

**THE ASSASSINATION
OF JOHN F. KENNEDY**

THE ASSASSINATION OF JOHN F. KENNEDY

A COMPREHENSIVE HISTORICAL
AND LEGAL BIBLIOGRAPHY, 1963-1979

Compiled by DeLloyd J. Guth and David R. Wrone



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Preface

Try as hard as we can to remember him living, the world best knows President John F. Kennedy dead. Try to recall that vivaciously bareheaded President-elect, braving Washington's wintry Inauguration Day. Instead, one's own head cannot rid itself of those skull-shattering bullets fired a thousand days later.

Knowing the end makes it impossible to remember accurately what preceded and followed it. Haunted, shamed by that killing in Dallas, Americans carry the further burden of knowing that his murder was only the first. After Malcolm X came Martin Luther King, Jr., and then Senator Robert F. Kennedy, and then attempts against Governor George C. Wallace and President Gerald R. Ford. Who could still say that U.S. politics gave the world a model for reasoned debate and peaceful transfer of political power? Who in the world, after Vietnam and Kent State, after the Lockheed and Watergate scandals, after history's first humiliating resignations of a vice-president and then a president, who would not see this in the shadow of that sunset of 22 November 1963?

To the public it remains the number-one murder mystery. To politicians it has meant a crisis turned into a universal skepticism about public institutions. And now, sixteen years later, a generation of new Americans enters adulthood and politics without the blighted, disjointed memories that America's most notorious homicide carved onto older minds. But what unites newer and older minds is the fact that neither knows with any certitude how this president came to be killed. For the young, this question can be either a matter of idle indifference or a fascinating historical puzzle that recedes into

the past to join mysterious deaths, like the princes in Richard III's Tower. For the older, however, it remains a historical enigma, as much for the fact as for its impact on one's own American faith and values.

What about Oswald, Ruby, the Warren Commission, the FBI, the CIA, Manchester, Garrison, and numerous congressional investigations?

Taken as a whole, they have reduced the issues, without anyone's intending it, to the common denominator of credibility, to faith or doubt in government, to distrust for police investigations, rather than to matters of *evidence*. After sixteen years, all have been found wanting. Could this killing have been executed by one unstable gunman? If Oswald was not alone, who . . . ? how . . . ? why . . . ?

What, if anything can one securely believe?

It is with this problem, and in the context of what's been done and undone during the first sixteen years, that we offer this comprehensive bibliography, particularly for the newer generation of students. We want this work to organize and promote truly public, serious investigations into the murder itself and into the multiplicity of reactions to it. Because lawyers and journalists virtually controlled the JFK killing, as an issue and a story, the extant literature dictated our focus on law, litigation, and especially the media.

The first section, therefore, opens to the reader the abundance of historical evidence, some still classified but much now available. In the JFK murder case, questions of governmental obstruction and incompetence since 1963 have forced a series of lawsuits against officials and their agencies, mainly under the Freedom of Information Act. The threat and the courtroom reality of private litigation against public officials has now become the sole avenue to evidentiary truth. In this area, the U.S. Justice Department has inverted normal adversary procedures, converting its mandated role as federal prosecutor into that of the defender of police secrecy and ineptitude. Investigation of this murder, therefore, has been left to private citizens such as Harold Weisberg and his legal counsellor, James H. Lesar. We have taken full cognizance of all such efforts in Section I because such litigation remains the major instrument for establishing the evidence.

We wish to lift the subject out of a quagmire of often bizarre speculations, official disinformation, and exploitation by the likes of Mark Lane. To be reminded of how bizarre and shameless a literature has developed, one need only glance through the titles listed in Section II. They abundantly exemplify a secondary literature that has been out of control since 1963, with only a scattering of serious, even scholarly, contributions. We agree with those who will see "rubbish" in many entries, with some of it written by the crass or the crazy. Much of this is the product of the disjointed times that have followed the killing, but all document the diversity of perspectives on that event.

Because this material is organized by subject, which can disrupt the mind's focus on the flow of events, we have supplied a chronological corrective with Section III. Here we give every news story by its precise headline as it appeared in *The New York Times*, in the order of publication. We have added all entries from *The Washington Post* for 1978 for two reasons: (1) that was the year of a serious printers' strike that disrupted *The New York Times*, with only a "Strike Supplement" produced between August and November for the microfilmed record, and (2) we have the impression that *The Washington Post* during the past few years increasingly provided the broader and deeper coverage for this particular subject.

This project began in February 1978 with the support of a six-month Federal CETA assignment in the Area Research Center at the University of Wisconsin-Stevens Point. Subsequently, DeLloyd J. Guth continued to compile the bibliographical materials that comprise Sections II and III. Section I has been the work primarily of David R. Wrone, whose scholarly research into the subject began over a decade ago. The Introduction is a joint effort, and the indexes were compiled by Guth. We retain equal responsibility for the structure, layout, selection, and arguments contained in this book.

No work of this scale and depth could be executed from start to publication in under two years without outside help. Our primary debts are to our wives, Katherine Ratliff Guth and Elaine Alley Wrone. Both arranged much released time for us from normal domestic tasks. Katie drew all four maps, while Elaine proofread much of the final copy.

We have been blessed with excellent typists, thanks mainly to the University of Missouri-St. Louis's History Department, where DeLloyd J. Guth taught in 1978-1979. Their chairman, James D. Norris, now Dean of the College of Liberal Arts and Sciences at Northern Illinois University, provided us with a departmental secretary, Julie Andrew, to type the primary draft for Sections II and III. She typed from the innumerable 3" x 5" cards that required painstaking organization. The final professional version, which is here published by photolithographic process, was typed expertly by Barbara Harrington, also resident in St. Louis.

Within the University of Wisconsin-Stevens Point, we have also had important support. Arthur M. Fish, Curator in the UW-SP's Area Research Center, provided a home base for compiling the bibliography, amid his huge collection of state and federal documents. We gratefully acknowledge the general hospitality extended to us by Burdette W. Eagon, Acting Vice-Chancellor for Academic Affairs, and by Allen F. Barrows, Director of Public Services in the UW-SP's Learning Resources Center. Also, the UW-SP's History Department provided funding for telephone expenses and the costs of photocopying the final typescript.

Finally, we have had consistent support from Greenwood Press. In particular we would like to thank Arthur H. Stickney and Margaret Brezicki for their invaluable assistance.

Throughout we have designed this reference work to serve teachers, students, researchers, and the concerned public. We welcome all comments, corrections, and addenda from our readers.

DeLloyd J. Guth and
David R. Wrone

1 October 1979
Stevens Point, Wisconsin

Introduction

Novus ordo saeculorum, a new order of the ages, reads the motto on the Great Seal of the United States. It captures what three centuries emblazoned before the world's eyes: America, located where Europe's western and Asia's eastern frontiers converged, where generations of hopeless, hapless, landless poor sought to redeem their misfortunes. From Thomas Jefferson's day through the early 1960s, American political rhetoric has sustained such hopes, emphasizing human renewal and the frontier spirit. With the arrival of "The New Frontier" in 1961, such rhetorical expressions of collective idealism found their culminating enthusiasm.

The murder of President John F. Kennedy jolted that image and reality, inside and outside the United States. Subsequent if unrelated assassinations, then Vietnam and Watergate have seemed sounding bells that many heard as heralding the end for that *pax Americana* forged by World War II. America's forefathers had celebrated its distance from the Old World's order, seen as tainted by monarchy, class, conspiracies, and cynicism about the capabilities of common humanity. Even more, America had traditionally defined its destiny as ruled by a written constitution and the impartial enforcement of law.

But that act of 22 November 1963, jeopardized this New World's self-perception and challenged its very commitment to pluralism, publicity, law, and competitive democracy. Agonizing self-appraisal continued despite the 1964 presidential Warren Commission's *Report*, and probably because of it. The Commission had acted as a hasty substitute for due process of law,

offering little more than an official quietus manufactured for domestic consciences and foreign skeptics. Four years later, Garrison's bungled investigation and the Kennedy-Manchester imbroglio became mere publicity-seeking interludes before new killings and new questions. In retrospect, American idealism began to die on the streets of Dallas. Sixteen years later, for most people the question "who killed Kennedy?" remains open and confused.

As part of a November 1963 political fence-mending effort, President Kennedy had taken his full entourage into Texas, making various appearances and speeches. Late in the morning of 22 November, Air Force One landed at Love Field on the outskirts of Dallas, where a motorcade waited to take him through the city's center for lunch at the Trade Mart. There he planned to deliver a moderating speech against political extremism, racialism, and the mood for witch-hunting and scapegoating. He rode openly in the rear seat with Mrs. Kennedy; Governor and Mrs. John B. Connally sat forward in the jump seats; two Secret Service men occupied the front seat, one driving. Moving down Main Street the limousine entered Dealey Plaza, where it immediately turned hard right onto Houston Street, went one short block, slowed almost to a stop, turned very sharply left onto the curving Elm Street, where it passed beneath the seven-story Texas School Book Depository. Shots rang out. It was 12:30 P.M., Central Standard Time.

President Kennedy was clearly struck as he clutched for his throat, then the top of his head exploded as he slammed down into his wife's lap. Directly in front of him Governor Connally received five wounds and spun into his wife's arms. Several score feet away, standing near the triple underpass, citizen James T. Tague was sprayed by fragments created by a bullet that smashed into the curbstone at his feet. At 1:00 P.M. President Kennedy was pronounced dead at Parkland Hospital.

At 1:50 P.M., Lee Harvey Oswald, an employee at the Texas School Book Depository, was arrested in the Texas Theater, a cinema in another section of Dallas. Hours later Captain J. Will Fritz, Dallas's chief homicide inspector, charged Oswald with murdering Police Officer J. D. Tippit, who had been shot dead between the Texas Theater and the Texas School Book Depository sometime before 1:10 P.M. That night, at about 1:30 A.M. on the 23rd, Dallas police formally accused Oswald of the murder of President Kennedy. One day later, the operator of a Dallas striptease club, Jack Ruby, shot and killed Oswald while police tried to transfer Oswald from the city to the county jail, under a blaze of media publicity and live television lighting.

In the prevailing law, murder of a United States president remained ordinary homicide limited to state and local jurisdiction. Dallas's chaos and the manifest incompetence of all law officers in the circumstances, whether local or federal, translated instantly into a national anxiety about

the rule of law. A magisterial funeral in Washington, followed with macabre irony by the traditional Thanksgiving holiday, restored order without confidence. President Lyndon B. Johnson hastened to appoint a special presidential, blue-ribbon commission headed by the Chief Justice of the U.S. Supreme Court to inquire into the events and the law.

Knowledge of the origin, operation, and conclusions of the Warren Commission must precede any understanding of the swirls of controversy that still surround President Kennedy's murder. Its twenty-seven published volumes¹ effectively preempted the subject, shifting investigations away from the act itself over to Warren Commission data and its inadequacies. Its influence remains today a silent hand from the past, actively shaping perimeters of public belief and exerting intense pressure upon politicians and government attorneys. Every federal inquiry, both executive and legislative, into the murder and its attendant questions has accepted the Warren Commission's conclusions as the premise upon which to launch its probe. Senator Richard Schweiker, for example, specifically acknowledged the validity of the Commission's findings, then said that his inquiry would search out how a foreign conspiracy had actually operated through the person of Oswald.² The latest inquiry, by the House Select Committee on Assassinations, initially stated that one of its tasks would be to make the Warren Commission's findings "persuasive." Only on the last day of public hearings, during the Christmas season of 1978, did it openly stumble upon audio evidence of conspiracy that could not be refuted. The House Committee still accepted the mass of Warren Commission data, without challenge to specific items or comprehension of the circumstances in which all of it was compiled.³

Few realize even today that during the first days following the murder the world came close to nuclear war, at least according to the latest expert on the subject. American forces entered a "red alert" phase, the highest state of readiness for a preemptive nuclear strike.⁴ Vital federal intelligence channels clogged under the sheer mass of data being frantically transmitted. The new president, known for occasional impetuosity, proceeded with a commendable caution in his first hours and days, fearful of every international implication. In the midst of a constantly deteriorating situation, tension mounted as numerous bits of wrong or trivial information reached the White House. The CIA's Mexican substation immediately reported Oswald as Castro's hireling,⁵ while the FBI could produce *five volumes* of "facts" less than three weeks after the murder, on behalf of the Warren Commission.⁶ Opinions became truths, fiction achieved factuality, prejudices became official insights, and blame began to stick to everyone and everything.

Domestic conditions heightened the potential for rash reactions. Under the glare of camera lights and before several hundred reporters, Dallas

officials announced their capture of a "communist" who had killed the president. The media saturated the public with "facts" of Oswald's "communist" activities and Marxist beliefs. In Congress, several members moved for investigations, vying with each other for the chairmanship of proposed committees. Anticommunist hysteria in the United States, which predated the Russian Revolution, had cyclically reared its fevered head against presidents elected from the Democratic party. But cultivating it daily in the wake of Kennedy's murder, as many editors, reporters and politicians did, only exalted the conspiracy-minded and exacerbated the conduct of foreign policy. Added to perils of revived witch-hunting, no one knew with any certainty, despite unprecedented coverage by newsmen, what precisely had transpired in Dallas and why.

To allay fears and restore public confidence in law and elected officials, the executive branch directed that the murdered Oswald be identified as the sole killer. Oswald was dead; there could be no trial. In a 26 November 1963 memorandum to Presidential Assistant Bill Moyers, the Deputy Attorney General Nicholas Katzenbach defined the prosecution's position: "The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial." This day, then, while President Kennedy's requiem mass and burial were taking place, his own presidential appointees had begun the policy of burying the issues of fact, of guilt, and of law.

President Johnson implored Earl Warren, the Chief Justice, to head the presidential commission, arguing that only men with highest public respect could still the nation and abate any domestic military threat. In his memoirs, Chief Justice Warren stated that he took this chairmanship with extreme reluctance, only after President Johnson made an emotional appeal to his love of country. To refuse, it was suggested, could mean "40,000,000 lives lost" in a nuclear war.³

Johnson appointed six other members to his commission. Two Senators: John Sherman Cooper, Republican from Kentucky, and Richard Russell, Democrat from Georgia; two Congressmen: Gerald R. Ford, Republican from Michigan, and Hale Boggs, Democrat from Louisiana; the former head of the CIA, Allen Dulles; and a New York banker, John J. McCloy, completed the blue-ribbon panel. It remains a monument to Johnson's masterly political skills. Cooper, Ford, and Dulles neutralized the opposition Republican party; McCloy and Dulles reassured the financial-governmental nexus; and Southerners Boggs and Russell blocked any attack from the political right. Warren's acceptance immediately quieted the nation's liberals, especially the Eastern base of Kennedy supporters and university academicians, thereby eliminating from later controversies the single most effective potential sector of dissent to commission procedures and results. Silence

and apathy have greeted the entire subject of President Kennedy's murder ever since, among serious scholars generally and with U.S. historians in particular. Even that contemporary critic of federal policy and bureaucracy, I. F. Stone, placed himself well inside lines drawn by Johnson's choice of Warren. The Chief Justice's record for civil liberties and race relations was enough for Stone to "letter-whip" mercilessly the critics of the commission, facts notwithstanding.⁹

Like most federal committees, the Warren Commission worked through its own staff. The seven members, being busy public officials with full-time interests elsewhere, had little time and expertise for the exacting research requisite to a criminal case. They selected a staff of eighty-four and named as chief legal counsel J. Lee Rankin, a former Solicitor General of the United States. The commission did not, however, assemble a body of criminal law specialists, inspectors, and field investigators, choosing instead to rely entirely on several federal agencies, mainly the FBI. This decision to farm out the entire investigation doomed the Warren Commission inquiry from the start. No one at the time dared suggest that an objective inquiry ought, at some point, to include scrutiny of Hoover's FBI. *Quis custodiet ipsos custodes?*¹⁰

Thus, on 9 December 1963, the Warren Commission laid its inquiry upon the Procrustean bed of the FBI's five-volume report. So anxious was the commission to adhere to the FBI's hasty hodge-podge of data that Hoover's eyes and ears inside the Commission, Congressman Gerald Ford, soon promised a final *Report* for that winter.¹¹ In fact, those five FBI volumes contained less than 500 words on the murder itself, being almost entirely a psychological profile of Oswald with much biographical detail about his pre-Marine Corps youth. Then the FBI departed from its usual investigatory practice and drew, in effect, a judicable conclusion: Oswald alone and unaided, for his own political and psychological motives, killed President Kennedy. Such a bold departure from set procedure shocked Rankin, the commission's chief counsel,¹² but his reaction did not prevent him from countenancing this and other revealing prejudgments.

The list of these deliberate official manipulations of evidence is long and has been exposed elsewhere, but several examples urge at least passing notice. The FBI's immediate Oswald fixation extended to the absurdly different ways with which they, and the commission's agents, treated the two widows. Jacqueline Bouvier Kennedy, an eye-and-ear witness to murder if there ever was one, was interviewed for about ten minutes six months afterwards. Marina Oswald, who was diapering daughters in Irving, Texas, when Kennedy died, was put under FBI "house arrest," interrogated for weeks, and then made into a star witness, testifying before news cameras and *in camera*, to the Warren Commission and later congressional committees. Then there were such FBI omissions as one of the bullet wounds on Presi-

dent Kennedy's body, as well as any mention of Tague's wound, both excluded either through incompetence or by fear that such wounds might require more than one assassin. In such ways did Hoover fulfill the Katzenbach-Moyers directive, leaving the Warren Commission to orchestrate it fully and publicly.

The commission clearly knew of continuing FBI attempts to monopolize all assassination inquiries. Dallas police and the Texas Attorney General's office had been firmly, immediately squelched by the FBI, aided by Warren's personal intervention.¹³ Even the Secret Service were left to watch from the sidelines. Hoover's FBI obsessively sought control, not only occasionally through Gerald Ford but also in a general climate of trepidation that is now known to have developed among the commissioners. On 22 January 1964, the Warren panel held a secret executive session that would surface only later in a stenotypist's notes:

- Dulles: . . . *Why would it be in their [FBI] interest to say he [Oswald] is clearly the only guilty one? . . .*
- [Rankin]: *They would like to have us fold up and quit.*
- Boggs: *This closes the case, you see. Don't you see?*
- Rankin: *They found the man. There is nothing more to do. The commission supports their conclusions, and we can go on home and that is the end of it. . . .*
- Boggs: *I don't even like to see this being taken down.*
- Dulles: *Yes. I think this record ought to be destroyed.¹⁴*

The commission's control over its own record, defeated by accidental survival in this instance, did lead to other deliberate suppressions. For one notorious example, two pages of Senator and Commissioner Russell's dissent from the lone-assassin theory were expunged, which utterly enraged the terminally ill Russell when he discovered it.¹⁵

The Warren Commission's *Report*, then, remains of lingering paradoxical value. Although its conclusions bear little conviction and less credibility, it remains an invaluable catalogue for much of the murder case's data, provided that its users see it for what it is: the product of "an investigation which has satisfied the Commission that it has ascertained the truth concerning the assassination of President Kennedy. . . ."¹⁶ Sadly for the commission's historical status and even more so for the truth itself, such satisfaction has proven contrivedly premature.

What, then, can a citizen know about the murder of President John F. Kennedy, nearly two decades later?

The past is always knowable only by present evidence, and we now have much more evidence than the Warren Commission sought, selected, or considered.¹⁷ For one thing, the sheer quantity of information and opinion available has created a pressing problem, which this bibliography addresses

in Sections II and III. But this measures only the literary responses during the first sixteen years. Even the most astute inquirer can become lost on the mountain of books, articles, and journalists' reports, all shouting their explanations for the murder into valleys empty of evidence. Unfortunately, most of this has created a cacophony of competing, often contradictory, echoes. Ultimate answers, when available, can be obtained only from the primary evidence, patiently and persistently accumulated. It is for this reason that all readers must first realize, by way of Section I, where most of the documents currently reside and how difficult it has often been, by recourse to federal law courts, to extract that evidence from governmental agencies.¹⁸

Among academic professionals in our society, historians ought to be the best trained for work with the evidence. They ought to combine reason and skepticism in their comprehensive perspective, in their attempt to put a past man or a past event back together after dissection into parts by economists, lawyers, journalists, psychologists, scientists, litterateurs, moralists, and so on. But scholars generally, and our fellow historians particularly, have remained aloof from problems created by the JFK murder and subsequent investigations. Only the Regius Professor of Modern History at Oxford University, Hugh Trevor-Roper, offered professional scrutiny of Warren Commission documents.¹⁹ Since then, most historians have avoided the entire problem of evidence, accepting the published Warren *Hearings* as the sum total of obtainable data, while reasoned skepticism has been developed mainly by an ex-poultry farmer, several Washington lawyers, a Texas newspaper editor, two university philosophers, and several ex-graduate students.

One reason that serious scholars have absented themselves from the assassination's literature is the Warren *Report's* preemption of the subject, with its simple verdict against one man "perpetually discontented with the world around him."²⁰ Rather than closing the case, this verdict openly invited theories of conspiracy. Oswald having been found guilty, the burden of proof shifted so that doubters must first prove Oswald "not guilty." To suggest this would raise the question "if not Oswald, then who did it?" Thus far, the best answer is that audio, ballistics, photographic, and eyewitness evidence gathered by and since the Warren Commission strongly suggests more than one gunman, which is all that the U.S. House Select Committee asserted in December 1978.²¹

Although it takes two or more individuals to make a conspiracy, at least in the eyes of the law, this does not necessarily mean that "more than one gunman" equals a conspiracy in fact. It has been argued that Dealey Plaza that day attracted two or more individuals armed and motivated independently for the same act.²² Unlikely as this may be, the record of bitter political hatred enveloping places like Dallas in 1963 raises two immediate points: the fact of this violent climate is neutral to the question of conspiracy, but the entire matter remains the unknown, unresearched context for the murder itself. Numerous murder threats against President Kennedy came in

the weeks preceding 22 November from groups active in that vicinity: the National States' Rights party, the Minutemen, anti-Castro militants, religious bigots, and other radical paramilitary, racialist organizations. Anti-Kennedy hysteria was hardly limited to Dallas. The president's 2 November visit to Chicago was dropped because of local threats, and then his 18 November motorcade through Miami had to be cancelled at the very last moment for similar reasons.²³ Neither the FBI nor the Warren Commission investigators showed more than routine interest in such coincidences of fact: they were too busy reconstructing a left-wing psychological profile, focused on Oswald.²⁴

The specter of some prearranged conspiracy easily haunts the case and its researchers, and it takes only the mere hint of conspiracy to drive most scholars away, into other topics. The word itself connotes a sort of intellectual bankruptcy, at least in the academic world and especially in this murder case, because other suspects have never been named. Explanations based on conspiracy are usually associated with irrational, prejudiced reactions, in sharp contrast to a prosecutor's clear, scientific, dispassionate reconstruction of homicidal fact. But after revelations about the workings of the Ku Klux Klan, American corporations courting Nazi Germany's cartels, Watergate, organized crime, CIA vs. KGB, or effective fabrications like the *Protocols of Zion*, conspiracies seem to strain the modern credibility less.

