Point, WI: Foundations Press, Inc. at the University of Wisconsin, 1978), 213-214.

¹⁰⁶ Wrone, 214.

¹⁰⁷ Epstein, 118.

¹⁰⁸ Epstein, 118.

In addition, the account of by-stander James Tague made the single bullet theory a virtual necessity. In January, Waggoner Carr, the Texas Attorney General, relayed the Tague's testimony and claim of injury by a "fourth shot" to Specter. Although immediately following the assassination there had been a number of claims that a bullet had missed the motorcade entirely striking the curb and injuring Tague with a ricochet, these statements were discounted. In February, the Dallas Secret Service reported to Specter that it was not possible for any fragment of the three bullets to have hit the concrete. The Tague issued seemed dead. However, in July of 1964, a photograph of the bullet creased curb found its way to the Commission, creating an up-roar. Forensic tests in August proved conclusively that a bullet fragment had struck the curb approximately 260 feet away from the limousine at the time of the third shot. While the finished Report itself would carry a paragraph stating that "the mark on the south curb of main Street cannot be identified conclusively with any of the three shots fired," both Rankin and Specter realized that the single bullet theory had become the vital element of the entire investigation.¹⁰⁹ Without the single bullet theory, the possibility of four shots and therefore a second shooter existed. As only three cartridges had been recovered, it was vital that there were only three shots. The hypothesis that the first shot had struck both Kennedy and Connally was the only explanation for all of the injuries and the missed shot that still allowed for a lone assassin.

Russell, however, refused to believe the possibility that a single bullet could entered Kennedy's back, exited his throat, entered and exited Connally's chest,

¹⁰⁹ *WC Report*, 117.

shattered his wrist, lodged in his thigh and emerged almost completely intact. For Russell, the idea of three shots and three hits seemed much more plausible. Although “the expert testimony based on measurements and surveys, including reenactment of the motortrip of the Presidential party on that fateful November 22nd presents a persuasive case,” Russell found the number of variables in the calculations to be suspect. The movement of either individual by just a few inches would have had a decided impact on the results. Instead, Russell wrote that “the testimony of Governor Connally that he heard the first shot fired and strike the President and turned before he himself was wounded makes more logical a finding that the first and third shots struck the President and the second shot wounded Governor Connally.”¹¹⁰ For Russell, the Zapruder film added to his “conviction that the bullet that passed through Governor Connally’s body was not the same bullet as that which passed through the President’s back and neck.”¹¹¹

Besides the simple logic of this reasoning, Russell found it difficult to believe that a marksman who could inflict such deadly wounds to Kennedy could entirely miss the motorcade with his second shot. However, Russell’s dissent does contain one glaring inaccuracy. Perhaps due to his poor attendance record, Russell appeared to have no knowledge of James Tague’s statement to both the Dallas Police and the Secret Service. As further evidence for his dissatisfaction with the single bullet hypothesis, Russell stated that there was no evidence of any shot within “several feet

¹¹⁰ Richard B. Russell, Unpublished Dissent Draft, 16 September 1964, Series I; Subseries H; Box 8A; Kennedy Assassination Commission; Dictation – Kennedy Assassination 1963-1964. (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia), 1. (*hereafter cited as Dissent*)

¹¹¹ Dissent, 2.

of paved street on each side of the Presidential car.”¹¹² Perhaps Russell was not aware of the “Tague bullet” or perhaps he simply considered a bullet that missed by 260 feet to be unworthy of such a marksman. In either case, the fact remains that Russell failed to understand that the viability of the entire Report rested upon the acceptance of the single bullet theory. Even if Tague were injured by a fragment of the fatal third shot, the idea that two bullets had struck the President while one hit Connally would require the presence of a second shooter, something the Commission wished to avoid at all costs as it implied a conspiracy. To propose a possible conspiracy was both to question the abilities of the FBI and to create a sense of fear and doubt in the nation.

Marina Oswald and The Cuban Connection

Although not specifically detailed in his unpublished dissent, in later years, Richard Russell came to publicly doubt the veracity of the testimony given by Marina Oswald, Lee Harvey Oswald’s widow and a Soviet national. In his Cox Cable “farewell address,” Russell described the Commission’s dealings with Marina as limited at best. In his opinion, her questioning before the Commission was not as rigorous as it should have been. In fact, he believed that “Chief Justice Warren rather took the grandfather attitude toward her when she was before the Commission and Mr. Rankin was not very vigorous” in his line of questioning. By late summer 1964 with the Civil Rights battle completed, Russell had much more time and energy to turn to the Warren investigation.

