

Commissions Shed Light on Darkest Days

By Max Holland

Three of this nation's worst catastrophes--the 1941 attack on Pearl Harbor, the 1963 assassination of President John F. Kennedy and the 9/11 terrorist acts--have all been investigated by special federal commissions, with decidedly mixed results.

It is extraordinarily difficult for the federal government to investigate itself, which is, unavoidably, what all of these panels attempted to do. That raises the question of whether such commissions warrant the public's trust at all, given their congenital conflicts of interest.

The President's Commission on Pearl Harbor was, in retrospect, the most problematic of the three. Known as the Roberts Commission, after its chairman, Supreme Court Justice Owen J. Roberts, this five-man panel was appointed by President Franklin D. Roosevelt nine days after the December 7th Japanese surprise attack.

Justice Roberts was joined by two Army generals and two Navy admirals. The panel was handed a very narrow mandate--to determine whether there had been any "derelictions of duty or errors of judgment" by the commanding officers in Hawaii--and a very limited period in which to accomplish this task.

After five weeks of meetings, including a trip to Honolulu, the Roberts Commission issued its findings in January 1942 and, to no great surprise, identified two scapegoats. Admiral Husband E. Kimmel and General Walter C. Short, the commanding officers in Hawaii, were both deemed derelict in the performance of their duties.

While neither officer was blameless, the failure to examine what had gone wrong in Washington tainted the Roberts Commission's findings almost immediately. But there was a war to be fought, and the matter was not revisited until 1946, when a Republican-controlled Congress launched a bitterly partisan investigation. To this day, books and articles publish the false claim that Mr. Roosevelt knew about the pending Japanese attack but did nothing because he wanted America to enter the war.

The inquiry by the President's Commission on the Assassination of President Kennedy, or the Warren Commission, was exhaustive in comparison to the Roberts Commission. Headed by Supreme Court Chief Justice Earl Warren, this seven-man panel was initially expected to spend only two or three months reviewing an FBI investigation already under way into Mr. Kennedy's killing (41 years ago today) and the subsequent shooting death of the alleged assassin, Lee Harvey Oswald, on November 24.

Instead, the Warren Commission sat for 10 months and effectively mounted its own, unprecedented investigation, ultimately concluding that there was no evidence of a foreign or domestic conspiracy involved in either killing.

It is all but forgotten now, but when the *Warren Report* was published in September 1964, it was almost universally hailed for its probity and thoroughness. The news media considered it the very model of what a dedicated commission could accomplish. This honeymoon lasted two years.

Beginning in 1966, a series of books and articles began raising questions about the Warren Commission's procedures and findings. Some of the criticism was deserved--the *Warren Report* is not a letter-perfect document--but most was dishonest and unwarranted.

As one disinterested reviewer noted in the late 1960s, the best tribute to the solidity of the *Warren Report* was, in fact, the deviousness of its critics. Three congressional investigations in the 1970s clarified the outstanding issues, but one of those panels, the House Select Committee on Assassinations, also happened to be one of the greatest travesties ever visited on the American public by Congress. It concluded, from unreliable evidence, that President Kennedy was "probably" killed as a result of a conspiracy. Yet the Warren Commission's core findings were not and never have been impeached. They have stood up to the most important test of all, the test of time.

The 9/11 Commission, of course, is more akin to the Roberts Commission than the panel headed by Justice Warren. There was no mystery to be solved about who was responsible for the attack. To be sure, there are some skeptics who now claim that, like Mr. Roosevelt, President Bush knew or should have known beforehand and only let the attack happen so that he could carry out a preordained foreign policy.

But in general, the *9/11 Report* is enjoying a honeymoon not unlike the reception accorded the *Warren Report* immediately after its publication. Because there is no "whodunit," however, the *9/11 Report* is unlikely to fall into the kind of disrepute, even ridicule, that is now common whenever the *Warren Report* is mentioned. Yet, if history is any guide, the *9/11 Report* is not the last word, nor should it be regarded as such.

Getting at the truth in Washington is arduous, and a modern-day Diogenes probably would be tempted to drop his lantern and throw up his hands. Still, even conflicted commissions play an invaluable role in what should be seen as an ongoing process.