We are convinced that, in the JFK case, two conspiracies did exist. The first killed Kennedy and the second, conducted by essentially honorable men, has served to subvert and obscure this truth. The first was a conspiracy among individuals as yet unidentified. The second, an institutional conspiracy, grew from that mutually inclusive self-protective, group-protective identity that individuals can be expected to develop as members of any company or bureau. The White House, the FBI, the Justice Department, the Department of State, congressional committees, and even the National Archives, all under siege from public shock and skepticism after 22 November 1963, quietly closed ranks within and among their agencies in order to restore confidence at home and abroad. Such a motive may laudably justify members conspiring to reinforce national institutions, but the result has hardly served the muse Clio's search for truth. We at no time wish to suggest that individuals in any and all agencies conspired among themselves. That would constitute individual conspiracy prosecutable at law. What we do conclude is that members of governmental institutions worked primarily to protect their own agencies and secondarily to sustain confidence in the federal government generally, with only a tertiary concern for solving this murder case.

The literature since Dallas, on the other hand, possesses a uniform impulse to resolve the crime and its attendant mysteries. Yet certain facts may never be known, thanks in large part to the institutional conspiracy begun by

FBI and Warren Commission agents. Why did Oswald go to Mexico City that September? Why did Oswald go to the Texas Theater? Why was no transcript made and preserved from Oswald's twelve and more hours of police interrogation? How did President Kennedy's brain disappear after the Washington autopsy? Did law enforcement officers ever entertain explanations and suspects other than Oswald? We simply have no hard answers, to these and hundreds of other questions, although we now know that witnesses available at the time, who might have aided investigators, were either ignored or rudely rebuffed and a large amount of physical evidence was similarly treated. The impulse to resolve the crime continues in many often over-eager authors and despite so much culpable ignorance of actual evidence.

The assassination's literature can be divided into six categories: (1) works sustaining the official conclusions, (2) works entirely irrational, (3) works riddled with subjectivity and unsubstantiated theory, (4) the exploitative literature, (5) sinister publications, and (6) works focused on evidence about the murder that strive for objectivity.

The first category includes both conventional and psychological works sustaining official conclusions in the *Warren Report*. Conventional accounts, premised on Oswald's guilt from start to finish, include David Belin's *November 22, 1963*,²⁵ Jim Bishop's *The Day Kennedy Was Shot*,²⁶ William Manchester's *The Death of a President*,²⁷ Priscilla McMillan Johnson's *Marina and Lee*,²⁸ and diverse biographies of the Oswald family, memoirs of leading figures, and several minor studies on physical evidence from the crime. Typical of such articles are those by Dr. John K. Lattimer, a New York urologist,²⁹ and Professor Luis Alvarez, a California Nobel Laureate in physics.³⁰ The former, asserting authority in ballistics, proclaimed after studying the Warren Commission autopsy materials that they proved Oswald killed President Kennedy. From X-rays and photographs alone no one can determine who pulled any particular trigger. Lattimer conveniently ignored the bullet(s) associated with the wounding of citizen James T. Tague, evidence which in itself shatters the official findings.³¹ Alvarez studied the Zapruder film and asserted that that evidence affirmed official findings of Oswald's sole guilt. He too isolated the object of his study from contextual evidence, ignoring the trees that blocked the first shot, occurring around frame 190, he claimed, and also ignoring Tague.

In psychological studies the authors flee from the world of fact into the mental interstices of figures associated with the murder, mainly the dead Lee Harvey Oswald. These accounts are found mainly in articles, but Renatus Hartogs' and Lucy Freeman's *The Two Assassins*³² and Robert Thompson's *The Trial of Lee Harvey Oswald*,³³ a screenplay for the American Broadcasting Company, are representative book titles. The former claimed to have "studied" Oswald's fifth-grade report card, which indicated his mental instability and predisposition to kill Kennedy; but they did not present

a single fact in critical context to link Oswald to the murder. Thompson converted Jack Ruby into an All-American hero driven by noble motives. The truth, conveniently excised by Thompson and ABC for the illusion, instead shows Ruby to be a "punk pining to be a hood,"³⁴ consumed by sensuality and crudity.

The titles in the irrational category embrace every conceivable explanation that unbridled imaginations can conjure up. The more outrageous examples include Pat Matteo, *This Captive Land*,³⁵ in which Kennedy is killed to prevent his escape from a miniature atomic bomb; Thothnu Tastmona, *It Is As If . . .*,³⁶ connects the case to origins with the nineteenth-century Mormon leader Brigham Young; and Bernard M. Bane, *Is John F. Kennedy Alive . . .*,³⁷ ponders that very question. Sybil Leek, whose credentials include being "a certified witch," wrote with Bert Sugar, *The Assassination Chain*,³⁸ in which an evil link is found among various political murders. Robert Shea and Robert Anton Wilson, *Illuminatus . . .*,³⁹ seek an explanation in ancient Egypt. Neal Wilgus, *The Illuminoids*,⁴⁰ finds the Order of the Illuminati, or masonic conspiracy, behind the murder.

The irrational literature typically assumes the conclusions of the Warren Commission to be valid in terms of Oswald's participation, but it seeks larger motives and devices that manipulated his lonesome act. Oswald's guilt is constantly reaffirmed, when it should be questioned as rigorously as any other fact. The irrational publications often appeal to some pseudoscientific fad in popular thought, like necromancy or astrology, and can usually be found in the supermarket newspapers. Lincoln Lawrence's *Were We Controlled?*⁴¹ even argues that a posthypnotic suggestion triggered radio transmissions operating through a neurological implant in the robot Oswald, causing him to kill Kennedy. William Smith's *Assassination by Consensus*⁴² sinks in the same water, arguing that "psychic displacement" operated by a mastermind worked its design through more inferior minds. All of this, of course, drifts well beyond James Bond's world of evil conspiracies into some sort of certifiable madness.

The subjective category includes the literature of those who dissent from the Warren Commission's findings and have tried, at least, to wrestle with problems of evidence pertinent to the murder itself. Such writers do not blindly accept the official version and do show some critical analysis, but their literature remains saddled by theoretical assumptions and their fundamental question puts the who before the what. The prime question, we insist, is still: *what* happened on Dealey Plaza on 22 November 1963? After that factual base comes the question "who shot Kennedy?" We must reluctantly concede that we may never know the answer with reasonable certitude.

This third category, the subjective, can be broken into several subgroups. One theorizes that the murder was the work of the international Communist

movement, although proponents often differ as to the methods employed. In Carlos Bringuier's *Red Friday*⁴³ and in Revido P. Oliver's series of articles,⁴⁴ Oswald is simply a Communist agent. Michael Eddowes, *The Oswald File*,⁴⁵ changes the emphasis and baldly asserts that his exhaustive search of all documents proves that JFK's killer was a Soviet fake sent into America to fulfill diabolical ends. All such works beg the two questions that ought to be put first: What is the evidence implicating Oswald? Does any of it connect *any* Oswald to the murder?

Edward Jay Epstein's *Legend*⁴⁶ continues to exploit the Oswald theme, modifying it to make him a Soviet agent converted to spying while stationed in Japan. To carry forward this thesis, Epstein ignores his critics as well as nonconforming court records. For example, to make Oswald a defector to his new Soviet masters, Epstein reports that he left London on 9 October 1959 to reach Finland on the 10th. But according to the passport stamps, he actually left London on the 10th and arrived in Finland on the 10th, a feat impossible according to all contemporary commercial airline schedules but not beyond the fertile machinations of American intelligence agencies. Like Bringuier, Oliver, Eddowes, and others, Epstein attempts to hammer into the public mind the assertion without proof that Oswald killed Kennedy.

There is a substantial subgroup of theorists who try to prove, from the other side of the political spectrum, that the CIA killed Kennedy. Michael Canfield and Alan Weberman's *Coup d'Etat*,⁴⁷ Fletcher Prouty's *The Secret Team*,⁴⁸ and Sid Blumenthal and Harvey Yazizjian's *Government by Gunplay*⁴⁹ represent this evidence-stretching effort. Aside from numerous factual errors and repeated distortions of evidence, the characteristic feature of this subgroup is their avoidance of the actual murder and of its bungled police investigation. Their hot chase after the CIA chimera is often connected with another subgroup of subjective writers.

Did organized crime kill Kennedy? This theory always had its followers, but beginning in the mid-1970s a series of volumes appeared that purported to find proofs, including those connected to Judith Campbell Exner. Typical expressions are Peter Noyes, *Legacy of Doubt*,⁵⁰ Seth Kantor's *Who Was Jack Ruby?*,⁵¹ the Assassination Information Bureau's *Clandestine America*,⁵² and Peter Dale Scott's *Crime and Cover-Up*.⁵³ Organized crime has become America's "*diabolus ex machina*," released in times of heightened public awareness to explain major crimes and minor social ailments. Elusive, without structure, and without a single body of facts, the accusation nevertheless finds most recent, albeit partial, endorsement in the U.S. House Select Committee on Assassination's *Final Report*.⁵⁴

Still another subgroup in subjectivity makes Chief Justice Earl Warren the malefactor, distorting all evidence to make this wish come true. The two best examples are Edward Jay Epstein's *Inquest*⁵⁵ and Mark Lane's *Rush to Judgment*.⁵⁶ Presented to the uninformed as a work of dispassionate

scholarly dissent, *Inquest* actually upholds the basic findings of the Warren Commission by dismissing its failures as the fault of its chairman, who allegedly went against the findings of his own staff and the FBI. Epstein used FBI reports as well as the files of some staff members in his attack. This brief and fierce polemic actually exculpates Hoover's Bureau, although that may not have been Epstein's intent.

Lane's *Rush to Judgment* provides a classic example of subjective gimmickry, with its scholarly cosmetic of 4,500 footnotes, containing hundreds of substantial errors and repetitions. Quotations within the text have been quietly changed in over two hundred instances from original documentary versions; important material has been excised from the evidence in order to highlight the trivial or to mislead. Ultimately the book charges Warren with the crime of cover-up, while exonerating the FBI. For example, one entire chapter, based on the testimony of Nancy Perrin Rich, who worked in Ruby's night club, pretends proof of an Oswald-Ruby link. Lane never noted that Rich gave three entirely different sets of testimony to investigators, that she suffered several mental breakdowns, and that she had habitually appeared at famous trials offering to testify.⁵⁷

One further subgroup has sifted the facts through a left-wing sieve to conclude that Kennedy died as a result of a right-wing conspiracy. Excellent illustrations of this subjectivity imposed upon reality are: Jim Garrison's *Heritage of Stone*,⁵⁸ Mort Sahl's *Heartland*,⁵⁹ Carl Oglesby's *Cowboy and Yankee War*,⁶⁰ and the later writings of Joachim Joesten.⁶¹ Hugh McDonald, *Appointment in Dallas*,⁶² posits a mysterious person lurking in another building who actually shot Kennedy and then framed Oswald as the "patsy" Oswald claimed to be when interrogated. Richard Popkin's *The Second Oswald*⁶³ plausibly assumes that a man posing as Oswald laid a track of damaging evidence around Dallas in the weeks before the murder. The evidence in no way precludes such an Oswald counterfeit, but Popkin's explanation still rests on acceptance of the Warren Commission's assertion of the real Oswald's role. Popkin more accurately might have entitled his valuable book "The Fake Oswald."

The fourth category, the exploiters, identifies a phenomenon extant since the week of the murder, ranging from the greedy merchants of grief, peddling JFK memorabilia, to the publishing financiers making ceaseless promotions of the official findings. The Warren Commission orchestrated five private publishers for versions of its *Report*,⁶⁴ coordinating the official release to make maximum impact and profits. The first exploiters, however, were Kennedy hagiographers who flooded the nation with special-edition newspapers, tabloids, trinkets, commemorative books, and memorial volumes. Reprints, collector's specials, and glossy inserts fell in scores from the national journals and local newspapers, none at reduced prices. *Four Days in November*,⁶⁵ assembled by the editors of United Press International

and American Heritage Publishing Company, contained lavish color photographs and an inaccurate text. Its sales copies reached into the hundreds of thousands, with additional income derived from their record promotion and a movie spin-off. The entire success story bore the marks of a necrophiliac sell by an advertising agency: a garish, tasteless celebration of sacrificial death. Similar ventures served publishers well in packaging and selling the "martyred" president to the public.

From a long list of the publishing industry's promotional books, *The Death of a President* by William Manchester exemplifies best their impact and the sheer gall of their commercialism.⁶⁶ The book is perhaps what Norman Mailer means by "faction," because it certainly is not history based on evidence and professionalism. One promotional tease after another, with a stream of prepublication press releases, was coupled with regular television news coverage once the Kennedys intervened. Despite reviewers and critics who treated it mercilessly, media magic transformed this error-laden volume into a sort of popular truth. In fact, it was little more than a narrative skeleton of the Warren *Report*, fleshed out with numerous insider interviews.

Like wolves among ewes, major publishing houses have indiscriminately worked the entire fold, lavishly also promoting various books by Warren *Report* dissenters. The books by Anson, McDonald, and O'Toole exemplify this, with regional radio and newspaper saturation promising new discoveries and proofs. Hugh McDonald, in *Appointment in Dallas*, claimed to have interviewed the real assassin. His original manuscript had this real assassin hiding in a judge's chambers overlooking Dealey Plaza, but the published book put him at a window in a women's restroom.⁶⁷ Similar wizardry reached its most sophisticated exploitation with George O'Toole's *The Assassination Tapes*.⁶⁸ The book was actively marketed by the company manufacturing an "evaluator machine," which supposedly measured voice patterns for covert stress to prove that a conspiracy killed Kennedy. With numerous major errors O'Toole employed the faulty machine to test old video and audio tapes of witnesses to conclude that Oswald was framed. Police and sheriffs' departments across the land received advertisements for the instrument that had allegedly solved the crime of the century. But even this is child's play compared with the antics of Mark Lane.

Two books, two films, lectures, records, and articles have kept pace with sixteen years of changing fads in popular consciousness. When initial public skepticism focused on Chief Justice Warren, Lane's *Rush to Judgment* crudely misquoted documents, gave inaccurate footnotes, and skillfully selected facts literally to frame Warren.⁶⁹ When Garrison's investigation in New Orleans captured national headlines, Lane adjusted his writings and lectures with broad assertions that he was the district attorney's confidant.⁷⁰ At the height of student unrest, Lane staffed a booth at collegiate fairs,

pushing his literature and his lecturing services to youthful minds seeking a better world.⁷¹ When exposés of the CIA began piling up in the late 1960s, Lane's articles and speeches discovered that Kennedy had really been killed by the CIA.⁷² When political and media winds shifted in the early 1970s against the late J. Edgar Hoover's FBI, Lane found proofs of FBI guilt.⁷³ This only begins to document Lane as the leading opportunist in the sorry literary history of this murder mystery.

In *A Citizen's Dissent*, Lane alleged that the British Broadcasting Company did not pay him a "single farthing" when, in fact, he had received one of their largest fees, over \$40,000.⁷⁴ When he co-produced, with Emile de Antonio, the film version of *Rush to Judgment*, he pirated its sound track, provoking litigation by his irate co-producer.⁷⁵ When Lane put Donald Freed to work on a jointly written novel, *Executive Action*,⁷⁶ he knew they were exploiting an excellent plot line. Lane had been in New Orleans when the typescript for the James Hepburn book *Farewell America* had been delivered to District Attorney Garrison by Herve Lamarre, a person associated with French intelligence.⁷⁷ As of 1975, the filmed version of *Executive Action* had earned \$15,000,000.⁷⁸

Only Lane's initial article, published in December 1963 in the *National Guardian*, written with that weekly's editorial aid, contributed substantially to data publicly available immediately after the murder.⁷⁹ But his credibility began to collapse soon after, as he offered himself to any bidder as the instant JFK expert, whether on campus or in Congress. Perhaps in this case the CIA got it right when their secret study of Warren *Report* critics concluded that Lane instinctively went for the capillaries, not the jugular.⁸⁰ The CIA obviously saw no adversarial threat from Lane's limited vision and faulty scholarship, but he has served governmental agencies well by obscuring basic evidence, upstaging serious researchers, publicizing tangential issues, and generally avoiding anything that required hard work for no profit and little publicity.⁸¹

Our fifth category, labeled sinister, includes those publications about the murder that focus on intelligence-gathering agencies and, in some cases, were written under their surreptitious sponsorship. These include Camille Gilles' *400,000 . . .*, but the foremost example is James Hepburn's *Farewell America*, published in Liechtenstein in 1968, printed in Belgium, and distributed in Canada,⁸² but not in the United States, by individuals associated with SDECE, France's CIA. With potential libels on every other page, the author (or authors?) allege collaboration between right-wing oilmen and rogue CIA elements for the Kennedy kill. Commentaries on the book demonstrate little critical awareness and no comprehensive knowledge of the evidence and usually end up embracing the book's assumptions. Warren Hinckle's articles and one chapter in his *If You Have a Lemon . . .* display an intimate knowledge of the book, but the chronology as well as essential facts are in fundamental error.⁸³

The works of critics responsible to the evidence and to the truth comprise our final category of Kennedy murder-literature. These authors show knowledge of the complex factual base, the duty to treat the murder objectively and without distraction, and the need to stay free from theoretical distortions. This category can be subdivided between those early authors writing before the official published findings of the Warren Commission and those later researchers who started from the findings and evidence of the commission in launching their studies.

The early writers published a few articles, including the Mark Lane effort noted earlier, and three books: Thomas Buchanan's *Who Killed Kennedy?*,⁸⁴ Joachim Joesten's *Oswald: Assassin or Fall Guy*,⁸⁵ and Leo Sauvage's *The Oswald Affair*.⁸⁶ They remain substantially sound within the context of pre-Warren *Report* materials, and each is based on painstaking research and analytical argument; but all bear the subconscious marks of a pressing controversy and the murder of an uncommon man. They are essential reading for anyone interested in the mystery itself or in the mystery's later history.

After publication of the Warren *Report*, critics produced various articles, short studies and books, the most valuable being the works of Sylvia Meagher, Harold Weisberg, and Howard Roffman. There are also many valuable articles and book reviews in the monthly journal *The Minority of One*. Raymond Marcus published a short monograph *The Bastard Bullet*, which carefully analyzed the Zapruder film and remains a minor classic for its objectivity.⁸⁷ Sylvia Meagher's *Subject Index* to the Warren Commission's volumes has given students their essential tool for mastering that wilderness of published evidence.⁸⁸ It was her *Accessories after the Fact*, though, that provided a model for scholarly method.⁸⁹ It carefully scrutinized the *Report* and the twenty-six volumes, making orderly sense of the chaotic official evidence and providing intelligent, critical commentaries.

Weisberg's *Whitewash*, addressed to the general public, demonstrated that the Warren Commission failed because it accepted unquestioningly the theory, largely manufactured by the FBI, that Oswald killed the president.⁹⁰ Weisberg had served in the 1930s as an investigator for a Senate committee uncovering American fascist penetration of the government and Nazi influence in the Americas. During World War II he had been with the Office of Strategic Services and had also worked as an analyst for the State Department. Weisberg coupled this experience with his firm belief that the original documents ought to serve as the base upon which to build an account of the murder.

Weisberg has persisted in his attack, publishing *Whitewash II*, *Photographic Whitewash*, *Whitewash IV*, *Oswald in New Orleans*, and *Post Mortem*.⁹¹ This last volume, published privately as were all but two, gives an unparalleled examination of the evidence relating to the JFK autopsy, with hundreds of pages of documents photographically reproduced. All of

this, plus his score of FOIA suits, makes Weisberg the premier authority, and even governmental agents who are most annoyed by him must consult his work.

Roffman's *Presumed Guilty* defined the autopsy and ballistic evidence to show that the commission could not link Oswald to the crime with such evidence, given the questions asked and the techniques that they employed. The metallic fragments inside the president and the fragments of bullets outside his body were not matched, despite the existence of several scientific tests that could have done so conclusively.⁹²

The single most important characteristic making these critics responsible is their common goal to define, secure, and expose documentary evidence in this murder case, most of which governmental agencies choose to keep controlled and secret. Much has been accomplished by lawsuits brought under the Freedom of Information Act, mostly by Harold Weisberg and his legal counsel, James H. Lesar. These suits, at the very least, force agencies out of their ordinary cocoons of self-regulating, hence publicly irresponsible, bureaucracy into open legal and judicial accountability. This process has also blocked the destruction or dispersal of countless files and preserved hundreds of cubic feet of basic evidence, to be placed before the public. Section I of our bibliography provides detailed briefs of the sort of litigation required, showing the extraordinary difficulties that federal agencies and bureaucratically supportive federal judges can create for ordinary citizens. One important published example of such documents is David R. Wrone's *Legal Proceedings . . .*, based on evidence that Federal Civil Action 2052-73 forced from federal files.⁹³

In this context of misplaced bureaucratic self-preservation, no one ought to be surprised to learn that the latest congressional reopening of the JFK murder case ignored much of the mass of materials compiled outside of Warren Commission evidence. The House Select Committee on Assassinations paid virtually no attention to evidence brought into the public domain by Freedom of Information Act litigation and shunned contact with responsible critics. Their entire investigation showed a marked preference for a selection of highly visible witnesses rather than for the documentary evidence and those few experts who know it best. We therefore must conclude our remarks with a brief analysis of this most recent official report on President Kennedy's death.

On 22 July 1979, after a six-month delay, the House Select Committee on Assassinations issued the *Final Report* of its two-year investigation into the murders of President John F. Kennedy and Dr. Martin Luther King, Jr. The 686-page paperback official printing is divided into five parts: Part I contains 261 pages on the murder of Kennedy; Part II has 250 pages on the murder of King; Part III is twenty pages of recommendations; Part IV is thirty pages of separate remarks by committee members, including the

important dissent by Rep. Christopher Dodd; and Part V is 171 pages of appendices and references.⁹⁴

One week prior to official publication, G. Robert Blakey, chief counsel for the HSCA, gave the Bantam Publishing Company an exclusive advance copy and received \$3,000 from them to write a fifteen-page introduction for their printing of the *Final Report*.⁹⁵ In July, the government completed their publication of the remaining twenty-seven volume appendix to the HSCA *Final Report*. Twelve volumes concern the Kennedy murder, thirteen volumes pertain to the killing of King, and two volumes focus on legislative and administrative reforms. None of the volumes is indexed, and only brief word-clues on the face of each suggest the contents to the reader.