¹¹² Dissent, 2.

Even though the official Report was due in a matter of weeks, Russell managed to convince the other Commissioners to create a subcommittee of sorts to reinterview Marina Oswald in September of 1964. Having missed the widow's original appearance before the Commission in June, Russell spearheaded the group which consisted of himself, Senator John Sherman Cooper and Representative Hale Boggs. During the four hours spent at the U.S. Naval Air Station in Dallas, Russell asked Marina Oswald repeatedly about her late husband's contacts with foreign agents in both Russia and Cuba. He was also particularly concerned with Oswald's contacts with Cubans in the United States and his work with the Fair Play for Cuba Committee. Much less "grandfatherly" than Warren, Russell subjected Marina Oswald to forty minutes of intense cross-examination that impressed his Senate colleague, John Sherman Cooper.

Although Russell wrote that he agreed with this colleagues that there was "no clear and definite evidence connecting any person or group in a conspiracy with Oswald to assassinate the President," there were some parts of the investigation that he could not resolve "with absolute certainty due to the fact that any such evidence, if it exists," was beyond the reach of the Commission or the various investigative agencies."¹¹³ Primarily, Russell was concerned with Oswald's connection to the large number of Cuban students in Minsk, the city in Russia where Oswald lived for several years.

¹¹³ Dissent 3.

From his very early conversations with President Johnson, it was evident that Russell felt that Castro may have been behind the assassination.¹¹⁴ Given Russell's experience with the CIA oversight committee, it would not have come as a complete surprise to him. However, the FBI quickly quashed the rumors of a Cuban connection during Oswald's pre-assassination trip to Mexico City. Nevertheless, Russell was fixated on the possible connection between Minsk, Oswald's home during his stay in Russia, and Castro's Cuba. In addition to the six to seven hundred Cuban students residing in Minsk, Russell was disturbed by rumors of a Soviet intelligence and/or sabotage school in the city.

Minsk, the capital and heart of the Belorussian Republic, was virtually destroyed during World War II. Rebuilt after the war, the city was one of Stalin's "showcases" for the viability of a communist system. In addition to being an important industrial center, Minsk also contained several institutions of higher learning. With the Academy of Sciences of the USSR located within its limits, Minsk was an important academic research center. In addition to Russian students, Minsk attracted a large population of Cuban students. The fact that Lee Harvey Oswald resided in Minsk together with these Cuban students aroused Russell's suspicions.

Finding little satisfaction in the information provided to the Commission, Russell persuaded fellow Commissioner Allen Dulles, former director of the CIA, to obtain any information in the CIA files pertaining to Minsk. What Russell hoped to find is unclear as he had previously expressed little confidence in the CIA's

¹¹⁴ Beschloss, 69.

dedication to the truth.¹¹⁵ The documents the CIA provided in answer to this inquiry show that there had indeed been an Intelligence/Sabotage school in Minsk. However, according to CIA files, information provided by a Soviet defector in 1949 confirmed the existence of such an installation as of 1947. After 1949, there is no mention of the continued existence of such a training facility. A further search of the CIA archive revealed references to the presence of a sabotage school in Minsk until the 1941 German attack when the school was moved to Leningrad.¹¹⁶

Russell, it appears, was never satisfied with these explanations. In his final television interview, Russell stated that he “never believed that Oswald planned that altogether by himself. There were too many things, the fact when he was at Minsk, and that was the principal center for educating Cuban students. There were 600 or 700 there. He was very close to some of them and the trip that he made to Mexico City and a number of discrepancies in the evidence as to, or conflicts in the evidence as to his means of transportation, the luggage he had, and whether or not anyone was with him, caused me to have doubts that he planned it all by himself. I think someone else worked with him.” In addition to the time Oswald spent in Russia and his controversial trip to Mexico, “there were so many circumstances, one of them being that he was a Free Cuba, a defender of Cuba, and went on the radio in New Orleans and got out pamphlets and handed them out on the streets, and there were so many circumstances there that” led Russell to believe that the Commission or any rational

¹¹⁵ 12/16 Executive Session.

¹¹⁶ Central Intelligence Agency, “Memorandum for Mr. J. Lee Rankin,” Document Number 726-314, Submitted for FOIA Review June 1976 (Harold Weisberg Archive, Hood College, Maryland).

individual could not “just completely eliminate the possibility that he did have some co-conspirators.”¹¹⁷

September 18, 1964

With these points before him, Richard Russell forced a final Executive Session of the Warren Commission. His main agenda was to present his prepared dissent and to refuse to sign the Commission Report unless his dissent was included. After presenting his concerns, Russell was joined in his dissent by Senator John Sherman Cooper and to a lesser extent Representative Boggs. In an oral history conducted late in his life, Senator Cooper recalled that Russell’s well reasoned opinions “had great influence” on Cooper’s own conclusions. Like Russell, Cooper was impressed by the strong and compelling testimony of Governor Connally and thus was willing to follow Russell’s lead in rejecting the “single bullet” theory.¹¹⁸ Cooper it seems was also struck by Russell’s emphatic refusal to sign a statement that categorically concluded that one bullet had struck both Kennedy and Connally. Although he did not go so far as to prepare a written dissent, Cooper was willing to join Russell in a minority report.

A head count at this point in the debate showed the Commission to be almost evenly divided. To varying degrees, Jerry Ford, Allen Dulles and John McCloy found the “single bullet” theory persuasive. Russell, Cooper and Boggs stood in

¹¹⁷ Cox interview.

¹¹⁸ Hugh Gates, Interview with Senator Cooper, Oral History #40 (John Sherman Cooper Papers, University of Kentucky, Lexington, Kentucky; Copy from Harold Weisberg Archive, Hood College, Maryland), 54. (*hereafter cited as Cooper Oral History*)

opposition. Realizing the dangers of releasing a majority and minority opinion in such an important investigation, McCloy set about brokering a compromise.

Appealing to Russell's sense of national interest, McCloy convinced the doubters that the Report must be unanimous. After drafting several statements, Russell and Ford, argued over the terms "credible evidence" as supported by Russell and "compelling evidence" as suggested by Ford.¹¹⁹ After some additional haggling over the language, the two finally accepted McCloy's statement that:

*there is very persuasive evidence [author's italics] from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion [author's italics] as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository.*¹²⁰

Having addressed the first of Russell's concerns, the Commission then turned to a discussion of a conspiracy. While the original draft of the Report stated quite clearly that there was "no conspiracy," Russell was dissatisfied with such a categorical statement. In his prepared statement, Russell agreed with his fellow Commissioners that there was "no clear and definite evidence connecting any person or group in a conspiracy with Oswald to assassinate the President."¹²¹ However, in recalling the meeting, Senator Cooper remarked that Russell was concerned that "there may be some other evidence in the future" and that the Commission could not

¹¹⁹ Kai Bird, *The Chairman: John J. McCloy and the Making of the American Establishment* (New York: Simon & Schuster, 1992), 566.

¹²⁰ *WC Report*, 19.

¹²¹ Dissent, 3.

“categorically close the door to the facts that may arise.”¹²² Ever conscious of his duty to history, Russell wanted to qualify the Commission’s conclusions rather than issue any definitive statements. Again, John McCloy stepped into the discussion to propose a compromise in the interests of unanimity. Rejecting Ford’s suggestion of a statement finding “no evidence” of a conspiracy, McCloy’s language read:

*Because of the difficulty of proving negatives to a certainty the possibility of others being involved with either Oswald or Ruby cannot be rejected categorically, but if there is any such evidence it has been beyond the reach of all investigative agencies and resources of the United States and has not come to the attention of this Commission.*¹²³

Russell, the lifelong public servant, was well aware of the need for national unity. Much in the same fashion as his dealings with the MacArthur hearings, Russell was willing to compromise full disclosure for the national good. However, he did want to make a record for history. Bowing to McCloy’s “little old threat” about the dangers of a divided report, Russell agreed to sign a Report that clearly stated that there was division over the “single bullet” theory while still maintaining that Oswald was the lone assassin. After leaving the meeting, Russell clearly relayed this opinion in a conversation with President Johnson.¹²⁴ Obviously upset about the outcome of the meeting, Russell had decided to fly home to Georgia. To Johnson, he confided that “that danged Warren Commission business” had “whipped” him so much that he had forgotten to pack his medication and clothes.¹²⁵ Discussing the nature of the final Report, Russell clearly believed that the final draft would show the disagreement over the “single bullet” theory.

¹²² Cooper Oral History, 54.

¹²³ *WC Report*, 22.

¹²⁴ Beschloss, 560.

The Light of Day

After the final Commission Report was delivered to the President on September 24, 1964, the Commission was disbanded and the members had little reason to review the final draft. Had Russell done this, he would have noticed immediately that it contained no mention of any dissent over the “single bullet” theory. His objections were only evident in the change to the phrase “persuasive evidence,” when discussing the sequence of the wounds.¹²⁶ However, the busy Senator resumed his Congressional duties assuming that his opinion had been documented and taken into account.