The HSCA's *Final Report* and its twelve volumes of Kennedy documentation are blatantly, yet curiously, inconsistent with the final conclusion endorsing a conspiracy in Dallas. If anything, the bulk of their testimony and evidence remains true to the HSCA's originally stated purpose, to make the Warren *Report* "persuasive."⁹⁶ But then, as if in a mere afterthought to several sections of the *Final Report*, the reader is urged to reject the Warren *Report*'s cornerstone: Oswald, the lone assassin.

Obviously, the HSCA had gone public at the last moment over the audio evidence confirming a front gunman facing Kennedy. In fact, it was Warren *Report* critics Mary Ferrell, Gary Mack, and Penn Jones, Jr., who brought the tape and other data to the attention of the HSCA.⁹⁷ Another critic,, Robert Groden, painstakingly located a key witness for the HSCA staff.⁹⁸ This not only exemplifies the level of the HSCA's competence as researchers but also its refusal to follow its congressional mandate to investigate the performance of earlier federal investigators. In 1964 the FBI claimed to have studied certain audio tapes and to have found no pertinent evidence on them.⁹⁹ The Warren Commission even printed versions of them.¹⁰⁰ Apparently no HSCA member or staff investigators thought to question the FBI on this fundament for conspiracy.

Instead, the *Final Report* reassured its readers that "*the Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.*"¹⁰¹ It then proceeded to knock down several "strawmen" theories left and right, at rather tiresome length, most of which we have noted in our categories of the irrational, subjective, exploitative, and sinister literature. So it was that sideshow dramas about "the umbrella man" and the Soviet-substituted, Oswald look-alike were demolished in a fanfare of media publicity from Capitol Hill. Yet, at crucial points in the *Final Report*, the HSCA would have us turned halfway around from the Warren *Report* to embrace the suggestion of "more than one gunman!"

In such bewildering circumstances, it is appropriate for us to examine briefly some key elements in the official explanations, now mainly updated

from the Warren *Report* by the HSCA for 1979. We must limit attention to several vital parts of this official case and the ways it uses and abuses evidence. We are not in the business of exculpating anyone, including Oswald. Rather, we wish only to measure the present HSCA's case by the total evidence available. We will examine seven points here.

First, with regard to the JFK autopsy report, the HSCA's *Final Report* states:

The secrecy that surrounds the autopsy proceedings, therefore, has led to considerable skepticism toward the Commission's findings. Concern has been expressed that authorities were less than candid, since the Navy doctor in charge of the autopsy conducted at Bethesda Naval Hospital destroyed his notes. . . .¹⁰²

This is not true. The problem began with the fact that the Warren Commission used a second draft, not the original autopsy report. The Navy doctor, J. J. Humes, burned the first autopsy protocol immediately after Oswald's murder by Ruby. That death eliminated the need for a trial, his testimony and cross-examination. The second draft was later changed, then modified again in the offices of a Navy admiral. The Warren Commission then masked the destruction of this original document by asserting that Humes' notes had been burned. In fact, the doctor destroyed his holographic draft, but he turned in his second draft, along with his notes, to federal agencies. These notes then disappeared, but the actual chain of evidence remains for anyone desiring to see it.

On Sunday, 24 November 1963, Humes executed two certificates. One stated that he had burned preliminary draft notes. The other, addressed to Captain J. H. Stover, his Commanding Officer, stated in part: "Autopsy notes and the holograph draft (i.e., the second one) of the final report were handed to Commanding Officer . . . at 1700, 24 November 1963."¹⁰³ The next day, Admiral Galloway, Commanding Officer, National Naval Medical Center, transmitted by hand to Admiral George C. Burkley, Physician to the President, the protocol and "the work papers in the case of John F. Kennedy," recording this transaction with a memorandum.¹⁰⁴ On 26 November, Robert Bouck of the Secret Service accepted this from Burkley, signing a receipt for the "autopsy report and notes of the examining doctor which is described in a letter of transmittal Nov. 25, 1963, by Dr. Gallaway [*sic*]."¹⁰⁵ Here the record of the chain of possession ends, and these vital notes disappear from history. Humes however testified in 1964 before the Warren Commission that: "In the privacy of my own home, early in the morning of Sunday, November 24, I made a draft of this report. . . . That draft I personally burned. . . ."¹⁰⁶ The commission ignored the destruction and preferred to cover up the disappearance; HSCA did the same.

This leads to the related matter of the HSCA's false assertion that ". . . neither the members of the Warren Commission, nor its staff, nor the doctors who

performed the autopsy, took advantage of the X-rays and photographs of the president that were taken during the course of the autopsy.¹⁰⁷ This claim goes back to the Warren Commission's lone-assassin theory, which required that the alleged three bullets all came from behind and high to the right; one of them missing, one passing through Kennedy and Connally inflicting seven wounds, and the last shattering Kennedy's skull.¹⁰⁸ The single bullet that inflicted so many wounds had to have penetrated the president's body at a steep-enough angle to exit at his necktie knot and continue downward to hit Connally near his armpit. The commission had put the entry hole at the back of Kennedy's neck; but the HSCA found that the bullet hole in the autopsy was actually where various critics, particularly Weisberg and Roffman, had said it was: in the back.¹⁰⁹ To reconcile their contradiction of the Warren Commission's version, the HSCA concocted the tale of ignorance just quoted.

Again, the chain of evidence puts the lie to all of this. The Warren Commission and its staff did have access to the X-rays, photographs, and other documentary evidence that placed the bullet entry hole on the back and too low to enable the single bullet to transit two bodies and cause seven wounds. In the minutes of the executive session of 27 January 1964, Chief Counsel J. Lee Rankin informed the members of the commission: ". . . it seems quite apparent now, since we have the picture of where the bullet entered in the back, that the bullet entered below the shoulder blade to the right of the backbone. . . ."¹¹⁰ On 21 June 1966, the Secret Service issued an untitled press release that stated in part: "The X-ray films were used for the briefing of the Warren Commission's staff on the autopsy procedure and results."¹¹¹ Secret Service Chief Tom Kelley, then an Inspector, told Harold Weisberg that he had shown the films to the staff.¹¹² Staff member Arlen Specter stated, in an interview with *U.S. News & World Report* on 10 October 1966 that: "I was shown one picture of the back. . . ."¹¹³ In another interview, this time with Joseph Whalen, the biographer of President Kennedy's father, Specter admitted that he had seen the autopsy films at the time.¹¹⁴ Why should the HSCA try to bury all of this?

The third, and related, illustration is the falsification of the description of President Kennedy's shirt collar. The "slits" on his shirt collar may appear to be of minor significance, but in fact they are a major part of the simple and concrete evidence. In order to embrace the single-bullet theory, the Warren Commission as well as the HSCA had to prove that the bullet that transited the president's neck proceeded on a steep-enough downward angle to line up with the governor's back wound. Only by lowering the exit wound to the level of the necktie knot could that downward angle fit their preconceived solution for the transit. The slightest variation in angle will completely negate the commission's attempt to tie the lone assassin and his hardworking single bullet to the murder. The HSCA, too, put all of its argument on this line.

The HSCA's team of medical specialists described the president's shirt collar through which the bullet had to pass, in order to hit the governor's back, in this manner:

Examination of the shirt reveals a slit-like defect in the upper left front portion, 1.4 centimeters below the topmost buttonhole. This defect measures 1.4 centimeters in length, with its long axis parallel to the long axis of the body. There is a corresponding slit-like defect 1.5 centimeters below the center of the button on the right. This defect measures 1.5 centimeters in length and is also parallel to the long axis of the body (See fig. 3, a photograph of the shirt)¹¹⁵

All of this will, of course, sustain the single-bullet theory and its requisite transit, as intended. The photograph of the shirt collar, however, was taken from fifteen feet away, rendering it indistinct, perhaps also as intended.

That slit below the buttonhole is indeed parallel to the long axis of the body, but it also extends halfway into the neckband. The slit on the button side is perpendicular to the body axis and below the seam of the neckband and shirt, much closer to the edge than the other. The primary problem is that the slits do not coincide when the shirt is buttoned! Moreover, these slits were devoid of any traces of metal typically found when a bullet passes through cloth.¹¹⁶ In fact, these slits were made by the Parkland Hospital emergency room staff in Dallas following surgical procedures by which they hurriedly but deftly cut away the shirt with scalpels. The attending physician, Dr. Charles James Carrico, and the duty nurse verified that this is precisely what they did.¹¹⁷ Carrico testified to the Warren Commission that the bullet hole in the throat was above the shirt collar. When asked by Commission member Dulles to demonstrate where, precisely, the wound was, Carrico pointed it out on his own body, and Dulles responded: "I see. And you put your hand right above where your tie is?"¹¹⁸ Needless to say, the resultant angle renders the single-bullet theory inoperable and demolishes the official case on this point.

Fourth, the HSCA *Final Report* reasserted the Warren *Report's* claim that Oswald's palm print was found on the stock of the rifle discovered on the sixth floor of the Texas School Book Depository building.¹¹⁹ But the HSCA omitted the fact that the print had been mailed into FBI headquarters by the Dallas police days after the rifle had left Dallas for laboratory testing; the Dallas officer who lifted the print from the stock refused point-blank to execute an affidavit for the Warren Commission stating where the print had originated.¹²⁰

Fifth, the Warren Commission had claimed that Oswald carried the disassembled rifle into the building in a paper sack found on the sixth floor near the alleged scene of the crime.¹²¹ An array of scientific data was then mustered to prove that "several" fibers discovered on the sack came from a blanket found among Oswald's possessions in a garage where the rifle was

allegedly stored. The rifle "could have picked up the fibers from the blanket and transmitted them to the paper bag" but the commission, as well as HSCA's clear assertion of its findings, did not report the fact that the Dallas police took no precautions at all to keep the several articles of evidence from coming into contact with each other prior to examination.¹²² Likewise, the HSCA simply eliminated the testimony of Book Depository employee Dougherty, who waited just inside the building's entrance that morning and emphatically swore that Oswald entered empty-handed.¹²³ Furthermore, to assert that the sack could accommodate the disassembled rifle parts is to contravene the sack's linear measurement.¹²⁴ To charge that Oswald's fingerprints were on the empty sack proves nothing. Oswald worked on the sixth floor during preceding weeks; his prints ought to be there and elsewhere. What the HSCA did not report is the fact that the fingerprints of police officers who picked up the sack and carelessly handled it did not appear when it was tested,¹²⁵ which surely suggests something about their testing procedures.

Sixth, the HSCA Final Report repeated the Warren *Report's* conclusion that Oswald fired three shots, two of which had to occur prior to the movement of the presidential limousine behind the Stemmons' Street sign in the Zapruder film, at frame 210. The shot that they state was fired "at about frames 188-191" is the bullet that is said to have caused seven wounds on two men.¹²⁶ No mention is made of the live oak trees in front of the Book Depository that blocked the vision of any sniper from that alleged lair between Zapruder frames 170 and 210.¹²⁷ Frames 188-191, then, could arguably even eliminate Oswald, or anyone else, firing from that particular location at that particular point in time. Obviously this would require the presence of another assassin, or other assassins, firing from another location, or other locations, at that very same time. Once again, we are forced to wonder at the methods and purposes of the recent HSCA investigation.

Seventh, the omission of James T. Tague from the *Final Report*, as well as from the twelve volumes and the entire investigation, sufficiently discredits the HSCA's commitment to truth. Incredibly, such an extensive congressional probe did not call as a witness, nor even investigate, one of the victims of the crime. The *Final Report* does not even mention his name.¹²⁸ Just thirty minutes from HSCA's staff offices, on Judiciary Square, there are innumerable legal records from the FBI's testing of the material dug from the curbstone hit that caused citizen Tague to bleed that day.¹²⁹ Did it not seem important to official investigators, in 1964¹³⁰ and 1978, to know where exactly Tague stood, the location of his wound, and the whereabouts of later photographs that he took of all of this? That curbstone, apparently struck by one of the bullets, is now in the National Archives, with the shattered area neatly plastered over.¹³¹ After someone had tidied up that bit of primary evidence, the FBI subsequently cleaned its files of key analytical reports on the curbstone itself.¹³²

As if these seven points are not enough to undermine confidence in the HSCA's recent investigation, several additional and more general observations must be made. The most obvious failure is the congressional refusal to make an honest inquiry into the FBI's role in the original probe, which is all the more serious if we recall the Warren Commission's own misgivings about FBI pressures. It is compounded by the fact that the FBI controlled all security clearances for Warren Commission and HSCA staff and consultants. Perhaps a few more examples of the FBI's curious ways with the evidence will suffice.

Mrs. R. E. Arnold, in a handwritten statement for the FBI, stated that she saw Oswald on the first floor at about 12:25 P.M., which is five minutes before the gunshots and over ten minutes after an armed figure was seen on the upper floors by outside witnesses. When the FBI typed her original statement, the time changed to 12:15.¹³³

Several score prisoners crowded the windows of the top floor of the Dallas Criminal Courts Building to view the motorcade. What they saw, from perhaps the best vantage point in the entire Dealey Plaza, had urgent value to any investigation of the murder, but their attempts to submit testimony to what they saw were firmly turned away. When at least one prisoner pressed the matter through his attorney, the FBI returned his request to testify that he saw two men in the alleged sniper's lair, none of them fitting the description of Oswald, with the annotation "not pertinent."¹³⁴

Akin to this is the example of Charles Bronson, who took slides and motion pictures of the assassination. He made his film and slides available to the FBI on Monday, 25 November 1963. The FBI viewed them promptly, after the Eastman Kodak Company finished processing them in Dallas, and evaluated them. The FBI Special Agents said the pictures were "not sufficiently clear" for identification purposes and "these films failed to show the building from which the shots were fired." In 1978 Earl Golz of the *Dallas Morning News* and Gary Mack of Ft. Worth radio station KFJZ located Bronson, who made the pictures available to photographic experts and to a reluctant HSCA. The film clearly shows the Texas School Book Depository and what appears to be two figures in the windows of the alleged sniper's lair.¹³⁵

This leads us to a final observation about the FBI in the context of the HSCA's recent investigation, specifically with regard to the case against Oswald. Some relationship clearly existed between the two in New Orleans between May and September 1963. For example, the FBI never at any point told anyone associated with the official investigation of Kennedy's killing that the address Oswald stamped on his New Orleans literature¹³⁶ was the same address used by an anti-Castro group and coincidentally as well by a close associate of the FBI. Oswald used 544 Camp, which was one side of the same corner building having the dual address of 531 LaFayette.¹³⁷ The

anti-Castro Cubans worked out of offices at 544 Camp, while a certain Guy Banister kept an office at 531 LaFayette. By May 1963, Banister was a freelance detective and former FBI agent, maintaining close contact with local FBI ex-colleagues. The unpublished record, which was muddled by Garrison's grand inquisition, did establish the meetings held in Banister's office with the anti-Castro groups. David Ferrie, a shadowy figure in right-wing fringe groups around New Orleans, also met with such groups and had a "close" relationship with Banister.¹³⁸ These anti-Castro groups operated as paramilitary units, no doubt waiting for the next invasion call. Whether connected specifically to them or not, Banister also acted in certain gun-smuggling projects in and outside New Orleans.¹³⁹ The FBI reported none of the Banister associations to the Warren investigators, and the HSCA discounted the entire topic by invoking a sort of devil theory that made "organized crime" the culprit.¹⁴⁰

The FBI also never reported or explained the appearance in Oswald's address book of three nonexistent addresses.¹⁴¹ Some have suggested that these may possibly relate to intelligence connections, as coded locations. In addition, the FBI never identified the person associated with Oswald at several handbill operations in New Orleans, when the two openly circulated pro-Castro literature. These Oswald activities were recorded on the films by Martin, Doyle, WWL, and WDSU-TV.¹⁴² The FBI privately examined all of the films but managed, for some inexplicable reason, to excise, blur, and modify those portions that showed Oswald's associate.¹⁴³ Finally, the FBI never identified the "other" person's fingerprint, only Oswald's, on the handbill or flyer they passed around on the Dumaine Wharf.¹⁴⁴ Obviously the entire tale remains to be told, but we believe that Oswald's New Orleans adventures will provide keys to future doors. For that reason, we have supplied a map that identifies some of Oswald's known locations in New Orleans during the four months prior to his fatal move to Dallas.

While much of this account remains circumstantial, coincidental, and covert, there are also some substantial links between Oswald and the CIA still overlooked in the latest official study by the HSCA. The ex-Attorney General Nicholas Katzenbach testified before the HSCA, with regard to political assassinations generally, that "whenever they [CIA] wanted a book suppressed they came to me and I told them not to do it."¹⁴⁵ Tenuous as this undoubtedly is, it at least suggests a CIA working-interest, an exerted control in the unfolding tragedy of U.S. political assassinations that began anew in 1963. Their desire to control aspects of such stories within domestic news media and publishing houses at that time is now so well exposed as to require no further comment. With specific reference to the case against Oswald, the former CIA Director Allen Dulles, a Warren Commission member, secretly met with the CIA officials to help them prepare for the commission's questions and to suggest to them how they could limit responses

concerning Oswald.¹⁴⁶ The CIA also withheld crucial photographic intelligence from the commission in 1964, after secretly obtaining a print of the Zapruder film and submitting it quietly to the National Photographic Interpretation Center for technical analysis. That study found that shots occurred at times which excluded Oswald as a *lone* assassin.¹⁴⁷ None of this critical information ever came before the Warren Commission but although it surfaced in the Rockefeller Commission's investigation of the CIA, reported in 1975, the point conveniently sank without trace and remained submerged for the HSCA's study.¹⁴⁸

We remain painfully aware of the ignorance that still surrounds this murder case. We reluctantly must assert, after a careful study of the HSCA's *Final Report*, that this most recent official version does not satisfy the need for a thorough inquiry into *what* happened that day in Dallas. It does, however, mark a major erosion in this case among federal agencies. Perhaps in time the HSCA's halting endorsement of a probable conspiracy will be seen as excessive scrupulosity rather than political timidity. Their *Report* takes a first official step away from the Warren *Report*, and we hope that the next step will be into the context of the case, to explain how every major institution, except for the federal judiciary, has failed to meet its subsequent obligation to the American public in this case.

While the media became mainly docile mouthpieces for officialdom, our legislative and executive branches were showing themselves manifestly unable to investigate themselves, much less the killing of a president. Only our federal law courts, with their adversary procedure and the Freedom of Information Act, have permitted the citizenry to break through deliberate clouds of official obfuscation. No one dares gainsay the special role that their decisions have played, in most cases, for the freeing of this murder mystery from bureaucratic bondage. Future scholars will owe their first debt to the access to the evidence that federal judges and private litigants have forced.

We are confident that more affirmative answers will some day emerge to the questions of what happened and who did it. Only the full primary evidence, once it emerges into the light of day, will provide a systematic map for the road back from Dallas. When that happens, the United States can again realize the meaning in its motto on the reverse side of its Great Seal: *Annuit Coeptis*.¹⁴⁹

NOTES

1. See [102, 684].
2. See [85], p. 1.
3. See [79, 80], and especially [80], p. 329, "The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination."

4. William R. Corson, *The Armies of Ignorance: The Rise of the American Intelligence Empire* (New York: Dial, 1977).
5. See [2].
6. See [91].
7. See [85], p. 23.
8. See [531], p. 358.
9. See [745, 877].
10. Who will investigate the investigators?
11. See *The New York Times* [3392].
12. See [110], p. 234.
13. See [571] and the Dallas documents reproduced in [109], pp. 13, 141-65.
14. See [110], p. 236, and also in [973], pp. 486-87.
15. See [109], pp. 131-32, where the faked pages are photographically reproduced, and [110], pp. 109-10.
16. See [684], p. 18.
17. The Warren Commission's nine months and fifteen million dollar budget produced 300 cubic feet of paper, now in the National Archives, Washington, D.C. Secondary writers such as David Belin [699], Priscilla Johnson McMillan [2423], Jim Bishop [2160], and Alfred Newman [726] do not stray from official explanations because they rely entirely and credulously on Warren Commission evidence.
18. For example, beyond Warren Commission evidence, 500 cubic feet of FBI files are relevant, especially from its Dallas and New Orleans offices, along with hundreds of cubic feet each from other official agencies, private investigators, FOIA litigants, and state or local records.
19. See [389, 719, 882-84].
20. See [684], p. 423.
21. See [80], pp. 104-9; [735], pp. 333-39.
22. See [880], where Thompson posits three; Congressmen Samuel Devine and Robert Edgar of the HSCA raised this possibility in their separate views [80], p. 651.
23. See the Thomas Vallee file in CD 149, especially the 10 December 1964 report; the Joseph Adams Milteer documents, NA, are partially reproduced in Weisberg, *Frame Up* (New York: Outerbridge & Dienstfrey, 1971), pp. 468-88.
24. See the letter of 23 July 1964 from J. Edgar Hoover to J. Lee Rankin, General Counsel WC, CD No. 1286, which in part states: "Regarding your request concerning the John Birch Society and 'Minutemen,' this is to advise this Bureau did not conduct any investigation of those organizations or its members in the State of Texas during 1963." This is disingenuous, to say the least, because the FBI had many research reports on file for John Birch Society members and Minutemen members threatening the life of Kennedy; for example, file 1107, pp. 1055-56 and file CR 301, p. 315.
25. See [699].
26. See [2160].
27. See [2026].
28. See [418].
29. See [936-92].
30. See [1081].
31. See the background to Lattimer's articles as well as additional critique in [973], pp. 386-402, and [993, 999].
32. See [382].
33. See Robert E. Thompson, *The Trial of Lee Harvey Oswald* (New York: Ace Books, 1977).
34. Interview with Harold Weisberg, June 1978, based on his extensive interviews and documentary research.

35. See [2194].
36. See [2220].
37. See [2157].
38. See [1725]. Columnist Jack Anderson praised the volume for its objectivity and insights [sic] and wrote a blurb for the introduction.
39. See [2628].
40. See [2636].
41. See [1723].
42. See [2218].
43. See [1890].
44. See [1488, 1490, 1496, 3498].
45. See [2168]. The HSCA's treatment of this book from several scientific perspectives is sound; see [79], vol. 8.
46. See [381]; 18 H 162, 26 H 32.
47. See [1774].
48. See [1780].
49. See [1717].
50. See [2202].
51. See [2480].
52. See [307].
53. See [1781].
54. See [80], p. 222.
55. See [703].
56. See [719].
57. See [2485] and Garry Wills, "A Word for the Warren Commission," *The Washington Star*, 1 May 1975, p. A-5.
58. See [1894].
59. See [1899].
60. See [1732].
61. See [2182-83].
62. See [2188].
63. See [727].
64. See [688-95] and *The New York Times* [3739-94].
65. See [1539].
66. See [2026].
67. See [2188]; copy of original manuscript in Harold Weisberg "McDonald" files; see [30].
68. See [2203]. An example of his factual errors is his reference on page 35 to the original and final autopsy reports. Actually there were not two but five different versions; see [973].
69. See [719].
70. See [1915, 1931, 1800].
71. Interviews with student leaders, Madison, Wisconsin, by David R. Wrone.
72. See [1800].
73. Merrill Perlman, *The Southern Illinoian*, "Lane . . .," January 1976, is representative of many reports of his campus speeches. Lane said: "Oswald and Jack Ruby, the man who killed Oswald, were both FBI agents."
74. See [718]. See "Television Hired Film Agreement No. HF 9981," 23 November 1966, BBC; correspondence in [23], *The New York Times* [4102]. Another example of the numerous errors is found in footnote 19, page 14. The footnote reads: "See index to Basic Source Materials in possession of Commission, National Archives." This is false. The greatest single impediment to JFK research in the National Archives is the total lack of any index. The cited material actually appears in facsimile reproduction in [532], p. 39, which obviates the use of a finding note.

75. See [23] and the folders on the film contained there.
76. See [2607].
77. See [1899]. Interviews with Bernard Fensterwald, Jim Garrison and Harold Weisberg. Weisberg was in Garrison's office the day Lamarre first called on the district attorney.
78. *The New York Post*, 8 December 1977.
79. See [421].
80. See [2].
81. A basic article is: Bob Katz, "Mark Lane: The Left's Leading Hearse-Chaser," *Mother Jones* 4 (August 1979): 22-32.
82. See [2172]; several critics have received copies of untitled typescripts and letters that appear to have intelligence origins; see [1776], interviews with critics, including one who viewed the film version and spoke with the person called Lamarre at SDECE offices in Paris, conducted by David R. Wrone.
83. See [1797, 1895].
84. See [527].
85. See [383].
86. See [728, 729].
87. See [972].
88. See [697].
89. See [722].
90. See [735].
91. See [532, 1075, 736, 1901, 973].
92. See [389].
93. See [110].
94. See [80]; Assistant Public Printer, C. A. LaBarre, in letter of 23 October 1979, to David R. Wrone, states 12,333 copies were printed; of [79], JFK appendix volumes, the following numbers were printed: 1:5099; 2:5380; 3:5299; 4:5349; 5:5808; 6:5513; 7:5411; 8:5439; 9:5210; 10:5692; 11:5340; 12:5262.
95. *The Washington Post*, 19 July 1979.
96. See [70, 71] and the interview with Congressman Richardson Preyer, chairman of the subcommittee on the assassination of John F. Kennedy, appearing in *The New York Times* [5062].
97. In Penn Jones, Jr., *The Continuing Inquiry* [308], 22 August 1977, Mack summarized his study of Ferrell's original discovery. The HSCA hired the prestigious scientific testing firm of Bolt, Beranek & Newman to analyze the audio tape. This firm reported that their study of the tape proved inconclusive. In March 1978 the original, badly worn dictabelt plus a good copy of it surfaced in Dallas. The HSCA decided to restrict the location and number of tests performed in Dealey Plaza to the north grassy knoll and the Texas School Book Depository. On 11 September, Bolt, Beranek & Newman reported a fifty-fifty chance of a grassy knoll gunshot. On 28 December, Mark Weiss and Ernest Aschkenasy, acoustical experts using more refined techniques, appeared before the HSCA and demonstrated a 95 percent probability for the north grassy knoll gunshot. But they had not been permitted to perform their tests at locations on Dealey Plaza other than with respect to the north grassy knoll. A majority of the HSCA accepted their findings and ignored the implications of the unfinished task.
98. Interview with Robert Groden, by David R. Wrone.
99. See CE 1974, 23 H 832-940, with no reference to other versions.
100. There were three *different* versions of the tapes introduced into evidence: CE 1974, 23 H 832-940; Sawyer Exhibits A and B, 21 H 388-400; CE 705, 17 H 361-494.
101. See [80], p. 329.
102. See [80], p. 32.
103. J. J. Humes, CERTIFICATE, 24 November 1963, to Captain J. H. Stover, WC Records NA, reproduced in [973], p. 525; 17 H 47.

104. Admiral Galloway, Commanding Officer, National Naval Medical Center, to George C. Burkley, White House Physician, Memorandum 25 November 1963, WC Records NA, reproduced in [973], p. 526.

105. Receipt, Robert I. Bouck. Secret Service, 26 November 1963, WC Records NA, reproduced in [973], p. 527.

106. 2 H 373; confirmed by J. J. Humes, CERTIFICATE, 24 November 1963, 17 H 48, and in WC Records NA, holograph approval on certificate by Admiral George Burkley, Physician to the President, reproduced in [973], p. 524. Five versions of the autopsy existed: the burned original; the holograph second with "GGB" initials on the margin in two places is in WC Records NA and reproduced in [973]; pp. 509-23; the holograph copy *sans* initials is in WC volumes as CE 397, 17 H 30-44; the holographic alterations of the second draft, CE 397; and the final printed copy which differs slightly, CE 387, 16 H 979-983.

107. See [80], p. 41.

108. See [80], pp. 34-38.

109. See [79], vol. 7.

110. See [110], p. 212.

111. See [973], p. 555.

112. "Kelley" file, Weisberg Archives.

113. See [447].

114. "Whalen" file, Weisberg Archives.

115. See [79], p. 89.

116. See [973], p. 353.

117. 6 H 136, 139, 21 H 203-204; interview of Weisberg with Carrico, [973], pp. 358, 375-76.

118. 3 H 361-362.

119. See [80], p. 49.

120. See [735], pp. 73, 79-84; [532], pp. 38-39.

121. See [389], pp. 151-174.

122. See [389], p. 171; CE 738; Warren *Report*, p. 137.

123. 6 H 376-377.

124. See [389], p. 173.

125. See [735], p. 62.

126. See [801], p. 87.

127. See [735], pp. 97-109.

128. See [80], p. 71.

129. See [165, 168].

130. The WC paid no attention to the curbstome until 7 July 1964; testimony and depositions from eyewitnesses and Tague appear in the 26 volumes, e.g., 21 H 474, 17 H 547, and 15 H 699, and in its *Report*, p. 116. The staff and the FBI took extreme care to obfuscate the *Report*-destroying implications of the evidence. The FBI did not mention the Tague shot in its five-volume report to the commission on 9 December 1963, CD 1 [91].

131. One of the pictures, snapped by professional journalist Tom Dillard on 22 November 1963 appears in Shaneyfelt Exhibit 29, 21 H 479; the patched curb is in the NA available for public viewing.

132. See [168].

133. See the discussion in [389], pp. 184-87. As Roffman notes, p. 276, even the FBI modification removes Oswald from the scene of the crime and demolishes the official findings. "The Warren Commission stated in its Report that it knew of no Book Depository employee who claimed to have seen Oswald between 11:55 and 12:30 on the day of the assassination. This was false, as . . . the FBI report [on Mrs. Arnold] from the commission's files reveals. The [Warren] Report never mentions Mrs. Arnold. . . ."

134. Earl Golz, *Dallas Morning News*, 26 November 1978.

135. *Ibid.*, DFO 89-43-493.

136. According to Secret Service Agent A. E. Gerrets, 22 H 828.

137. See the photograph of the now demolished building in [1893] and the discussions of the organizations frequenting it in [1901]; see map 4.

138. See [1901] for discussion, particularly at pp. 327-48. Haynes Johnson of *The Washington Star*, a Pulitzer Prize-winning reporter with many informants among the Cuban leaders, is the source for the Banister intimacy with the anti-Castro associate, Ferrie; see [1901], pp. 329-30.

139. See [1901], especially pp. 329, 351; Haynes Johnson, *The Washington Star*, 26 February 1967, front page.

140. An illustration of the deception practiced by the FBI is found in WC file 75, folio 683, where FBI Agent Ernest C. Wall, Jr., reported on 25 November 1963:

GUY BANISTER, Guy Banister Associates, Inc., 531 Lafayette Street, New Orleans, was telephonically contacted on November 25, 1963, and advised that SERGIO ARCACHA SMITH of the Cuban Revolutionary Council, who was the head of that organization in New Orleans, Louisiana, some time ago, had told him on one occasion that he, SMITH, had an office in the building located at 544 Camp Street. Mr. BANISTER stated that he had seen a young Cuban man with SMITH on a number of occasions in the vicinity of 544 Camp Street, but could not recall the name of this young man.

See [1901], p. 331.

141. The book is found in 16 H 67; the addresses are partially discussed in [1901], p. 79; see map of New Orleans; research in New Orleans by David R. Wrone.

142. Based on files assembled by Weisberg as well as his affidavits submitted in FOIA Civil Action No. 78-420 [181].

143. Tourists who filmed the Canal Street operation informed Harold Weisberg of this, as did persons associated with the filming of the Trade Mart operation. Their interviews, e.g., Patrick Doyle's, are in his files. His research was utilized in his affidavits in Civil Action No. 78-420 [181]. These references, plus the film itself, plus the viewing of the film by journalist Earl Golz, demonstrate a change was made. For example, the Doyle film was returned with many frames missing and on a different commercial film base than used by Doyle; the edges of the film depicting the associate which appeared originally as clear and distinct are now blurred, and so forth. See [181].

144. Document released to Weisberg as a result of his Privacy Act request. The FBI processing blurred the finding number, but the serial number is NO 100 16601 and the report is dated 10/19/70.

145. See [79], vol. 3, p. 663.

146. CIA Document No. 657-831. See [2]. Reproduced with discussion in [1075], pp. 304-10, 312.

147. See [1075], pp. 295-304, where the few pages of the study released are reproduced. The Warren Commission clearly knew of the National Photographic Interpretation Center and its reputation for excellence, but the commission did not seek their aid. Had it done so, and if the CIA's commissioned project can be trusted, then the single-assassin theory would have suffered serious damage.

148. It never appeared in the report submitted by the Rockefeller Commission [101] but was the subject of a staff inquiry: see [1075], p. 295.

149. He has favored our undertakings: from Virgil, *Aeneid*, 9. 625.

Abbreviations

ACLU	American Civil Liberties Union
CD	Commission Document (in WC Records, NA)
CE	Commission Exhibit (in WC Records, NA)
CIA	Central Intelligence Agency
CJ	Chief Justice
CR	Congressional Record
FBI	Federal Bureau of Investigation
FOIA	Freedom of Information Act
H	Volume in the twenty-six volumes of <i>Hearings before the President's Commission</i> appendix to the <i>Warren Report</i> often cited as 24 H 425 or volume 24, page 425.
HSCA	House Select Committee on Assassinations
JBK	Jacqueline Bouvier Kennedy
JFK	John Fitzgerald Kennedy
LBJ	Lyndon Baines Johnson
LHO	Lee Harvey Oswald
NA	National Archives
PA	Privacy Act
RFK	Robert Francis Kennedy
SS	Secret Service
TSBD	Texas School Book Depository
WC	Warren Commission
WR	<i>Warren Report</i>

Chronology of Assassination

22 Nov. 1963 (Friday): Central Standard Time

- 11:55 A.M. JFK motorcade leaves Love Field, Dallas
- 12:30 P.M. JFK shot; Gov. Connally, bystander Tague wounded
[LHO's movements after leaving TSBD disputed]
- 1:00 P.M. JFK pronounced dead at Parkland Hospital
[Time of Police Officer Tippit's murder and identity of his
murderer(s) disputed]
- 1:50 P.M. LHO seized in Texas Theater
- 2:38 P.M. LBJ sworn in as 36th president
- 5:05 P.M. Air Force One lands at Andrews Air Force Base

23 Nov. 1963 (Saturday)

- 1:30 A.M. LHO charged with the murder of JFK

24 Nov. 1963 (Sunday)

- 11:21 A.M. LHO shot by Jack Ruby while in police custody
- 1:07 P.M. LHO dies at Parkland Hospital

25 Nov. 1963 (Monday)

Funeral of JFK

29 Nov. 1963 (Friday)

- LBJ appoints seven-member commission headed by CJ Warren to investigate the assassination

9 Dec. 1963 (Monday)

FBI delivers its five-volume report on the assassination

27 Sept. 1964

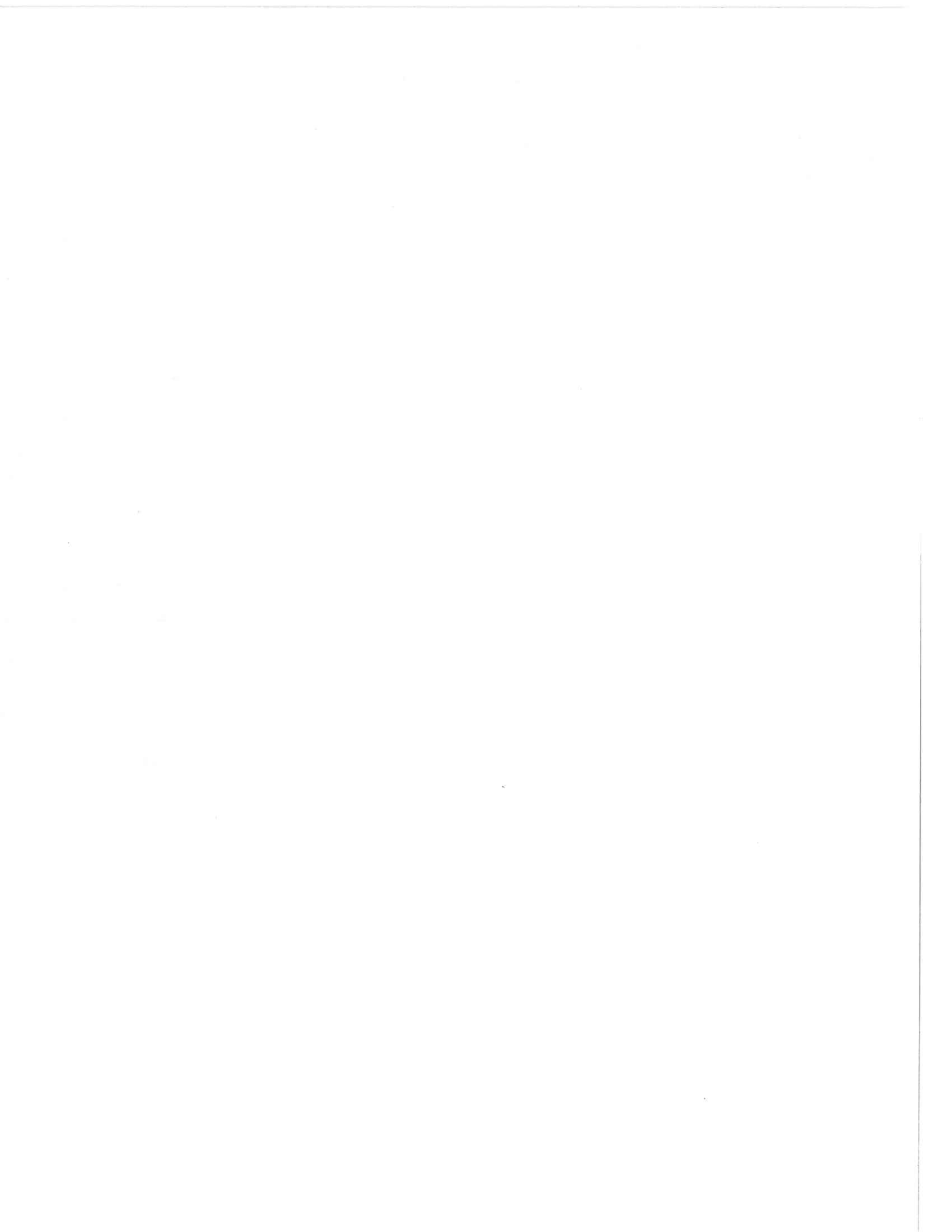
WC releases its *Report* to the public.

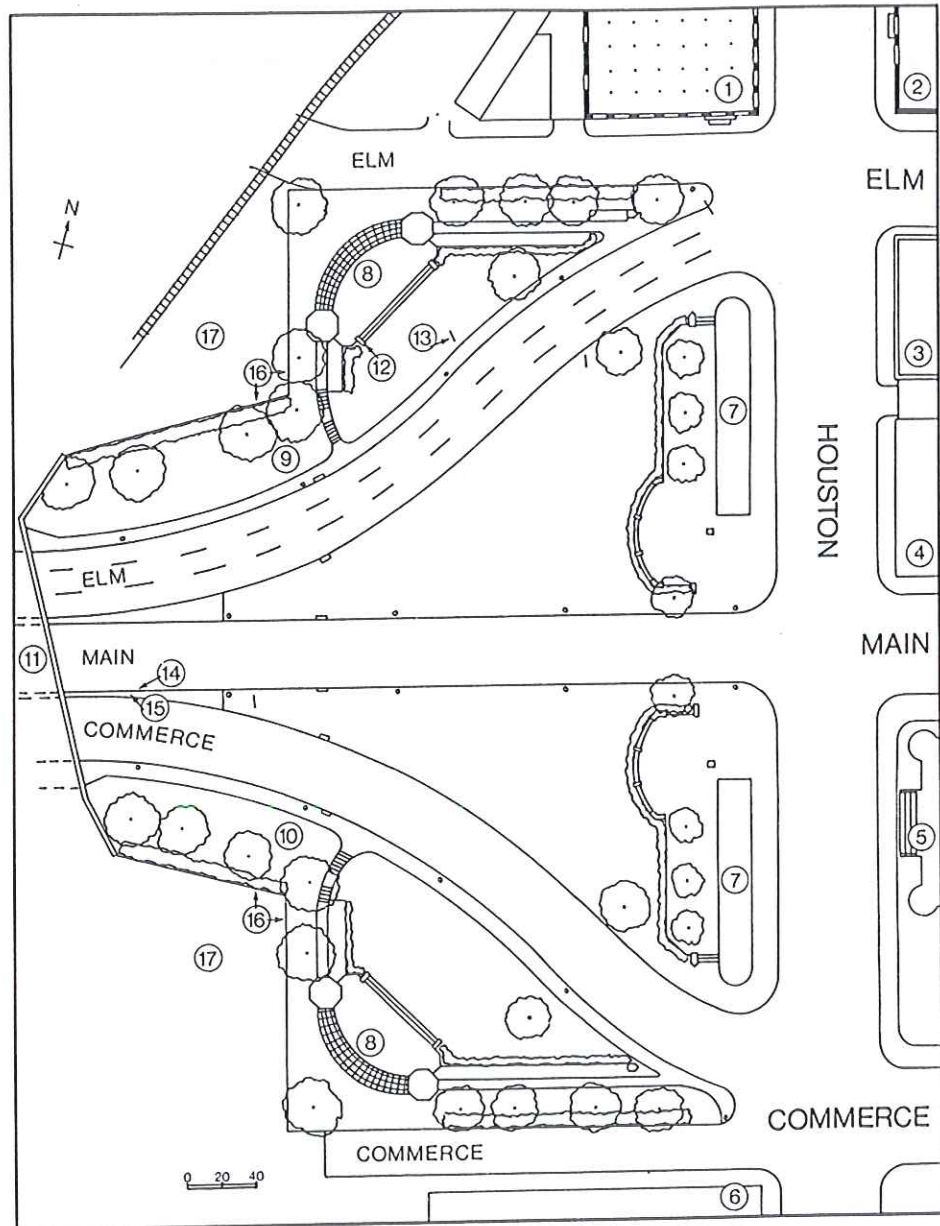
Chronology of Lee Harvey Oswald

18	Oct.	1939	LHO born in New Orleans
		1945	Moves to Dallas/Fort Worth
	Summer	1952	Moves to New York City
	Jan.	1954	Moves to New Orleans
	July	1956	Moves to Fort Worth
24	Oct.	1956	Joins the United States Marine Corps
11	Sept.	1959	Released from active duty
14	Sept.	1959	Arrives in Fort Worth
17	Sept.	1959	Arrives in New Orleans
20	Sept.	1959	Departs via ship to Europe
8	Oct.	1959	Arrives in Le Havre, France
10	Oct.	1959	Departs London's Heathrow Airport
10	Oct.	1959	Arrives Helsinki
15	Oct.	1959	Crosses Finnish-Soviet border enroute to Moscow
30	April	1960	Marries Marina Prusakova
15	Feb.	1962	Daughter June born
1	June	1962	Boards train in USSR enroute to Holland and home
2	June	1962	Crosses Soviet-Polish border
4	June	1962	Leaves Holland via liner for U.S.
13	June	1962	Arrives Hoboken, N.J.
14	June	1962	Arrives Fort Worth; lives with brother Robert
1-14	Oct.	1962	In Dallas—residence not known

10	Oct.	1962	First day at work, Jagers-Chiles-Stovall graphic arts firm in Dallas
15-19	Oct.	1962	Moves into YMCA, Dallas
20-21	Oct.	1962	Unknown
22	Oct.-		
3	Nov.	1962	At work in Dallas, residence unknown
3	Nov.	1962	Rents apartment at 602 Elsbeth Street, ground rear
3	Mar.	1963	Moves to apartment at 214 W. Neely Street, top floor
6	April	1963	Last day of work at Jagers-Chiles-Stovall, discharged
24	April	1963	LHO leaves Dallas; family moves to Irving to stay with Ruth Paine
25	April	1963	LHO in New Orleans, stays with relatives 757 French Street
9	May	1963	Takes job at William B. Reily Coffee Co., 640 Magazine Street, rents apartment at 4907 Magazine
11	May	1963	Family joins LHO in New Orleans
	mid-June	1963	LHO handbill operation at Dumaine Street wharf where USS Wasp was docked
19	July	1963	Fired from Reily Coffee Co., allegedly for "poor working habits"
9	Aug.	1963	Arrested for disturbing the peace during fracas connected with Canal Street handbill operation
12	Aug.	1963	Fined ten dollars
16	Aug.	1963	Literature operation outside Trade Mart
27	Sept.	1963	Travels to Mexico; family removes to Irving, Texas
3	Oct.	1963	LHO returns to Dallas; registers Downtown YMCA
4-6	Oct.	1963	Visits Irving, Texas, where wife and child are living
7	Oct.	1963	Rents room 621 N. Marsalis from Mrs. Mary Bledsoe
12	Oct.	1963	Visits Irving, Texas
14	Oct.	1963	Rents apartment at 1026 N. Beckley; Irving neighbors inform Marina and Ruth Paine of job possibilities at TSBD where the brother (Wesley Frazier) of one works
15	Oct.	1963	TSBD hires LHO
16	Oct.	1963	First day at TSBD
18-21	Oct.	1963	LHO travels to Irving from work with Frazier