The duplicity of the Commission staff was brought to Russell’s attention in 1968, more than three years after the Commission’s Report was published. Harold Weisberg, a Senate investigator turned Warren Commission critic, approached the Senator with questions about the September 18th Executive Session. Weisberg, who had written several books critiquing the Warren report, had been lobbying the National Archives for some time in an attempt to gain access to all of the Warren Commission transcripts. In a letter dated May 20, 1968, James B. Rhoads, Archivist for the United States, informed Weisberg that no verbatim transcript of the September 18th meeting existed. There was a structured account of general business being conducted by the Commission, but nowhere in it was there any mention of Russell’s

¹²⁵ Beschloss, 559.

¹²⁶ *WC Report*, 19.

dissent or any discussion of altered language. Russell's attempt to document his doubts for history had been foiled.¹²⁷

During a chance meeting with Russell in June of 1968, Weisberg learned about the Senator's doubts. Eager to explore the matter further, Weisberg composed a letter informing Russell of what the Archives had to offer. Citing the statement that no verbatim account existed, Weisberg confronted the Senator with the fact that the questions "raised about the draft of the Report no longer existed."¹²⁸ The official transcript record of Russell's doubts, as well as those of Cooper and Boggs, had been expunged from the historic record. In a series of correspondence, Weisberg supplied Russell's assistant C.E. Campbell with copies of his own works as well as a copy of the letter and transcript from the National Archive.

Summarizing the information for the Senator, Campbell concluded that, if the transcript provided by Weisberg was the only record in the National Archives, it would seem that there was "a very serious matter" to confront. Campbell seemed to realize that as there were verbatim transcripts available for the other Executive Session, the absence of the September 18th meeting was a very serious question. Reading the provided transcript in question, Campbell immediately saw that it was

¹²⁷ *The Warren Commission Executive Sessions*, 18 September 1964, Series XIII; Subseries A; Box 1 (Kennedy Assassination); Commission Correspondence, 1969-1970 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

¹²⁸ Harold Weisberg to Richard B. Russell, 6 June 1968, Series XIII; Subseries A; Box 1 (Kennedy Assassination); Commission Correspondence, 1969-1970 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

“inadequate” as there was no mention of Russell’s “exceptions to the first proposed draft of the Report.”¹²⁹

Early in the life of the Commission, the members decided that all Executive Sessions would be recorded by Ward & Paul, an established Washington firm. During the September 18th meeting, Russell recalled the presence of a woman in the room and assumed she was the official stenographer sent by Ward & Paul. However, she was not. A survey of the Ward & Paul records show that the last session the firm billed for was the September 15th deposition of John F. Gallagher.¹³⁰ Thus, it is possible to assume that the presence of a “stenographer” was meant to deceive Russell and the other dissenters into assuming that the meeting was being conducted as usual. However, the presence of a doctored transcript proves that someone, most likely General Counsel Lee Rankin, assured that there would be no record of dissension in the ranks.

When confronted with the unmistakable proof of a hoax, Russell was shocked and appalled. Having served in Washington for decades, Russell could never have imagined such treatment. Coincidentally, or perhaps not, Russell resigned his chairmanship of the Military Affairs committee as well as his position on the CIA quasi-oversight committee shortly after learning about the September 18th fraud. In a letter dated January 7, 1969, Russell expressed an interest in continuing the “case.” However, due to his recent promotion to Chairman of the Senate Appropriations

¹²⁹ C.E. Campbell to Richard B. Russell, 14 June 1968 Series XIII; Subseries A; Box 1 (Kennedy Assassination); Commission Correspondence, 1969-1970 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

¹³⁰ McKnight, 19 citing Ward & Paul File (Harold Weisberg Archive, Hood College, Maryland).

committee and his election as President pro tempore of the Senate, he simply lacked the time to continue to pursue the matter himself.¹³¹

When Russell returned to Georgia in 1970 to film his “farewell address” to his constituents, he knew that he was dying of lung cancer. Seizing this final opportunity to make his position known, Russell stated quite plainly that he was “was not satisfied with several aspects of the report.”¹³² Ending the façade of unanimity the Commission staff had worked hard to present, Russell told the interviewer that he had “refused to sign the report until they up in the clause [sic] – even though he had “drawn a much stronger” statement, he recounted how he “finally agreed to sign if they would put a clause in there that [the Commission] had exhausted all the evidence that was available..., and that any evidence that might disclose a conspiracy was beyond the jurisdiction of” the investigative agencies including the Dallas police, the FBI and the Secret Service.¹³³ When asked to speculate about a possible conspiracy, Russell simply stated that he was “not prepared to say, because” the Commission did not have access to “enough evidence to pin it down.” But, Russell was never completely satisfied in his “own mind that he [Oswald] did plan and commit this act altogether on his own, without consultation with anyone else. And that’s what a majority of the Commission wanted to find.”¹³⁴

¹³¹ Richard B. Russell to Harold Weisberg, 7 January 1969, Series XIII; Subseries A; Box 1 (Kennedy Assassination); Commission Correspondence, 1969-1970 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

¹³² Cox interview.