- | | | | |
|-------|------|------|---|
| 20 | Oct. | 1963 | Rachel, second daughter, born |
| 21 | Oct. | 1963 | LHO travels to TSBD with Frazier and returns to Irving |
| 22 | Oct. | 1963 | LHO travels to TSBD with Frazier |
| 25-28 | Oct. | 1963 | Travels to Irving with Frazier |
| 28 | Oct. | 1963 | Travels to TSBD with Frazier |
| 1 | Nov. | 1963 | Rents P.O. Box 6225 at Terminal Annex Post Office, Dallas |
| 1-4 | Nov. | 1963 | Travels to Irving with Frazier |
| 4 | Nov. | 1963 | Returns to TSBD with Frazier |
| 8-12 | Nov. | 1963 | Travels to Irving with Frazier |
| 12 | Nov. | 1963 | Returns to TSBD with Frazier |
| 15-16 | Nov. | 1963 | Unknown |
| 21 | Nov. | 1963 | Travels to Irving with Frazier |
| 22 | Nov. | 1963 | Returns to TSBD with Frazier
1:50 P.M. CST arrested in Texas Theater, Dallas |
| 24 | Nov. | 1963 | Murdered in Dallas police station by Jack Ruby |





Map 2. Dealey Plaza

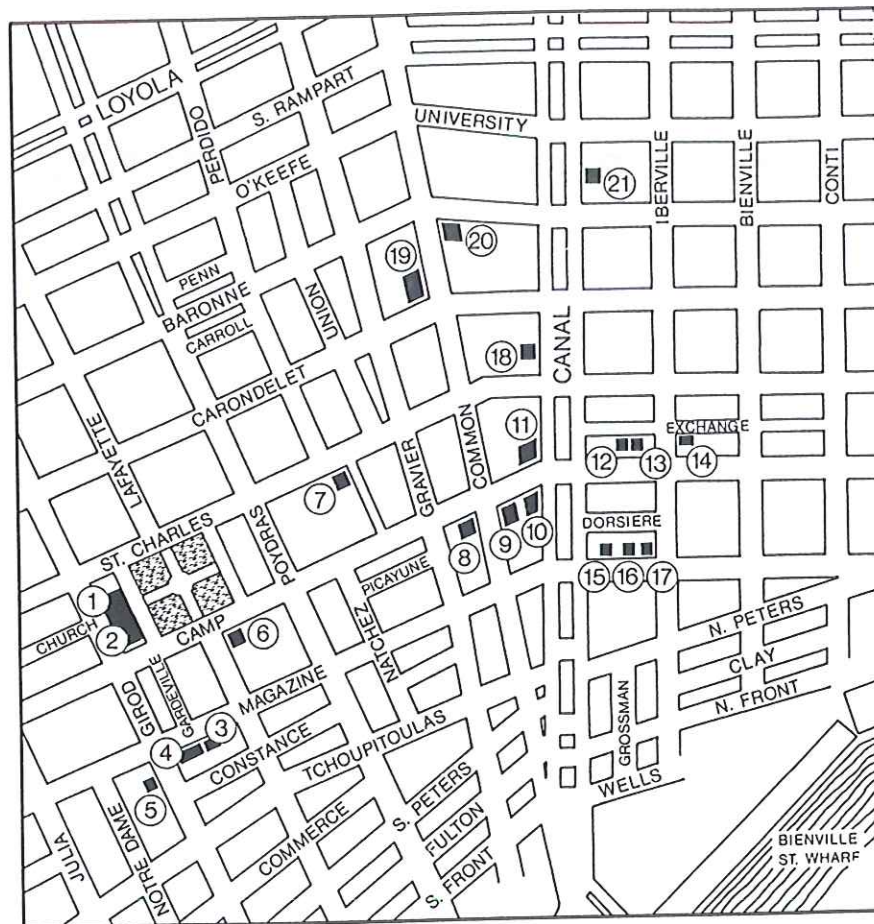
1. Texas School Book Depository. Alleged assassin's lair on the sixth floor, easternmost window
2. Dal-Tex Building
3. Dallas County Records Building
4. Dallas County Criminal Courts Building
5. Old Court House
6. United States Post Office Building
7. Peristyles and Reflecting Pools
8. Pergolas
9. Grassy Knoll North
10. Grassy Knoll South
11. Triple Underpass
12. Position of Abraham Zapruder
13. Stemmons Road Sign
14. Approximate Location of Curbstone Hit [see 973 and 21 H 478-482 for photographs]
15. Position of James T. Tague
16. Stockade Fences
17. Parking Lots



Map 3. Oswald and Oak Cliff, Dallas

1. 602 Elsbeth. From 3 November 1962 to 3 March 1963 LHO rented an apartment for his family. The unresolved controversy raised by Meagher [722, 90-93] on Dallas Police prior knowledge of LHO relates to this address.
2. 214 W. Neely. From 3 March to 24 April 1963 LHO rented an apartment for his family.
3. 1026 N. Beckley. On 7 October 1963 LHO attempted to rent a room but none was available. On 14 October he rented a single room from the owner, Mrs. A. C. Johnson, whose housekeeper was Earlene Roberts. It was a ground floor, 5' x 12' room with a window front that ran the length and opened out on the neighbor's driveway. See Roffman's discussion [389] of it and Gene Daniel's photograph of the housekeeper hanging curtain rods; a reproduction is in Roffman [1055].
4. Location of the murder of Dallas Police Officer J. D. Tippit. Precisely when and by whom is disputed.
5. Texas Theater where LHO was arrested about 1:50 P.M. while watching the film *War is Hell*.
6. 621 N. Marsalis. LHO rented a single room at the rooming house of Mrs. Mary Bledsoe, 7-12 October 1963. She later claimed to have seen him during his alleged flight on 22 November and testified before the WC [see Meagher 722, and especially Weisberg 735].

Note: All evidence relating to the alleged route LHO traveled in Oak Cliff on 22 November 1963 is in dispute [see Weisberg 735, Meagher 722 for discussion].
Jack Ruby lived in the Marsala Apartments, 223 Ewing, two blocks east of Marsalis between 11th and 12th.



Map 4. Places Associated with Oswald in New Orleans

1. Federal Building fronting LaFayette Park, contains a postal substation where LHO rented a postal box.
2. Federal Building also contains offices of federal agencies that share a common lobby with postal substation.
3. Crescent City Garage, 618 Magazine. Adrian Alba's garage that serviced FBI and SS cars and where LHO loafed.
4. William B. Reily Coffee Co., 640 Magazine. Next door to Crescent City Garage. LHO worked here 10 May-19 July, 1963.
5. Jones Printing Co., 422 Girod. Opposite side entrance of Reily Coffee Co. Firm where LHO's Fair Play for Cuba Committee leaflets were printed.
6. The Newman Building on a corner with dual addresses. Photograph is found in Flammonde [1893]. Contains four places of interest:



Guy Banister Associates, Inc., entrance on 531 LaFayette side, office of conservative detective associated with anti-Cuban activity in New Orleans. Hale Boggs Federal Office Building now occupies site. (Boggs was a WC member.)

Mancuso's Restaurant, on the corner of Camp and LaFayette, where Banister's employer Jack S. Martin was seen with David Ferrie, Sergio Arcacha Smith, and Carlos Quiroga.

Entrance on 544 Camp Street is the return address stamped on LHO's Fair Play for Cuba Committee leaflets.

The second floor also contains rooms rented by anti-Cuban groups.

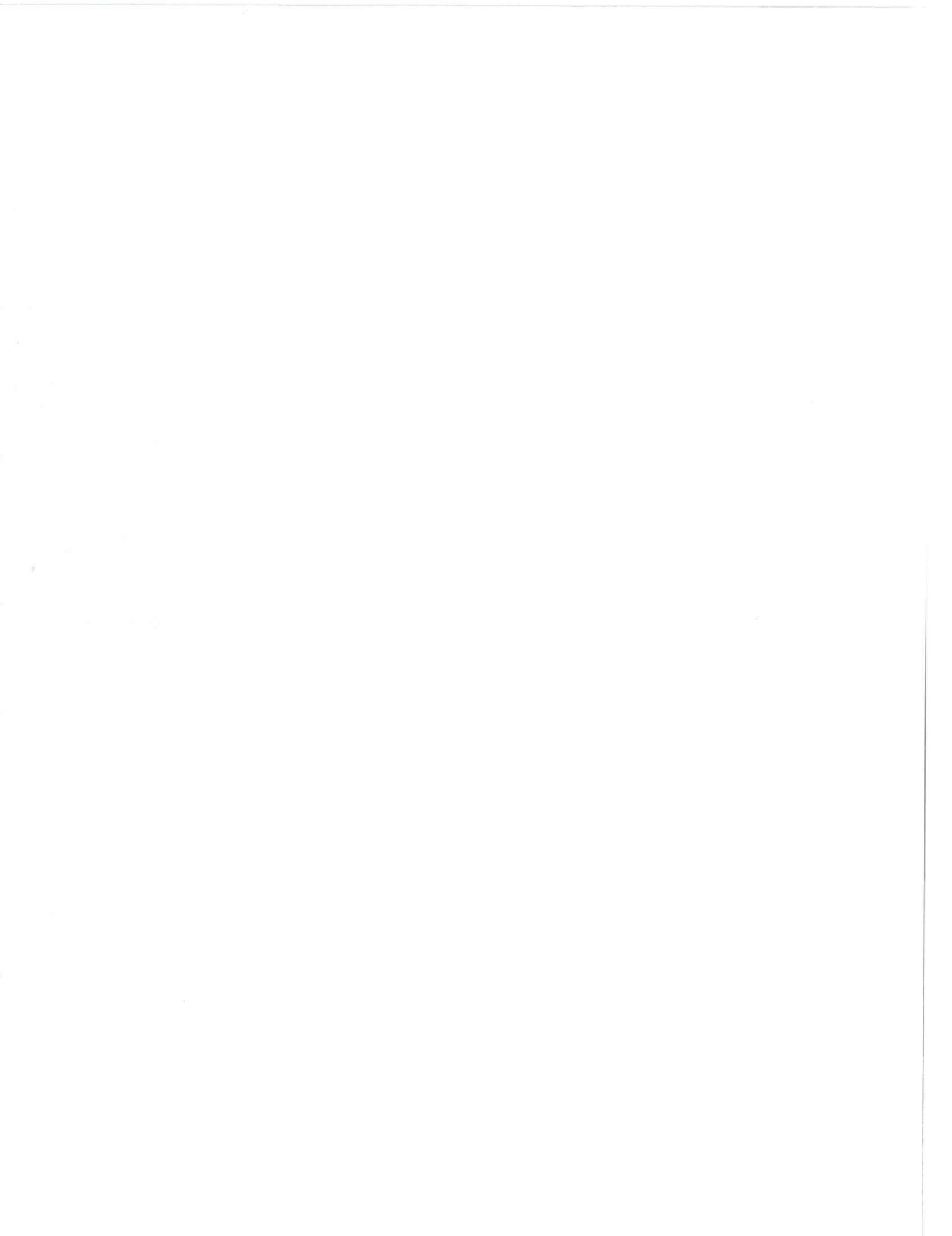
7. 402 St. Charles. Corner building with dual addresses. On 20 January 1961, a

- man signing himself as "Oswald" placed a bid for ten Ford trucks and gave this as his address and Friends of Democratic Cuba as his organization [see Weisberg 1901].
8. Parking lot where a car LHO is said to have used was parked.
 9. Old International Trade Building, Gateway Building, where LHO ran a handbill operation on 16 August; it was the area most associated with this activity. New Orleans businessman Clay Shaw had offices here. Building now demolished. Photographs in James & Wardlow [1896]. For LHO distributing leaflets see 21 H 139. Motion picture is in [191-192, 194].
 10. Waterburg Drug Store, 536 Canal. Coffee shop reported by many to have been frequented by the real LHO. Source of fake story of threat on Nixon's life that arose during the waning days of Watergate.
 11. Cigali Building, Corner building with dual addresses, 107 Camp. Advertising offices of Ronnie Caire, organizer and headquarters of Crusade to Free Cuba Committee formed to raise funds for Cuban Revolutionary Council. Listed in LHO's address book.
 12. LHO residence, 126 Exchange. On second floor LHO lived here from May 1955-Spring 1956.
 13. Pool Hall, 132 Exchange. LHO frequented it.
 14. Silver Dollar flophouse, between 619 and 601 Iberville. Where Ricardo Davis sent his bucks and where a figure in the Garrison inquiry hid from the District Attorney's men.
 15. Casa Roca, 107 Decatur. Store owned by Carlos Bringuier and visited by LHO several times.
 16. Habana Bar and Lounge, 117 Decatur. Owned by Oresta Pena. Where "one" LHO threw a spectacular drunk scene.
 17. Coffee Shop, Corner of Iberville and Decatur; "one" LHO was repeatedly reported to have frequented it in the early mornings.
 18. Ward Discount, 709 Canal. Site of LHO's 9 August 1963 handbill operation [see film 189, 190].
 19. Maritime Building. Offices of INCA, right-wing organization whose officer Ed Butler had radio debate with LHO and later merchandised the incident.
 20. Pere Marquette Building. G. Wray Gill's law offices were located here. David Ferrie worked for him as a part-time investigator.
 21. Law Offices of Dean Andrews. Colorful figure in the Garrison inquiry who was, he said, asked to do legal work for LHO.
 22. Clay Shaw's residence, 1313 Dauphine.
 23. WDSU-TV and radio stations, 520 Royal. Where LHO appeared for radio debates and interviews.
 24. Provincial Motel, 1024 Chartres. James Earl Ray stayed here.
 25. Dumaine Street Wharf. LHO picketed at *USS Wasp* and ran a handbill operation here between 13 June and 16 June 1963. Wharf now changed to part of waterfront development.

Note: LHO's address in the summer of 1963 was 4907 Magazine, several miles west of the map area. David William Ferrie lived on the second floor of 3330 Louisiana Avenue Parkway, also to the west, and across the river [see Flammonde 1893 and James & Wardlow 1896 for photographs].

**Section I:
The Evidence and the Litigants**

2000 State University Library



Part I: Unpublished Sources

(1) ARCHIVES AND LIBRARIES

1. Assassination Information Bureau. 1322 18th Street, N.W. #21, Washington, D.C. 20036.

Papers of an organization of critics, include twenty feet of miscellaneous clippings, articles, documents, and unpublished manuscripts; all HSCA and WC volumes; four feet published materials and press handouts of the HSCA. By appointment only during business hours and on an individual basis; [See 307].

2. Central Intelligence Agency. Freedom of Information Act and Privacy Act Coordinator; Central Intelligence Agency, Washington, D.C. 20505.

The CIA has reviewed and approved the release of 936 documents on the assassination of JFK constituting 3,747 pages accompanied by a 310 page index indicating what is released and what is withheld in each segment. Copies are officially neither deposited in an archives or library nor available to an inquirer until a request in writing is filed under the Freedom of Information Act and directed to the FOIA/PA Coordinator. An awkward arrangement for use in facilities external to the Agency's headquarters is promised. Copies can be purchased by mail at conventional costs for electrostatic reproductions.

The complex and extraordinary legal battle of critics to force the JFK documents from the CIA is partially found in FOIA suits, especially Harold Weisberg's. The released documents are but part of the CIA's JFK holdings which

presumably will continue to be reviewed and released under critics' pressure. In themselves the documents show how the CIA monitored foreign reception of the WR, the impact of critics upon the foreign press, suggestions for refuting the critics, and related topics.

3. Collector's Archives. Box 114, Beaconsfield, Quebec, Canada.

A private collection of film, photographs, slides, and recordings on JFK that distributes them commercially. Lists available; [See 289].

4. Federal Bureau of Investigation. Freedom of Information-Privacy Acts Branch. Chief, Freedom of Information-Privacy Acts Branch, Records Management Division; Federal Bureau of Investigation, J. Edgar Hoover Building, Pennsylvania Ave. N.W., Washington, D.C. 20535.

Possesses no records on FOIA requests relating to the subject of the JFK assassination, according to officers of the Division contacted by telephone, May 1979.

5. Federal Bureau of Investigation Freedom of Information/Privacy Acts Reading Room. Supervisor, Federal Bureau of Investigation FOI/PA Reading Room; J. Edgar Hoover Building, Pennsylvania Ave. N.W., Washington, D.C. 20535. Phone (202) 324-5520. Open 9-4 working days.

Room in FBI headquarters building where records released under the Freedom of Information and Privacy Acts will, upon appointment, be brought and made available for public use. As of mid-1979 those available in the reading room relating to the JFK assassination totaled: 120,728 pages released from the FBI Headquarters' files; 6,986 pages released from the Dallas Field Office files; 3,276 pages released from the New Orleans files. These are periodically augmented as new files are released. A constantly updated FOIA Preprocessed List issued by the Supervisor and available upon request lists the subject categories of released records. Requests for access, which is by appointment only, must be made either in writing or by telephone, with 48 hours advance notice, and must provide: (1) name; (2) a contact telephone number; and (3) the subject one wishes to research. In the austere, converted classroom the reader is free to make any notations he or she wishes or to have electrostatic copies made at conventional cost.

The complex history of the decade-long fight by critics to pry the records from the FBI is to be found partially in the Freedom of Information Act suits, especially the significant Harold Weisberg suits. The voluminous correspondence of Weisberg with Department of Justice attorneys and officials concerning the obfuscations, elliptical FBI responses, delays, tangential issues

raised to thwart release, and the constant fight to uncover hidden records should also be consulted.

See IBM-NYT [108], Carrollton [104] for commercial efforts to publish selections. [See 4992, 4997, 4999, 5000-5002, 5004-5005, 5007, 5010.]

6. Georgetown University Library. Director, Special Collections Division; Georgetown University Library, Georgetown University. 37 & O Streets, N.W., Washington, D.C. 20057.

Contains material relating to the JFK assassination compiled by independent researchers. Three linear feet of Richard Billings' papers, including one and one-half feet of photographs by a journalist who covered the trials of New Orleans District Attorney Jim Garrison; one-half foot of Robert B. Cutler's papers; four feet of Richard E. Sprague's papers, but not his photographic files; audio tapes of the Nov. 1973 Assassination Symposium held at Georgetown University.

NATIONAL ARCHIVES AND RECORDS SERVICE.

7. (a) Administrative Files Relating to Warren Commission Records and Kennedy Autopsy Materials. National Archives and Records Service, Washington, D.C. 20408.

Possesses 53 files containing varying amounts of material relating to the administration of records associated with the assassination investigations by several components of government grouped into the following units:

Legislative, Judicial, and Fiscal Branch Records;
Civil Archives Division Records;
Office of Presidential Libraries Records;
Office of the Archivist Records.

Requests for access ought to be addressed to the unit having custody of them.

8. (b) Office of the General Counsel of the General Services Administration. Office of the General Counsel, National Archives and Records Service, Washington, D.C. 20408.

The records of the legal aspects of the National Archives' custody of JFK materials are held here, including litigation concerning assassination records, such as FOIA suits, correspondence with some critics, declassification of certain materials, and related issues.

9. (c) Records of the President's Commission on the Assassination of President Kennedy. National Archives and Records Service, Washington, D.C. 20408.

The WC officially deposited its records in the National Archives where they are housed in a special records group. Public Law 89-318, 79 Stat. 1185, provides for the preservation of the entire body of evidence considered by the WC. On 31 Oct. 1966 the Attorney General [87] designated some minor items for acquisition and deposit, but failed to include key records held by the FBI and other agencies. Some records of the WC are in private hands, e.g. Edward J. Epstein's Inquest [703] used many WC files possessed by a former WC staff

10. counsel Wesley Liebeler. In 1970 the National Archives issued a Preliminary Inventory of the Records of the President's Commission on the Assassination of President Kennedy, Washington, D.C., compiled by Marion Johnson

11. which in 1973 was superceded by his 158 page compilation Inventory of the Records of the President's Commission on the Assassination of President Kennedy, Washington, D.C., Government Printing Office. It is actually a sparse, summary inventory. Some factual inaccuracy appears, e.g. the 16 mm Wolper film is described as the work of a single amateur photographer when actually it is a selection from the Dallas Cinema Associates collection of film. The WDSU film includes the WWL film. Many opinions of investigators, conclusions, and controversial descriptions are listed as facts. The bulk, pages 23-158, a "List of Numbered Commission Documents and Parts of these Documents Published in Commission Exhibits in Volumes XXII-XXVII of the Hearings of the Commission," is restricted to those printed by the WC, and omits the other CDs held in the record group. The Inventory is without much value to an inquirer lacking subject-matter knowledge.

12. (d) The Gerald R. Ford Presidential Library. In the Gerald R. Ford Presidential Library Records, National Archives and Records Service, Washington, D.C. 20408. To be transferred to the Gerald R. Ford Presidential Library, Ann Arbor, Michigan, 48106, upon its completion.

Papers of a WC member, his aids, associates, agencies, and commissions associated with his political life. As president, Ford appointed a special Commission on CIA Activities within the United States, chaired by Vice-President Rockefeller [101], which investigated several aspects of controversies surrounding the assassination of JFK. Its records as well as its finding aid are security classified.

13. (e) The Lyndon Baines Johnson Presidential Library.
Austin, Texas. 78705.

Contains essential White House Special Files compiled by various aids for the President's private use, including LBJ's personal diary, appointment books, and file on the WC; also, 38 relevant oral histories, such as WC members John J. McCloy and Earl Warren. Published guides and brochures available.

14. (f) The John F. Kennedy Presidential Library. 380
Trapelo Road, Waltham, Mass. 02154.

Contains the records, papers, films, tapes, and related material of the JFK presidency, including the papers and oral histories of various aids, associates, and federal agencies. Interspersed among some records and some oral histories are scattered comment and reflection on the assassination. The collection policy is restricted to JFK's life and career. Consistent with that emphasis, they do not make an effort at present to collect materials on his death and the controversies surrounding it. See the library's irregular publication, with supplements, Historical Materials in the John F. Kennedy Library. Waltham, Mass., John Fitzgerald Kennedy Library, 1975, 64 pp.

15. Office of Privacy and Information Appeals. Director,
Office of Privacy and Information Appeals, Office of the
Associate Attorney General; Department of Justice, Wash-
ington, D.C. 20530.

A temporary non-public repository holding records on the processing of appeals under the FOIA and PA. No subject matter guide or index to JFK or other historical cases exist, because they are handled by case name only and fused with all others. Federal archivists review, retain and destroy records at stated intervals of usually five years.

16. Richard B. Russell Memorial Library. The University
of Georgia, Athens, Georgia. 30602.

The papers of WC member Russell contain six linear feet of documents on Kennedy Assassinations with the majority relating to the assassination of JFK and the WC's investigation. They are arranged in two groups: (A.) Subject File, 1963-1970, of correspondence, evidential material, reports, testimony transcripts, book manuscript drafts and proofs, and memoranda; (B.) Miscellany File, 1963-1969, of books, magazine articles, newspaper clippings and related topics.

17. Southeastern Louisiana University Library. Kennedy Assassination Materials, Special Collections Room, Linus A. Sims Memorial Library; Southeastern Louisiana University, Hammond, Louisiana 70402.

Collection of JFK materials open to the public. Contains the published volumes of the WC; the CIA Assassination Files, approx. 4,000 pages; FBI Assassination Files, approx. 100,000 pages; transcripts of HSCA Hearings, approx. 5,000 pages; transcript of Clay Shaw trial; audio-visual materials; various secondary sources, including some rare items; [See 27].

18. Texas State Archives. Texas State Library Building, Box 12927, Capitol Station, Austin, Texas 78711.

Contains the working papers of the Texas Attorney General's inquiry into the assassination comprising twenty volumes, including correspondence, transcripts, and photographs amounting to one and one-half linear feet. Copies appear in the National Archives and have been microfilmed and distributed commercially [106]. A few miscellaneous newspapers are preserved.

19. United States House of Representatives. Records of all committees.

Records of all House committees are closed for 50 years, including those of the HSCA. They are excluded from the provisions of the FOIA and are under the control of the Clerk of the House of Representatives.

20. University of Wisconsin-Stevens Point Library. Assassination Collections, Learning Resources Center, University of Wisconsin-Stevens Point, Stevens Point, Wi. 54481.

Includes books, magazines, federal publications, films, photographs, and slides relating to the JFK assassination as well as Martin Luther King, Jr.'s assassination. Video tapes and audio cassettes of an Assassination Symposium held at the University in Nov. 1976 [1054-1059]. Papers of JFK critics Jenifer and James D. White [31], 50 linear feet plus tapes and cassettes. Several hundred audio cassettes plus initial boxes of Harold Weisberg [30], a major JFK critic and author whose papers will be deposited here. Cassettes include his interviews with critics and JFK figures, conversations, talk shows, radio journalist reports including Art Kevin's, and related subjects. A box of records of the JFK critic and Washington attorney James H. Lesar [28]. Miscellaneous files.

(2) PRIVATE COLLECTIONS

The papers of several individuals associated in varying degrees with the JFK assassination, its investigation, and public discussion are listed and briefly described. Because this is an expanding field still under Congressional and Judicial inquiry, the list cannot be complete. Some persons with papers did not respond to the editor's queries and therefore are not included. At the same time a few substantial collections remain in the hands of private individuals who, in order to protect their privacy and to shield them from inordinate demands on their time and energies, do not wish to make their names public. A List of Private Papers is maintained by David R. Wrone, Professor of History, University of Wisconsin-Stevens Point, Stevens Point, Wi. 54481, and is available to serious researchers who have done extensive work in the documentary base.

21. Billings, Richard. Papers. 3 linear feet. Director, Special Collections Division, Georgetown University Library, 37 & O Streets, N.W., Washington, D.C. 20057.

A journalist who covered the trials of New Orleans District Attorney Jim Garrison.

22. Cutler, Robert B. Papers. $\frac{1}{2}$ foot. Director, Special Collections Division, Georgetown University Library, Georgetown University, 37 & O Streets, N.W., Washington, D.C. 20057.

A critic's papers relating to his study of the flight path of bullets which the WC alleges were fired in the JFK assassination.

23. de Antonio, Emile. Papers. 4 boxes plus electronic and photographic items. Archives Division, The State Historical Society of Wisconsin, 716 State Street, Madison, Wi. 53706.

Correspondence, records, photographs, and tape recordings of radical documentary film maker who directed and co-produced with Mark Lane the film Rush to Judgment. Included are one box of biographical information; one box of general correspondence relating to JFK matters; one box on the film Rush to Judgment with folders on script, production notes, technical production, record albums, and publicity. He provides a severe criticism of Lane. One folder on Lord Bertrand Russell and the English JFK critics concerns de Antonio's futile efforts to make a Russell documentary under the corrupting influence of Lane.

24. Dulles, Allen W. Papers. 5 boxes. Manuscript Division, Princeton University Library, Princeton University, Princeton, N. J. 08540.

WC member and former head of the CIA. Five boxes relating to the WC are found among his papers, including correspondence, statements, recollections, reports, interviews, testimony transcripts, drafts of WC publications, articles, lists, and legal documents, including the subpoena from Jim Garrison's New Orleans office. Written permission for access must be obtained.

25. Gertz, Elmer. Papers. 78 containers. Manuscript Division, Library of Congress, Washington, D.C. 20540.

Attorney for Jack Ruby in the appeals proceedings as well as for Gordon Novel in legal cases associated with the Jim Garrison probe in New Orleans. The papers have articles, notes, commentaries, and some book proofs by Wills [2485], Lane [718], Belli [2475], Kaplan and Waltz [2478], Garrison [1894], and Judge Joe Brown's unpublished manuscript, as well as Gertz' Moment of Madness [2476]. 61 containers relate to Ruby's legal affairs, including photostats of trial transcripts, copies of briefs filed by various parties, newspaper clippings, correspondence, interviews, and scrapbooks. 15 containers relate to Novel's legal difficulties, including court proceedings, photocopies of material re Novel, case files, depositions, press material, newspaper clippings, tapes, and business files. Two containers relate to Clay Shaw's suits against Garrison, including correspondence, court proceedings, newspaper clippings, and printed material.

26. Jones, Penn, Jr. Papers. 56 feet, plus books and film. Box 1140, Midlothian, Texas. 76065

Critic, author of four volumes [711-714], former publisher of weekly newspaper, editor of The Continuing Inquiry, a monthly newsletter on the investigation of JFK's assassination [308], his files contain four legal-size drawers of correspondence from critics and the public; 36 feet of clippings and documents; 100 tapes; 800 books, including some rare volumes; plus film.

27. Kurtz, Michael L. Papers. Tapes and photographs. History Department, Box 809 University Station, Southeastern Louisiana University, Hammond, Louisiana. 70402

Professor of history and critic who possesses a personal collection of cassette interviews with various figures in the JFK controversies, including many who were not interviewed by WC or HSCA, plus documents, photographs, and other materials; [See 1061].

28. Lesar, James H. Papers. 30 file drawers plus clippings. Not open to the public. To be deposited in Assassination Collection, University of Wisconsin-Stevens Point, Wi. 54481. For information contact David R. Wrone, History Department, University of Wisconsin-Stevens Point, Wi. 54481.

Files of attorney engaged in numerous FOIA and other legal actions associated with the JFK and MLK investigations.

29. Sprague, Richard E. Papers. 4 feet. Director, Special Collections Division, Georgetown University Library, Georgetown University, 37 & O Streets, N.W., Washington, D.C. 20057.

A critic's papers relating to the JFK assassination. It does not include his photographic files.

30. Weisberg, Harold. Papers. Excess of 200 file drawers, plus tapes, books, film. To be deposited in Assassination Collection, University of Wisconsin-Stevens Point, Stevens Point, Wi. 54481. For information contact David R. Wrone, History Department, University of Wisconsin-Stevens Point, Stevens Point, Wi. 54481.

Documents, records, correspondence, research files, tapes, cassettes, film, books, articles, and manuscripts developed by major critic, 1963-1979. In excess of 200 file drawers of documents, records, and correspondence, including the Headquarters Files, Dallas Field Office Files, and New Orleans Field Office Files of the FBI and including several indexes, e.g. a 40 linear foot index in the Dallas Field Office Files. Many drawers of FOIA suit records, extensive correspondence, memoranda, and analyses concerning the actions of Department of Justice, FBI, CIA, National Archives, and other government agencies; 15,000 letters received from the public; several hundred tapes and cassettes relating to debates, interviews, phone interviews, talk shows, etc., book manuscripts, aides' memoire and memoranda; correspondence with critics; and related topics.

31. White, Jenifer and James D. Files, 50 feet plus tapes and books. Director, Assassination Collection, Learning Resource Center, University of Wisconsin-Stevens Point, Stevens Point, Wi. 54481.

Files of books, magazines, tapes, records, correspondence, and organized, mounted newspaper clippings dealing with assassinations and related events, 1963-1976. Compiled by San Francisco citizen and her husband, an editor with the Associated Press. 40 linear feet of mounted newspaper clippings from national daily as well as minor press, plus daily AP wire copy, arranged by subject, primarily relating to JFK, but with substantial coverage of Watergate, intelligence operations, extremist

groups, and associated topics. Eight foot card file, JFK notes; two foot card file, Garrison case chronology; four foot card file, Garrison case name index with annotations and cross references; 44 tapes, assassination debates, interviews, commentaries, talk shows, etc., 1963-1976. 5,000 pages (carbon), Harold Weisberg correspondence and memoranda to others, 1970-1977. 31 selected tapes, Senate Watergate and House Judiciary Committee hearings; 44 cassettes, daily Pacifica Radio summary, including many corridor interviews, analyses, and reviews.

Part II: Published Sources, Excluding the Warren Report

(1) FEDERAL

32. U.S. Congress. House. Committee on Government Operations. National Archives--Security Classification Problems Involving Warren Commission Files and Other Records. Hearings before the Subcommittee on Government Information and Individual Rights Subcommittee of the Committee on Government Operations, House of Representatives, on the implementation of the Freedom of Information Act and Executive Order 11652, 94th Cong., 1st sess., 1975. 98 pp. Committee Print.

The Abzug Subcommittee Hearings.

Abruptly cancelled inquiry by Chairwoman Bella Abzug into the peculiar circumstances of the security classification of Warren Commission records in light of the Freedom of Information Act's operation and the requirements of Executive Order 11652 [96]. Witnesses included David W. Belin, former staff member of the Warren Commission and Executive Director of the Rockefeller Commission, James B. Rhoads, Archivist of the United States, and Marion Johnson, Archivist in charge of the Warren Commission Records in the National Archives.

Much of the subcommittee's staff development of the "Chronology of custodianship, etc., of autopsy data . . ." and "records relating to Warren Commission investigation missing from Archives collection," both printed in appendices, as well as the preparation of many questions for the hearings, rests on the unattributed assistance of critic Harold Weisberg and James H. Lesar, attorney associated in several legal actions to obtain classified WC data. Although listed as a witness, Lesar was not called. In a prepared statement printed in an appendix, Lesar presents information that casts doubt on the testimony of some of the witnesses. Weisberg's correspondence [30] contains extensive discussion and memoranda on the committee's work.

33. U.S. Congress. House. Committee on Government Operations. U.S. Government Information Policies and Practices-- Security Classification Problems Involving Subsection (b) (1) of the Freedom of Information Act (Part 7). Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 92d Cong., 2d sess., 1975. Committee Print.

Pages 2610-2612 contain testimony of James B. Rhoads, Archivist of the United States, with prepared statements entitled: "The Warren Commission Records and the Freedom of Information Act," and "Guidelines for Review of Materials Submitted to the President's Commission on the Assassination of President Kennedy."

34. U.S. Congress. House. Committee on the Judiciary. FBI Oversight. Circumstances Surrounding Destruction of the Lee Harvey Oswald Note. . . . Hearings before the subcommittee on civil and constitutional rights of the Committee on the Judiciary, House of Representatives, 94th Cong., 1st sess. Oct. 21, Dec. 11, 12, 1975. Serial No. 2, Part 3. Committee Print. 250 pp.

The Edwards Subcommittee Hearings.

Long-delayed publication of subcommittee hearings chaired by Congressman Don Edwards. Four issues connected with the controversy surrounding the investigation of JFK's assassination are addressed: 1. Whether Lee Harvey Oswald "early in November 1963" delivered a threatening note to the Dallas FBI office which Special Agents later destroyed. 2. The validity of the allegation of William Walters, former clerk of the New Orleans FBI office, that on November 17, 1963, a teletype was received warning the FBI there would be a threat on JFK's life. 3. Whether Jack Ruby was a paid informer for the FBI. 4. Whether the allegation that the FBI withheld information from the Warren Commission was true. Witnesses included Associate Director of the FBI James B. Adams, Special Agents James P. Hosty, Jr., Kenneth C. Howe, J. Gordon Shanklin, and Dallas FBI office receptionist Nanny Lee Fenner. During the televised hearings, critic Mark Lane appeared with Chairman Edwards, silently assisting him; he also helped coach Edwards' staff.

The FBI witnesses presented no evidence other than their testimony to assert that Oswald in fact did leave a note at their office and SA Hosty destroyed it. Ruby in fact had been a low-level informer for the FBI many years before the assassination. Since not a shred of evidence could be uncovered to support the Walters allegation, the FBI concluded it was never sent. The FBI further asserted that they cooperated fully with the WC.

Held at a time of intense public agitation for a congressional investigation into assassinations, the Edwards

inquiry in effect gave the FBI the vehicles of the national video, press, and magazines to present its position on vital issues without the substantial rebuttal that responsible and informed critics might offer.

Exhaustive detail on Oswald's allegedly threatening note, and Congressional examination of the witnesses, carefully excluded the fact the WC had been informed in 1964 that notes on Oswald in the office had been destroyed. The inquiry throughout presumed Oswald's guilt in the assassination and, to reinforce the public mind, now added a putatively latent strain of violence to his character coupled with a left-wing ideological orientation.

In previous lectures Lane presented and endorsed the Walters' allegation with embellishments. The FBI focused exclusively on their teletype system to refute Walters. Edwards and Lane effectively isolated this issue from numerous assassination threats made by ultra-rightist groups which were never investigated by the WC and largely ignored by the FBI. This permitted the larger question of massive dereliction of duty in this area to be avoided. Weisberg Post Mortem [973] mentions internal right-wing threats.

The FBI controlled and intimidated the WC. This is clearly revealed not only in FBI records but also in WC documents. Formerly classified WC executive session transcripts obtained under FOIA litigation reveal the commissioners realized that the FBI was channeling the investigation to protect itself. They did not believe that Oswald was the lone assassin but they were being forced to accept it. In the 22 Jan. 1964 session WC chief counsel J. Lee Rankin says of the Commission's plight that the FBI "would like to have us fold up and quit."; [See 4815, 4816, 4823, 4824, 4829, 4831, 4833, 4834, 4855].

35. U. S. Congress. House. Miscellaneous Resolutions by Congress and Number. 88th Congress. Directing an investigation of the Department of State. H. Joint Resolution 812, 88th Cong., 1st sess., 1963.

27 Nov. 1963 Introduced and sent to Committee on Rules: CR, CIX, Part 17, 22857.

36. Establishing a joint committee to conduct an investigation and study of the recent assassination of the President of the United States and of certain other matters pertinent thereto. H. Joint Resolution 814, 88th Cong., 1st sess., 1963.

27 Nov. 1963 Introduced and sent to Committee on Rules: CR, CIX, Part 17, 22857.

37. Authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of records. H. Joint Resolution 838, 88th Cong., 1st sess., 1963.

4 Dec. 1963 Introduced and sent to Committee on the Judiciary: CR, CIX, Part 18, 23339.

38. Authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence. H. Joint Resolution 852, 88th Cong., 1st sess., 1963.

7 Dec. 1963 Introduced and sent to Committee on the Judiciary: CR, CIX, Part 18, 23752.

10 Dec. 1963 Reported with H. Report 1013, without Amendment, "Authorizing subpoena power for Commission in the assassination of President John F. Kennedy," 3 pp.: CR, CIX, Part 18, 24005. Printed in House Reports, 88th Cong., 1st sess., Miscellaneous Reports on Public Bills, VI: 12545.

17 Dec. 1963 Laid on the table: CR, CIX, Part 19, 24788.

39. Authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence. H. Joint Resolution 853, 88th Cong., 1st sess., 1963.

9 Dec. 1963 Introduced and sent to Committee on the Judiciary: CR, CIX, Part 18, 23752.

40. To Provide that information relating to the assassination of the late President John F. Kennedy shall be made public. H. Joint Resolution 926, 88th Cong., 2d sess., 1964.

18 Feb. 1964 Introduced and sent to Committee on the Judiciary: CR, CX, Part 3, 3060.

41. 89th Congress. To establish a joint committee to determine the necessity of a congressional investigation of the assassination of President Kennedy. H. Concurrent Resolution 1023, 89th Cong., 2d sess., 1966.

28 Sept. 1966 Introduced and sent to Committee on Rules: CR, CXII, Part 18, 24157-61, 24201.

42. 90th Congress. To establish a joint committee to determine the necessity of a congressional investigation of the assassination of President Kennedy. H. Concurrent Resolution 312, 90th Cong., 1st sess., 1967.

13 April 1967 Introduced and sent to Committee on Rules: CR, CXIII, Part 7, 9538.

43. 94th Congress. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 204, 94th Cong., 1st sess., 1975.

19 Feb. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 3, 3670.

16 April 1975 Draft brief supporting bill by students at University of Virginia: CR, CXXI, Part 8, 10384-87.

14 May 1975 Statement of Bill co-sponsor Rep. Spellman of Maryland, Petition of Students at University of Maryland, including a copy of the January 22, 1964 Warren Commission Executive Session transcript: CR, CXXI, Part 11, 14438-40.

17 July 1975 Statement of Bill sponsor Rep. Gonzalez of Texas; critique of Warren Commission findings: CR, CXXI, Part 18, 23278-80.

18 Sept. 1975 Statement of Bill sponsor, list of co-sponsors: CR, CXXI, Part 29, 29348; 19 Nov. 1975, *ibid.*

20 Nov. 1975 Statement of Bill sponsor: CR, CXXI, Part 29, 37530.

44. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 432, 94th Cong., 1st sess., 1975.

30 April 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 10, 12481.

18 Mar. 1976 Statement of Rep. Mineta of California supporting Bill: CR, CXXII, No. 39, H2097.

2 July 1976 Statement of Rep. Harris of Virginia supporting Bill: CR, CXXII, No. 106, E3751.

45. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy and Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 455 (H. Res. 204), 94th Cong., 1st sess., 1975.

12 May 1975 Statement of Bill sponsor Rep. Gonzalez, list of co-sponsors; introduced and sent to Committee on Rules: CR, CXXI, Part 11, 13752, 13766.

6 Nov. 1975 Statement of Bill co-sponsor Rep. Koch of New York: Rockefeller Commission correspondence: CR, CXXXI, Part 27, 35448.

46. Creating a select committee to conduct an investigation and study of circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 456 (H. Res. 204), 94th Cong., 1st sess., 1975.

12 May 1975 Statement of Bill sponsor Rep. Gonzalez, list of co-sponsors; introduced and sent to Committee on Rules: CR, CXXI, Part 11, 13752, 13766.

47. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 498, 94th Cong., 1st sess., 1975.

22 May 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 12, 15949.

48. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 574, 94th Cong., 1st sess., 1975.

26 June 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 16, 21030.

18 Mar. 1976 Statement of Rep. Lagomarsino of California in support of Bill: CR, CXXII, No. 39, H2097.

49. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 593 (H. Res. 204), 94th Cong., 1st sess., 1975.

11 July 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 17, 22425.

50. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 669, 94th Cong., 1st sess., 1975.

1 Aug. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 21, 27045, 27132-35.

51. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 721 (H. Res. 204), 94th Cong., 1st sess., 1975.

18 Sept. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 23, 29382.

52. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 742, 94th Cong., 1st sess., 1975.

26 Sept. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 24, 30436.

53. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 743, 94th Cong., 1st sess., 1975.

26 Sept. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 24, 30436.

54. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 848, 94th Cong., 1st sess., 1975.

6 Nov. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 27, 35458.

55. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 849, 94th Cong., 1st sess., 1975.

6 Nov. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 27, 35458.

56. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, Jr., and the attempted assassination of George Wallace. H. Resolution 873, 94th Cong., 1st sess., 1975.

19 Nov. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 29, 37350.

57. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 879, 94th Cong., 1st sess., 1975.

20 Nov. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 29, 37546.

58. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 949, 94th Cong., 1st sess., 1975.

19 Dec. 1975 Introduced and sent to Committee on Rules: CR, CXXI, Part 32, 42018.

59. Creating a select committee to conduct an investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy, and Martin Luther King, and the attempted assassination of George Wallace. H. Resolution 1035 (H. Res. 204), 94th Cong., 2d sess., 1976.

17 Feb. 1976 Introduced and sent to Committee on Rules:
CR, CXXI, Part 3, 3301.

60. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy. H. Resolution 1116, 94th Cong., 1st sess., 1976.

30 Mar. 1976 Introduced and sent to Committee on Rules:
CR, CXXII, No. 46, H2582.

61. U.S. Congress. House. Providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy. Public Law 89-318. 89th Cong., 1st sess., Oct. 22, 1965, H. Resolution 9545.

29 June 1965 Introduced and sent to Committee on the Judiciary: CR, CXI, Part 11, 15204.

19 Aug. 1965 Reported with H. Report 813, Amendment, "Preserving evidence pertaining to the assassination of President Kennedy," 6 pp.: CR, Part 16, 21103. Printed in House Reports, 89th Cong., 1st sess., Miscellaneous Reports on Public Bills, V, 12665-5.

7 Sept. 1965 Text of Bill Enrolled, rules suspended, amended, passed House: CR, CXI, Part 17, 23002-04.

8 Sept. 1965 Referred to Senate, Committee on the Judiciary: CR, CXI, Part 17, 23104.

4 Oct. 1965 Reported as S. Report 851, "Preserving evidence pertaining to the assassination of President Kennedy," 4 pp.: CR, CXI, Part 19, 25873. Printed in Senate Reports, 89th Cong., 1st sess., Miscellaneous Reports on Public Bills, VI, 12662-6.

13 Oct. 1965 Passed over in Senate: CR, CXI, Part 20, 26829.

15 Oct. 1965 Passed over in Senate: CR, CXI, Part 20, 27076.

18 Oct. 1965 Statement of John J. King opposing Bill, Senate passage: CR, CXI, Part 20, 27262-63.

20 Oct. 1965 Bill enrolled by Speaker of the House; signed by Vice-President, Senate: CR, CXI, Part 20, 27539.

20 Oct. 1965 Enrolled and signed by the Speaker of the House: CR, CXI, Part 20, 27784.

21 Oct. 1965 Bill presented to the President: CR, CXI, Part 21, 27907.

22 Oct. 1965 Returned as signed by the President on 2 Nov. 1965: CR, CXI, Part 21, 28657.

62. U.S. Congress, House. Select Committee on Assassinations. Resolutions, Reports, Committee Prints in Chronological Sequence. Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Jr., and of any others the select committee shall determine. H. Resolution 1540, 94th Cong., 2d sess., 1976.

14 Sept. 1976 Introduced and sent to Committee on Rules: CR, CXXII, No. 138, H10069.

15 Sept. 1976 Reported with H. Rept. 94-1566: "Creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Junior, and of any other the select committee shall determine." 2 pp. Printed in House Reports, 94th Cong., 2d sess., Miscellaneous Reports on Public Bills, XII, 13134-12.