¹³³ Cox interview.

¹³⁴ Cox interview.

The Ripples

In uttering those few words to a Georgia cable reporter, Russell set forth a series of ripples that would have profound implications for the future. Having been denied his chance to leave evidence of his own thoughts in the historic record of the Commission, Russell took his views straight to the American people. Ever concerned with the business of history, Russell felt that his obligations to his constituents required that he, as a member of the Commission, do his “best to get to the truth of this matter.”¹³⁵ By making his dissent public, Russell sought to ensure that those who regarded him as an example of honor and integrity in government understood that Richard Russell had done his best with the evidence before the Commission.

In stating his main concerns with the Commission’s report, namely the “single bullet” hypothesis and the lone assassin theory, Russell underscored the thoughts of many still unconvinced Americans. Russell, had he lived, and others would experience a brief moment of vindication in the late 1970s. Perhaps sparked by the ripples created by Russell’s public dissent, the finding of the House Select Committee on Assassinations in 1979 concluded that “The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President.”¹³⁶

¹³⁵ Richard B. Russell to Joseph E. Clifford 7 December 1963, Series XIII; Subseries A; Box Assassinations Commission Correspondence Nov 1963- Oct. 1964 ; File 10 12/7/63 (Richard B. Russell Papers, Special Collections Division, Richard B. Russell Memorial Library, University of Georgia, Athens, Georgia).

¹³⁶ *Final Report of the Select Committee on Assassinations of the U.S. House of Representatives*, 95th Congress, 2nd Session. (Copies from Harold Weisberg Archive, Hood College, Maryland), 5. (*hereafter cited as House Report*)

In addition, the Committee found that “scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy,” while “other scientific evidence does not preclude the possibility of two gunmen firing at the President.”¹³⁷

Eight years after his death, Russell’s central concern involving the Warren Commission came to pass. The evidence was evaluated by a second body and the Commission’s work was found wanting. However, while the House Committee’s conclusions were shocking and generated headlines, there were few other ramifications. The Commission had done its job too well. Although there had been the doubters and the critics as foreseen by FBI Director J. Edgar Hoover during his Commission appearance in May 1964, most were dismissed as paranoid lunatics and conspiracy theorists.¹³⁸ While the dissent of such a prominent figure as Richard Russell lent a certain legitimacy to various critics, the majority had been all too effective in guiding public opinion. The wide variety of books and films proposing a host of conspiracies and other theories had numbed an increasingly jaded public to new findings. Ironically, this glut of information resulted largely from the very suspicions and rumors the Commission attempted to quell. However, the very existence and continued popularity of this material does indicate a certain level of popular dissatisfaction with the Commission’s ultimate findings. And yet, partly because of the stigma attached to so-called “conspiracy theorists,” there has been a severe lack of any serious, academic critiques of the Commission’s conclusions.

¹³⁷ House Report, 2.

While the violent murder of the young charismatic American President on a Dallas street was a tragedy of epic proportions, the event was made even more horrific by the investigation that followed. Perhaps out of a warped sense of national duty or because of some nefarious plot, elements of the government collaborated to create a simple story that ended with the death of Lee Harvey Oswald. If Oswald alone were responsible for Kennedy's assassination, the country could be spared the pain of a very public investigation and trial. Yet, in failing to truly investigate, the Warren Commission deprived the American public of the truth it rightly deserved. Perhaps the culminating tragedy in sequence begun in Dallas was that Richard Russell, quite possibly the only member with the power to effect any policy change, was delinquent in his duty to the Commission. Engaged in a doomed battle against the Civil Rights bill, Russell did not give the investigation the attention that might have made a difference. However, at the end of his life, Russell did set his thoughts into the permanent record. Now all that remains is for the spirit of American history to judge the actions of the first dissenter.

¹³⁸ Investigation of the Assassination of President John F. Kennedy, *Hearings Before the President's Commission on the Assassination of President Kennedy* (Washington, D.C.: U.S. Printing Office, 1964, vol. 5, (99-101).

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