17 Sept. 1976 Bill considered and passed House: CR, CXXII, No. 141, H10356-66.

63. Report together with additional and supplemental views of the Select Committee on Assassinations: Results and Recommendations of the Select Committee on Assassinations. H. Rept. 94-1781, 94th Cong., 2d sess., Dec. 31, 1976. v, 18 pp.

The Downing Report.

Report of committee chaired by Thomas N. Downing, broken into six parts: i. an introduction where the guilt of Oswald is set forth as already established; ii. review of the committee's initial inquiries into issues tangentially related to Oswald; iii. a sparse description of preliminary investigation and analyses; iv. staff and budget requests totaling \$6,531,000; v. a recommendation to the 95th Congress that the committee be continued; vi. additional and supplemental views of members, including those of members C. Thone and C. Dodds which faintly echo the public outcry against committee irregularities such as the lack of rules, improper notification of members for meetings, and the absence of systematic record keeping.

The committee discerned the task of a newly constituted committee to be one of seeking what possible assistance Oswald had had. It accepted the fidelity of the original FBI investigation, but suggested the CIA was culpable in failing to transmit all its information to the FBI. It stated that the primary purpose for continuing the inquiry was the need to allay the public's suspicions that a conspiracy slew JFK and had not been discovered.'

In its four months the committee accomplished little. It accepted the basic conclusions of the WC and the investigations conducted by the FBI and worked on its stated task of not investigating the murder of JFK but making the official findings of Oswald's guilt palatable to the public. To this end the committee endorsed bizarre and unconstitutional methods, requesting funds in their budget for miniphone recording devices for surreptitious listening and voice stress evaluators to record and interpret voice patterns of unsuspecting persons from which inferences on veracity would be drawn. Large salaries were budgeted for modestly qualified staff members and \$250 per day living expenses for "investigators."

That the original investigation had to be investigated in order to lay a clear and objective evidentiary foundation was never considered. The influence of Mark Lane upon the committee and its staff and on its operating philosophy and direction of its inquiry was accurately portrayed in an article in the NYT [4974], written with Harold Weisberg's assistance.

64. Providing funds for the expenses of the investigators and studies to be conducted by the Select Committee on Assassinations. H. Resolution 1557 (H. Res. 1540), 94th Cong., 1st sess., 1976.

21 Sept. 1976 Introduced and sent to Committee on House Administration: CR, CXXII, No. 143, H10760.

30 Sept. 1976 Bill considered and agreed to: CR, CXXII, No. 150, H11891.

65. Providing for funds for the Select Committee on Assassinations. H. Resolution 9, 95th Cong., 1st sess., 1977.

4 Jan. 1977 Introduced and sent to Committee on Rules: CR, CXXIII, No. 1, H82.

11 Jan. 1977 Statement of Rep. Bauman of Maryland regarding Bill: CR, CXXIII, No. 4, H260.

24 Jan. 1977 Request of Rep. Delaney of the Committee on Rules to have additional time to file reports on the Bill, Rep. Bauman objects: CR, CXXIII, No. 12, H493.

26 Jan. 1977 Statement of Rep. Dellums of California supporting Bill: CR, CXXIII, No. 14, H561.

1 Feb. 1977 Statement of Rep. Kelly of Florida opposing Bill: CR, CXXIII, No. 18, H742.

7 Feb. 1977 Statement of Rep. Holt of Maryland opposing Bill: CR, CXXIII, No. 22, E565.

66. Creating a Select Committee on Assassinations. H. Resolution 222, 95th Cong., 1st sess., 1977.

1 Feb. 1977 Reported with H. Rept. 95-3, "Creating a Select Committee on Assassinations," 3 pp.; introduced and sent to Committee on Rules: CR, CXXIII, No. 18, H764, H770.

2 Feb. 1977 Bill agreed to, committee members appointed: CR, CXXIII, No. 19, H800-807.

3 Feb. 1977 Statement of Rep. Barnard of Georgia opposing Bill; statement of Rep. Stokes supporting Bill: CR, CXXIII, No. 20, E556-57.

67. Providing for the consideration of the resolution (H. Res. 222), Creating a Select Committee on Assassinations. H. Resolution 230, 95th Cong., 1st sess., 1977.

1 Feb. 1977 Reported with H. Rept. 95-4, "Providing for consideration of House Resolution 222," 1 p.: CR, CXXIII, No. 18, H764.

2 Feb. 1977 Debated, agreed to: CR, CXXIII, No. 19, H790-800.

68. "Rules of Procedure of the Select Committee on Assassinations [promulgated 7 Mar. 1977]," CR, 16 Mar. 1977, H2221.

69. Committee Meetings. Hearings before the Select Committee on Assassinations, House of Representatives, 95th Cong., 1st sess. Committee Print. Mar. 9, 11, 16 and 23, 1977. iii, 60 pp.

Heavily publicized sessions with witness testimony Mar. 11, J. A. Blackwell, Criminal Court Clerk, and Charles Koster, Deputy Clerk, Memphis, Tenn., pp. 10-34; Mar. 16, Santo Trafficante, Jr., pp. 37-41.

70. "Executive Session, March 17, 1977." Select Committee on Assassinations, House of Representatives, 95th Cong., 1st sess., March 17, 1977. Typescript. 119 pp.

Restricted minutes mistakenly distributed at press conference. The bulk of the discussion concerns the committee's efforts to orchestrate public meetings, news releases, public postures on staff issues, and the necessity to promote positive press and television coverage of hearings in order to influence House members reluctant to fund the committee. The discussion includes an analysis of the Trafficante hearings where he invoked the protective amendments of the Constitution rather than testify. They speculated that Trafficante's refusal would give them press coverage. Not wishing to "rehash" the WC's work or discuss its findings, they wanted to

move into areas the WC had not penetrated, such as the role of organized crime; [See 5062, 5066-7, 5114-5116].

71. Report of the Select Committee on Assassinations [pursuant to mandate of H. Resolution 222]. H. Report 95-119, 95th Cong., 1st sess., Mar. 28, 1977. Committee Print. v, 14 pp. The Stokes Mandated Report.

Prior to providing funds, the House required the Select Committee to establish rules, scale down its budget, correct its proposals to trample civil liberties, and file a report. Chairman Louis Stokes' report falls into five parts: i) introduction; ii) the conduct of committee business where a budget of \$2,796,650 was proposed and the eavesdropping machinery eliminated; iii and iv) the status of the JFK and King investigations; and v) conclusion, where he states the committee "intends to conclude a thorough, professional investigation of the assassinations by establishing the facts to prove or disprove, once and for all, the disparate theories that have arisen since the murders took place in Dallas and Memphis."

The Select Committee's purpose was not to investigate the assassination of JFK, which would require an inquiry into the primary evidence and the operation of the WC with federal investigative agencies, but to confine itself with "theories" of who assisted Oswald. Oswald was presumed guilty.

72. To provide for the continuation of the Select Committee on Assassinations. H. Resolution 433, 95th Cong., 1st sess., 1977.

23 Mar. 1977 Referred to Committee on Rules.

29 Mar. 1977 Report with H. Rept. 95-130, Amendment, "Providing for the continuation of the Select Committee on Assassinations," 4 pp.; made special order H. Rept. 95-129, "Providing for consideration of H. Res. 433," 1 p.: CR, CXXIII, No. 55, H2724.

30 Mar. 1977 Debated, amended and passed House: CR, CXXIII, No. 56, H2739-53.

73. Providing for consideration of the resolution (H. Res. 433) to provide for the continuation of the Select Committee on Assassinations. H. Resolution 445, 95th Cong., 1st sess., 1977.

29 Mar. 1977 Reported with H. Rept. 95-129, "Providing for consideration of H. Res. 433," 1 p.: CR, CXXIII, No. 55, H2724.

30 Mar. 1977 Debated, agreed to: CR, CXXIII, No. 56, H2730-39.

74. To provide for the expenses of investigations and studies to be conducted by the Select Committee on Assassinations. H. Resolution 465, 95th Cong., 1st sess., 1977.

31 Mar. 1977 Introduced and sent to Committee on House Administration: CR, CXXIII, No. 57, H2870.

26 April 1977 Reported with H. Rept. 95-223, "Providing for the expenses of investigations and studies to be conducted by the Select Committee on Assassinations," 11 pp.: CR, CXXIII, No. 69, H3619.

28 April 1977 Amended and passed House: CR, CXXIII, No. 71, H3722-26.

75. To authorize the Select Committee on Assassinations or any subcommittee thereof to make applications to courts; and to bring and defend lawsuits arising out of subpoenas, orders immunizing witnesses and compelling them to testify, testimony or the production of evidence, and the failure to testify or produce evidence. H. Resolution 760, 95th Cong., 1st sess., 1977.

13 Sept. 1977 Introduced and sent to Committee on Rules: CR, CXXIII, No. 141, H9368.

16 Sept. 1977 Reported with H. Rept. 95-606. "Authorizing the Select Committee on Assassinations or any subcommittee thereof to make applications to courts; and to bring and defend lawsuits arising out of subpoenas, orders immunizing witnesses and compelling them to testify, testimony or the production of evidence, and the failure to testify or produce evidence," 3 pp.: CR, CXXIII, No. 144, H9596.

28 Sept. 1977 Debated and agreed to: CR, CXXIII, No. 153, H10254-62.

76. Providing for funds for the Select Committee on Assassinations. H. Resolution 956, 95th Cong., 2d sess., 1978.

19 Jan. 1978 Introduced and sent to Committee on House Administration: CR, CXXIV, No. 1, H51.

25 Jan. 1978 Report of the Select Committee on Assassinations [Budget]. Committee print. 10 pp.

23 Feb. 1978 Reported with H. Rept. 95-898, amendment, "Providing for funds for the Select Committee on Assassinations," 15 pp.: CR, CXXIV, No. 23, H1484.

13 Mar. 1978 Amended and agreed to: statement of Rep. Dodd of Conn.: CR, CXXIV, No. 35, H1962-66, E1219.

77. Providing for the further expenses of the Select Committee on Assassinations. H. Resolution 1276, 95th Cong., 2d sess., 1978.

18 July 1978 Introduced and sent to Committee on House Administration: CR, CXXIV, No. 108, H6936.

27 July 1978 Statement of Committee Chairman Stokes with budget request: CR, CXXIV, No. 115, H7453-56.

11 Aug. 1978 Statement of Committee Chief Counsel G. Robert Blakey: CR, CXXIV, No. 126, H8505.

7 Sept. 1978 Reported with H. Rept. 95-1555, "Providing for the further expenses of the Select Committee on Assassinations," 12 pp.: CR, CXXIV, H9285-95.

11 Sept. 1978 Budget statement of Committee Chairman Stokes: CR, CXXIV, No. 140, H9465.

14 Sept. 1978 Bill considered and agreed to: CR, CXXIV, No. 143, H9811-14.

78. Final Report of the Select Committee on Assassinations. Summary of Findings and Recommendations. H. Report 95-1828, 95th Cong., 2d sess., Jan. 2, 1979. Committee Print. v, 9 pp.

79. Hearings before the Select Committee on Assassinations. 95th Cong., 2d sess. Committee Print. 1979. 27 volumes.

Investigation of the Assassination of Martin Luther King, Jr. vols. I-XIII.

Investigation of the Assassination of President John F. Kennedy. vols. I-XII.

Legislative and Administrative Reforms. vols. I, II.

80. Report of the Select Committee on Assassinations. Findings and Recommendations. 95th Cong., 2d sess. Committee Print. 1979.

81. U.S. Congress. Senate. Authorizing the Commission established to investigate the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence. Public Law 88-202, 88th Cong., 1st sess., Dec. 13, 1963, S. Joint Resolution 137.

6 Dec. 1963 Introduced and Ordered to lie on the table: CR, CIX, Part 18, 23598.

9 Dec. 1963 Considered and passed Senate: CR, CIX, Part 18, 23760.

10 Dec. 1963 Considered and passed Senate: CR, CIX, Part 18, 23941.

11 Dec. 1963 Examined and signed by the Speaker of the House: CR, CIX, Part 18, 24332.

12 Dec. 1963 Bill presented to the President: CR, CIX, Part 18, 24332.

13 Dec. 1963 Approved and signed by the President: CR, CIX, Part 18, 24788.

82. U.S. Congress. Senate. To authorize the Commission appointed by the President to conduct an investigation of the facts relating to the assassination of the late President John F. Kennedy, to compel the attendance of witnesses and the production of books, papers, and documents, and for other purposes. S. Resolution 2358, 88th Cong., 1st sess., 1963.

4 Dec. 1963 Introduced and sent to Committee on Judiciary: CR, CIX, Part 18, 23191.

83. To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government. S. Resolution 21, 94th Cong., 1st sess., 1975.

21 Jan. 1975 Ordered to be placed on the table: CR, CXXI, Part 1, 839-44.

27 Jan. 1975 Debated, agreed to, committee members nominated: CR, CXXI, Part 2, 1416-34.

28 Jan. 1975 Statement of Senator Bayh of Indiana supporting Bill: CR, CXXI, Part 2, 1566.

29 April 1975 Committee Rules of Procedure: CR, CXXI, Part 10, 12306-08.

84. _____.

20 Nov. 1975 Committee submitted S. Report 94-465, Alleged Assassination Plots Involving Foreign Leaders: An Interim Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities. 94th Cong., 1st sess., xiii, 349 pp.: recorded CR, CXXI, Part 29, 37557.

26 April 1976 Under authority of April 14, but dated April 23, 1976, the Select Committee submitted S. Report 94-755, Final Report Intelligence Activities. 94th Cong., 2d sess. 1976. 6 parts: CR, CXXI, Part 29, 37557.

85.

26 May 1976 Select Committee released Book V: Select Committee to Study Governmental Operations with respect to Intelligence Activities. The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies. S. Report 94-755, 94th Cong., 2d sess., 1976. Final Report, Book V. v, 106 pp. The Schweiker Report.

Although publicized and entitled an "Investigation of the Assassination," the introduction states, and the text affirms, that the report's purpose was neither to duplicate the efforts made by the WC nor to review evidence nor to address the question of Lee Harvey Oswald's relationship to the assassination. Rather, they would review the quality of the CIA's investigation. Since the CIA did not investigate for the WC but did analyze data at the request of the WC, the question posed by the Senators lacked foundation and bordered on the irrelevant. The report is laced with letters substituted for the names of informants and agents, purportedly to mask their identity and protect them from harm. Most of the names, however, had appeared in The Washington Post several weeks before; moreover, most were well known to subject matter specialists. The report is laden with inaccuracies, incorrect citations, and quotations carefully changed from the original to reverse the meaning, e.g. a pro-U.S. statement by Premier Castro is converted into an anti-U.S. statement. The Schweiker Report, as well as its media coverage, served to provide the CIA with a public conduit to disseminate its special views unchecked by objective and open analysis; [See 4799, 4800, 4813, 4818, 4819, 4830, 4832, 4839, 4875-4878, 4887-4891, 4893, 4896-4899].

86. _____ . Relating to an investigation of the death of former President John F. Kennedy. S. Resolution 243, 94th Cong., 1st sess., 1975.

8 Sept. 1975 Introduced and sent to Committee on Government Operations, statement of Bill sponsor Senator Schweiker of Pennsylvania, Warren Commission documents: CR, CXXI, Part 21, 27824-27.

87. U.S. Department of Justice. Attorney General, Letter of October 31, 1966. "Providing for the Acquisition and Preservation by the United States of Items of Evidence Pertaining to the Assassination of President John F. Kennedy." Federal Register, XXXI, No. 212, 1 Nov. 1966, 13968-74.

88. _____ . [Untitled. 1967 Clark Panel Review of the Photographs, X-Rays, and Other Documents Related to President Kennedy's Autopsy]. Performed by James J. Humes, J. Thornton Boswell, and Pierre A. Finck, 20 Jan. 1967. 5 pages typescript. Facsimile reproduced in Weisberg, Post Mortem [973], 575-579.

Report by three members of the original autopsy team's secret review of the autopsy documents purporting to sustain the validity of the "original" autopsy report. Based on the one hand upon autopsy documents, whose genuineness is unproven, and on the other hand upon an "original" that is the severely changed, third autopsy report, the review seems to serve unclear political ends of the AG's office.

89. _____ . "1968 Panel Review of Photographs, X-Ray Films, Documents and Other Evidence Pertaining to the Fatal Wounding of President John F. Kennedy on November 22, 1963 in Dallas, Texas." Performed for Attorney General Ramsay Clark by William H. Carnes, Russell S. Fisher, Russell H. Morgan, and Alan R. Moritz in April and March 1968, but released in Jan. 1969. 16 page typescript. Facsimile reproduced in Weisberg, Post Mortem [973], 580-595.

Report by five forensic specialists on their review of the JFK autopsy materials requested by AG Clark. Increasing popular disquiet over the official conclusions coupled with the uncertain direction that the Jim Garrison inquiry in New Orleans might take engendered the review. Clark kept the report secret until the last day of his administration when it was released to thwart an effort by Garrison's office to obtain through court proceedings the original autopsy materials for his Louisiana trial. The report was substituted for the evidentiary items themselves.

90. _____ . "Report of Inspection by Naval Medical Staff on November 1, 1966, at National Archives of X-Rays and Photographs of Autopsy of President John Kennedy." Performed by James J. Humes, J. Thornton Boswell, John H. Ebersole, and John T. Stringer for the National Archives at the request of the Department of Justice. 1 Nov. 1966. 11 page typescript. Facsimile reproduced in Weisberg, Post Mortem [973], 565-573.

Report by four members of the original autopsy team purporting to authenticate the photographs and X-rays of the JFK autopsy being turned over to the National Archives by the Kennedy family. Their secret review and the subsequent wide use of it by federal publicists as a scientific imprimatur on the findings of the WC appeared as part of federal activity on the third anniversary of the assassination, to lay to rest popular discontent with the official conclusions. Neither the genuineness and completeness nor the chain of possession of the autopsy evidence has ever been established. The subject addressed is thus erroneously presumed; since the team itself stated under oath in 1964 that they had never seen the photographs or X-rays and the WC had not used them during its taking of witness testimony, the assertion of authenticity must be questioned.

91. U.S. Federal Bureau of Investigation. Investigation of Assassination of President John F. Kennedy, November 22, 1963. Washington, D.C.: Federal Bureau of Investigation, 9 Dec. 1963. Five volumes.

An error ladened, severely distorted, and deceptive report of the FBI investigation into the assassination that preceded the formation of the WC and became the controversial Procrustean base for its inquiry. The WC assigned it Commission Document number CD 1. Only 450 words appear on the murder, and these exclude the shot that wounded citizen James T. Tague and the wound on President Kennedy's throat. From this paltry base the FBI asserts Oswald was the lone, psychologically disturbed assassin, a conclusory statement. In advance of delivery to the WC the FBI secretly released the findings to the press in a successful effort to mold public opinion. The WC's skepticism, regarding both the validity of the FBI's finding and the presumption of Oswald's guilt, is found in its executive session transcripts [109, 110]. A discussion of CD 1 is found in: [389, 703, 722, 735].

92. _____ . Investigation of Assassination of President John F. Kennedy, November 22, 1963. Washington, D.C.: Federal Bureau of Investigation, Jan. 1964. Supplemental Report. Became CD 107.

Factually inaccurate and deceptive supplement to CD 1 demanded by the WC in an attempt to overcome the evidentiary problems presented by the initial FBI report, CD 1. The presumption of Oswald's guilt is maintained and expanded.

93. U.S. President. Executive Order 11128. "Closing Government Departments and Agencies on November 25, 1963." Federal Register, XXVIII, No. 230, 26 Nov. 1963, 12609.

94. _____ . Executive Order 11129. "Designating Certain Facilities of the National Aeronautics and Space Administration and of the Department of Defense, in the State of Florida, as the John F. Kennedy Space Center." Federal Register, XXVIII, No. 233, 29 Nov. 1963, 12787; [See 3259, 3613].

95. _____ . Executive Order 11130. "Appointing a Commission to Report upon the Assassination of President John F. Kennedy." Federal Register, XXVIII, No. 233, 2 Dec. 1963, 12789; [See 3255].

96. _____ . Executive Order 11652. "Classification and Declassification of National Security Information and Material." Federal Register, XXXVIII, No. 48, 9 Mar. 1972, 5209-5218.

97. _____ . Executive Order 11828. "Establishing a Commission on CIA Activities within the United States." Federal Register, XL, No. 4, 6 Jan. 1975, 1219-1220.

98. _____ . Executive Order 11848. "Extending the Reporting Date for the Commission on CIA Activities within the United States." Federal Register, XL, No. 65, 1 April 1975, 14885.

99. _____ . Letter of November 23, 1964. "Non-applicability of Declassification Procedures to the Report of the President's Commission on the Assassination of President Kennedy." Federal Register, XXIX, No. 232, 27 Nov. 1964, 15893.

100. _____ . Proclamation 3561. "National Day of Mourning, November 25, 1963." Federal Register, XXVIII, No. 230, 26 Nov. 1963, 12607.

101. U.S. President's Commission on CIA Activities Within the United States. Report to the President. Washington, D.C.: Government Printing Office, 1975.

The Rockefeller Report.

On 6 June 1975 the special commission chaired by Vice President Nelson Rockefeller submitted its 299 page Report on CIA activities. Pages 251-269 are concerned with the widely circulated allegations that the CIA assassinated JFK, allegations which were made by critics. In addition to performing another autopsy review allegedly, the Rockefeller Commission claimed to have examined film and many documents in support of their conclusion that the charges were without foundation. The Commission successfully demolished the critics' allegation that certain "tramps" captured on film as they were being escorted past the TSB by policemen on 22 Nov. 1962 were CIA assassins. The Commission as well as the segment of critics making the allegations ignored the findings of private investigators that demonstrated the "tramps" were in fact "winos" who were well known to local residents. David Belin, former staff counsel of the WC, served as executive director. The inquiry was conducted largely in secret and its records are sealed [12] at the President Gerald R. Ford Library; [See 714, 1774, 4520, 4524, 4783, 4786, 4788, 4789, 4794, 4796-4798, 4803, 4808-4811, 4822, 4837-4839].

102. U.S. Warren Commission. Investigation of the Assassination of President John F. Kennedy. Hearings Before the President's Commission on the Assassination of President Kennedy. Washington, D.C.: Government Printing Office, 1964. 26 volumes.

A 20,000 page, 10,400,000-word body of documents from the 300 cubic feet assembled by the WC and printed as a

massive appendix to the official Warren Report [684]. Volumes I-XV consist of the printing of verbatim testimony of witnesses who appeared before the WC or its staff counsel. In XV, 753-801, is an index to names mentioned or referred to in I-XV, and 801-826 is an index to Commission Exhibits 1-1053 mentioned throughout I-XV.

Volumes XVI-XXVI consist of the facsimile reproduction of exhibits divided into three parts. XVI-XVIII are Commission Exhibits 1-1053 referring to various documents or parts of documents gathered by the Commission that bear no other classification number. XIX-XXI are deposition exhibits referred to by name of person, e.g. Allen Exhibit No. 1. XXII-XXVI are Commission Exhibits 1054-3154, exhibit numbers assigned to Commission Documents numbered 1-1555, or parts of them. Commission Documents range in size from a single page to several volumes and in complexity from a simple statement to an involved argument. Before being printed as CE 1054-3154, CD 1-1555 were shuffled and renumbered. Some CDs were printed in whole; many were split into parts and selectively printed; some were neither printed nor made available in unprinted form for several years in the National Archives. "A few of the documents are missing." Identification and location of CDs is extremely difficult for no effort was made to cross reference CD numbers with CE numbers. A cross reference is important if one is to find a CD in the 26 volumes or if one wishes to analyze any excluded material. In July, 1968, a private group, The Committee to Investigate Assassinations, compiled a useful research tool from WC records in an untitled "[Cross List reference for Commission Exhibits and Commission Documents]," mimeographed. In 1973 the National Archives printed this basic information with some corrections in Johnson Inventory [11]. This gives the CD number; part or pages; CE number; description. It omits several of the CD's available in the Archives, such as the FBI report, CD 107.

Witness testimony is printed without regard to chronology, subject matter, or alphabetical principles. The exhibit volumes are a subject matter wilderness devoid of a principle of selection and with documents comprising basic components of evidence being widely dispersed in several volumes and interspersed with irrelevant matter such as reprints of anti-communist diatribes or accounts of dock loadings in obscure ports. Some of the exhibits contain information damaging to the official conclusions of the WC, e.g. in XXVI an affidavit by T. F. Bowley, who was never called as a witness and who is not referred to in the WR, excludes Oswald from the Tippit murder scene. The WC staff blocked the printing of a subject matter index to the 26 volumes. Two privately printed indexes have been compiled, however, by private citizens [696, 697].

(2) NON-FEDERAL

103. Carr, Waggoner. Texas Supplemental Report on the Assassination of President Kennedy and the Serious Wounding of Governor John B. Connally, November 22, 1963. Austin, Texas: Texas Attorney General's Office, 5 Oct. 1964. 20 pages.

The Texas Court of Inquiry's report: [See 571, 3164, 3807].

104. Carrollton Press, Inc. "Central Intelligence Agency. Kennedy Assassination." Microfiche edition. In The Declassified Documents Reference System. Retrospective Collection. Arlington, Va.: Carrollton Press, Inc., 1976, page 33 B.

1,049 pages from 325 CIA documents on the JFK assassination published in microfiche, but with printed abstract. Date of release not given. The abstract contains conclusory statements and controversial descriptions provided to the reader as facts, e.g. "Oswald's assassination of Pres. J. F. Kennedy;" [See 2].

105. . "Federal Bureau of Investigation. [Kennedy, President John F., assassination. . . .]" Microfiche selection. In Declassified Documents 1978 Annual Collection. Arlington, Va.: Carrollton Press, Inc., 1978, pages 156-186.

2,505 pages from 469 FBI documents available in the FBI Reading Room [5] which were selected from the total files released. The professional editors used the criterion for selection: "if it was of interest." The Contributing Editor, Annadel N. Wile, served for 20 years as the CIA's chief of indexing operations.

106. [Jaworski, Leon]. Files of Evidence Connected with the Investigation of the Assassination of President John F. Kennedy. N. p., n.d. 21 vols., in two-reel microfilm edition. Washington, D.C.: Microcard Editions, [1967].

5,500 page files of the Texas Court of Inquiry containing data on the Dallas area, transcripts of radio transmissions, plans and photos of scenes, and related matter. On Jaworski's role see Weisberg [736] and Meagher[571]; [See 109, 172, 4838].

107. Lifton, David (comp.). Document Addendum to the Warren Report. El Segundo, Cal.: Sighttext Publications, 1968.

Contains the early declassified proceedings of WC executive sessions; Commission Document 344; transcript of tape recordings of the first interrogation of Marina Oswald, 22 Nov. 1963; and the Liebeler Memorandum of

6 Sept. 1964, "Galley proofs of Chapter IV of the Report;" [See 32, 172, 833, 2318].

108. Microfilming Corporation of America. The F.B.I. Files on the Assassination of President Kennedy. 35 mm microfilm. New York: Microfilming Corporation of America, A New York Times Company, 1978.

Microfilm of the first 90,000 pages of FBI Headquarters Files released in Dec. 1977 and Jan. 1978. Since additional documents as well as some previously deleted portions of sanitized documents have been released and included in the Files, that term is misleading. The literature accompanying the microfilm and the advertising brochures are rife with factual inaccuracies. They offer conclusory statements, made by persons lacking subject-matter expertise, for future researchers. Such tangential diversions, from non-FBI evidence already unearthed and established by scholars, demand that all students use this collection with special caution; [See 5].

109. Weisberg, Harold. Whitewash IV. JFK Assassination Transcript. Legal Analysis by Jim Lesar. Frederick, Md.: By the author, 1974.

Facsimile copy of the 27 Jan. 1964 WC executive session transcript together with a line by line comparison of it with the purported verbatim transcript reprinted by WC member Gerald R. Ford in Portrait of the Assassin [706]. The comparison shows unindicated editing by Ford. Also, documents relate to the generation of the transcript via a federal suit [172], including those revealing a secret meeting of WC with Texas officials; [See 110].

110. Wrone, David R. (ed.) The Legal Proceedings of Harold Weisberg v. General Services Administration, Civil Action 2052-73, Together with the January 22 and January 27 Warren Commission Transcripts (The Freedom of Information Act and Political Assassinations, vol. 1). Stevens Point, Wisconsin: University of Wisconsin-Stevens Point Foundation Press, Inc., 1978.

Reprints of the court records of a Freedom of Information Act suit that released two improperly classified WC executive session transcripts. Included are affidavits by Archivist James B. Rhoads, WC general counsel J. Lee Rankin, and Harold Weisberg; WC Chairman Earl Warren's letter re disposition of WC records; WC member Richard Russell's protest over a faked, official transcript that obliterated his dissent from the lone assassin theory; and related issues in a court tested record.

Part III: Local Judicial Records

Dallas.

Legal records associated with the several trials of Oswald's murderer Jack Ruby are found in the courts here. No subject index exists.

New Orleans.

The boundaries of the parish (county) of Orleans and the City of New Orleans are the same.

111. Municipal Court, New Orleans.

The records of Oswald's 9 Aug. 1963 arrest for street brawling are presumably preserved. No finding aids exist and entries are by an arrest "number only."

112. Civil Court Parish of Orleans.

Records of suits for slander, libel, and damages are maintained here. Representative of these is Bringuier v. Canyon Books [126].

113. Criminal Court Parish of Orleans.

Records of the cases of many individuals charged during the complex course of the Garrison inquiry are preserved here. A card file by name exists. Representative instances are:

Andrews, Dean A. Jr.

114. State v. Dean A. Andrews, Jr. No. 197-998. 17 Mar. 1969 Perjury.

115. State v. Dean A. Andrews, Jr. No. 198-483. 12 April 1967 Perjury.

116. State v. Dean A. Andrews, Jr. No. 200-053. 18 July 1967 Perjury.

117. State v. Dean A. Andrews, Jr. No. 208-299. 5 Mar. 1969 Perjury.

McMaines, Mrs. Lilly Mae.

118. State v. Mrs. Lilly Mae McMaines. No. 198-109. n.d. material witness in 198-059.

Novel, Gordon.

119. State v. Gordon Novel. No. 198-066. 23 Mar. 1967. Material witness in 198-059.

120. State v. Gordon Novel. No. 198-198. 31 Mar. 1967.
Conspiracy to burglary.

121. State v. Gordon Novel. No. 198-471. 12 April 1967.
Theft.

Russo, Perry R.

122. State v. Perry R. Russo. No. 216-270. 7 May 1974.
Possession of stolen property.

Shaw, Clay L.

123. State of Louisiana v. Clay L. Shaw. No. 198-059.
Section C 1 Mar. 1967. Judge Edward A. Haggerty, Jr.

District Attorney Jim Garrison charged Shaw with conspiring with David Ferrie and Lee Harvey Oswald "to murder John F. Kennedy." After numerous appeals and motions in state and federal courts the trial began on 21 Jan. 1969. Garrison prosecuted two cases in the guise of one: (1) he attempted to try the validity of the Warren Commission's official conclusions; and (2) he tried Shaw for conspiring to kill JFK. In mid-Dec. 1968 Garrison appointed his assistant William Alford to prosecute the case, but Alford had been associated with other duties in the DA's office and was ill-prepared to conduct a major, complex trial.

During the trial Alford forced the release of the Zapruder film from the control of Time-Life and showed it to the jury; witnesses from the FBI and other governmental agencies testified. Although Judge Haggerty stated that anything in connection with the assassination could be introduced into the trial proceedings, the DA and Alford took a restricted approach.

On 1 Mar. 1969, after 51 minutes of deliberation the jury found Shaw innocent. The members of the jury, individually polled afterwards, agreed the prosecution had proven President Kennedy died as a result of a conspiracy, but that no evidence connected Shaw with it.

124. State of Louisiana v. Clay L. Shaw. No. 208-260.
Section A 3 Mar. 1969. Judge Edward A. Haggerty, Jr.

The first working day following the completion of the conspiracy trial, Garrison charged Shaw with perjury on the basis of testimony Shaw had given on the stand in his own defense at the conspiracy trial. Garrison's only witnesses were those who had appeared at the conspiracy trial. Garrison charged that Shaw lied when he denied knowing Oswald or Ferrie, alleged co-conspirators in the assassination of JFK. After extended legal appeals to the state courts Shaw was able to obtain relief from the United States Court of Appeals which ordered the

United States District Court to hold a hearing. After an extended hearing on 27 May 1971 the court issued a permanent injunction against Garrison and his associates prohibiting trial of Shaw on the perjury charge; [See 4640, 4644].

Part IV: Federal Judicial Records (1) SUITS INVOLVING PUBLICATION OF EVIDENCE

125. Jim Braden a/k/a Eugene Hale Brading v. Michael Ewing, Bernard Fensterwald, Jr., the Committee to Investigate Assassinations, Inc., Kensington Publishing Corporation, Peter Noyes, and Pinnacle Books. Law No. 48449. Circuit Court, Montgomery County, Maryland.

A 1978 libel suit against Fensterwald and Ewing, Coincidence or Conspiracy? [2161] and Noyes, Legacy of Doubt [2207].

126. Dr. Carlos Bringuier v. The Canyon Books and Books Distributing Company, et al. 1968. Civil Court Parish of Orleans.

A suit for damages against Harold Weisberg's publishers alleging inaccuracies and libels in Oswald in New Orleans [1901]. Although successful in this local court, the case had no standing outside the parish; damages were never collected; the entire action merely served to publicize Bringuier's lectures on the assassination. See Bringuier [1890].

127. John Henry Faulk v. Alpa Productions, Pat Thompson, Lincoln Carl, and Mark Lane. Civil Action No. 3-76-1671-D. United States District Court, Northern District of Texas, Dallas.

Suit to collect monies due on film on JFK assassination [1131] in which Faulk appeared. The check for initial payment was returned by the bank for insufficient funds. Subsequent percentage on gross was never received. Settled by agreement 30 Nov. 1977.

128. Jacqueline B. Kennedy v. Harper & Row Publishers, Cowles Communications, Inc., and William Manchester. Manhattan Supreme Court, New York. Justice Saul S. Streit.

On 14 Dec. 1966 the widow of JFK filed suit to obtain certain changes in the manuscript of William Manchester's Death of a President [2026]. On 21 Dec. JBK and Look reached an agreement where "passages to which Mrs. Kennedy objected on personal grounds" were deleted. Look had sold rights to West Germany's Stern and on 23 Jan. 1967 filed papers in Hamburg civil court seeking an injunction to halt publication of the material. After publishing

some issues with the serialized material in it, Henri Nanner, publisher of Stern, had voluntarily agreed to delete the personal passages in the remaining issues. On 16 Jan. 1967 JBK, Manchester, and Harper & Row reached a "mutual agreement" where "certain personal passages of concern to Mrs. Kennedy have been deleted or modified."

129. Gordon Novel v. Jim Garrison and HMH Publishing Co., Inc., a Delaware Corporation. Civil Action No. 67 C 1895. United States District Court for the Northern District of Illinois, Eastern District. Judge Campbell.

In Oct. 1967, Playboy published an interview with Garrison; Novel sued claiming it libeled him. Garrison moved for dismissal of the libel action on the ground the court lacked jurisdiction over his person because he lived in Louisiana. The Court, refusing Garrison's motion to dismiss, ruled that the State of Illinois bore the most substantial relationship to the tortious act, since the magazine was published in Illinois. 294 F. Supp. 825.

130. Time Incorporated v. Bernard Geis Associates, Bernard Geis, Josiah Thompson, and Random House, Inc. No. 67 Civ. 4736. United States District Court, Southern District of New York.

Time held it had a copyright on Abraham Zapruder's motion picture that had been infringed by Thompson's Six Seconds in Dallas [732]. The Court held "fair use" of the Zapruder frames had been made in the book because of the overriding public interest, in having fullest information available on the assassination. Time Inc. seemed not to have been damaged by the publication of the frames. 293 F. Supp. 130.

(2) SUITS CONCERNING OSWALD'S POSSESSIONS

Weapons acquisition

A 6.5mm Mannlicher-Carcano rifle discovered on the sixth floor of the TSBD and asserted to have been Oswald's, although he denied it, and a .38 Special S & W revolver taken from Oswald after his arrest were acquired by the FBI on 22 Nov. 1963 and held by the Bureau or by the WC until 7 Nov. 1966. On 2 Nov. 1965 Public Law 89-318 established a national interest in items of evidence associated with the assassination of President Kennedy. It required the Attorney General to acquire all right, title, and interest in the items by determination and then declaration in the Federal District Court where a claimant to such items resides. On 1 Nov. 1966 the

Attorney General published in the Federal Register [87] his determination of the national interest in the items and his declaration to acquire title to certain items of WC evidence, including the two weapons. On 8 Nov. 1966 the weapons were deposited in the National Archives. Prior to their deposit, on 29 Mar. 1965 and with extensive press coverage, John J. King of Colorado purchased title to the weapons from Marina Oswald Porter, intending to acquire them from the federal government. The assumption running throughout all the ensuing legal suits and press accounts is that the rifle belonged to Oswald, that the rifle fired the three shots that killed the President, and that the pistol fired the shots that killed Police Officer J. D. Tippit.

I. Government's attempt to acquire through forfeiture.

131. United States of America, Libelant, v. One 6.5mm Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766 with Appurtenances, and One .38 Special S & W Victory Model Revolver, Serial No. V510210, with Appurtenances, Respondents. Civil Action No. 3-1171. United States District Court for the Northern District of Texas, Dallas Division. Judge Joe Ewing Estes.

On 10 Sept. 1965 the government filed a libel of information against a rifle and a pistol, asserting they had been previously owned by Oswald and alleging the weapons had been forfeited to the U.S. by virtue of violations of the Federal Firearms Act, viz.: the weapons' dealers did not keep proper records since Oswald bought the weapons under a false name; therefore, the records were false. The Court agreed and ordered the weapons forfeited. 250 F. Supp. 410.

II. Reversal of forfeiture.

132. John J. King v. United States of America. 5th Cir. No. 23637. United States Court of Appeals for the Fifth Circuit. Judges Tuttle, Brown, and Coleman.

King appealed the forfeiture decision. On 29 July 1966, opinion by Tuttle, the Appeals Court reversed the lower court stating it could not accept the theory that the weapons are a species of Deodands. No provisions in the Firearms Act required a purchaser to use his true name. In order to gain title the government would have to resort to condemnation. 364 F. 2d 235.

III. King seeks compensation.

133. John J. King v. United States of America. Civil Action No. 67-C-518. United States District Court for the District of Colorado. Judge William E. Doyle.

On 27 Oct. 1967 King filed suit under Pub. L. 89-318 against the U.S. seeking proper compensation for the two weapons. On 8 Nov. 1968 the court held King was entitled to bring into evidence only material relating to the intrinsic value of the weapons, not material relating to the potential profits for commercial display or their market value. 292 F. Supp. 767.

IV. Appeal of forfeiture.

134. United States of America v. One 6.5mm Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with Appurtenances, and One .38 Special S & W Victory Model Revolver, Serial No. V510210, with Appurtenances. 5th Cir. No. 26620. United States Court of Appeals for the Fifth Circuit. Judges Brown, Thornberry, and Morgan.

King appealed the District Court's decision dismissing the forfeiture judgment claiming it erred in refusing to adjudicate his claim of ownership. On 23 Jan. 1969, the court opined that since the issue of ownership was at that time before the Colorado District Court where Pub. L. 89-318 required it to be heard, the Texas Court was correct in not adjudicating the ownership claim. 406 F. 2d 1170.

Compensation suits

Under the terms of Pub. L. 89-318 the widow of Lee Harvey Oswald attempted to acquire compensation for property taken by the federal government.

I. The suit.

135. Marina N. Oswald Porter et al. v. United States of America. Civil Action No. 3-2282. United States District Court for the Northern District of Texas, Dallas Division. Judge Estes.

Suit to determine worth. On 16 Sept. 1968 William R. West, Esq., was appointed Special Master for the purpose of hearing evidence and making findings on the value of the property as of 1 Nov. 1966, the date of federal acquisition. West found the value to be \$17,729.37. A jury having been waived, the court used the findings to make its decision. Since West's figure included value accruing to the property from the act of a "depraved mind," Mrs. Porter was awarded only \$3,000. 335 F. Supp. 498.

II. Appeal.

136. Marina N. Oswald Porter, et al. v. United States of America. 5th Cir. No. 72-1426. United States Court of Appeals for the Fifth Circuit. Judges Tuttle, Wisdom, and Simpson.

On 26 Feb. 1973 the Court of Appeals reversed the District Court's ruling and remanded the case for entry of judgment of \$17,729.37. The added value resulting from the interest of collectors had to be taken into consideration. 473 F. 2d 1329.

(3) FEDERAL LITIGATION ASSOCIATED WITH THE GARRISON INQUIRY

137. United States ex rel. State of Louisiana v. James B. Rhoads. District of Columbia Court of General Sessions, Misc. 825-69A. Jan. 1969. Judge Charles W. Halleck, Jr.

After the Department of Justice refused to serve a 9 May 1968 subpoena of New Orleans District Attorney Jim Garrison for the pictures and X-rays of JFK's autopsy, Garrison obtained a second subpoena and moved in the courts to force the National Archives and Archivist Rhoads to release the documents. On 17 Jan. 1969 Garrison's assistant Numa Bertel accompanied by Washington, D.C. attorney Bernard Fensterwald, Jr., and Harold Weisberg, their subject matter expert, argued the case. Eight federal attorneys represented the government. Late the day before, Attorney General Ramsey Clark had filed papers and a Panel Report which was secretly drawn eleven months before by his selected experts. The Panel Report sustained the WC conclusions and the government moved to substitute it for the primary material.

By working through the night, plaintiff prepared to confute the Panel Report and with it the Warren Report. At the critical juncture, when Bertel prepared to place his witness on the stand to give evidence contradicting facts in sworn federal affidavits, the New Orleans District Attorney's office reached the courtroom by phone and directed Bertel not to place witnesses on the stand, in effect blocking the effort to obtain the autopsy material. Garrison's office later said that the move was designed to halt the trying of a state case in a federal court. While the case suggests confusion in the District Attorney's office and reveals a basic inability to grasp the evidentiary nature of the assassination, it also starkly underlines a certain deviousness consistently practiced by federal agencies. More important, it suggests that the District Attorney and his staff were imbued with a deep pessimism over their ability to meet the power of the highly orchestrated federal resistance to their local criminal case.

138. Gordon Novel v. Jim Garrison et al. Civil Action No. 67-747. United States District Court for the Eastern District of Louisiana, New Orleans Division. Judge Comiskey.

Garrison's attempt to obtain extradition of Novel from Ohio to answer an indictment in New Orleans was blocked. Novel then sued Garrison and others for libel. When Garrison wished to have his pretrial discovery of Novel in the libel suit take place in New Orleans, Novel sued for a protective order to avoid the journey. On 7 June 1967 the court denied Novel's motion, as the Federal Rules give a broad and powerful right of discovery; Garrison could depose Novel in New Orleans under oral examination. No special circumstances exist under the rules. 42 F.R.D. 234.

Shaw I

A suit for an injunction against state prosecution for conspiracy to commit murder.

139. Clay L. Shaw v. Jim Garrison et al. Civil Action No. 68-1063. United States District Court for the Eastern District of Louisiana, New Orleans Division. Judges Ainsworth, Heebe, and Comiskey.

On 27 May 1968 Shaw filed suit asking for injunctive relief from state prosecution for having "willfully and unlawfully conspire[d]. . . to murder John F. Kennedy." Edward F. Wegmann, William J. Wegmann, and Salvatore Panzeca represented Shaw; Shaw based his request for relief on the illegal search of his premises, the insufficient evidence for his indictment, the prejudicial nature of the case caused by the publicity, and the state court's unjust denial of his application. Shaw also requested the Court declare the Warren Commission's Report "valid, accurate and correct" and "binding and controlling upon all courts of the United States, and admissible in evidence in the state court prosecution." On 23 July 1968 the court declined to rule on the constitutionality of the numerous state statutes challenged by Shaw stating that the request was premature and that he must first seek vindication of his rights in the state courts. The court refused to declare the Warren Report binding upon all courts. 293 F. Supp. 937.

140. Clay L. Shaw v. Jim Garrison et al. United States Supreme Court No. 579. October term, 1968.

On 9 Dec. 1968 the Supreme Court, per curiam, affirmed the District Court's judgment. The Chief Justice took no part in the decision. 393 U.S. 220, 89 S.Ct. 453, 21 L. Ed. 2d 392.

Shaw II

Suit to obtain restraining order blocking Garrison's trial of Shaw for perjury.

141. Clay L. Shaw v. Jim Garrison. Civil Action No. 71-135. United States District Court for the Eastern District of Louisiana. Judge Christenberry.

On 1 Mar. 1969 Shaw was found innocent of the charge of conspiring to murder JFK. On 3 Mar. 1969, the first working day afterwards, Garrison charged Shaw with the crime of perjury, saying he lied when testifying in his own defense that he did not know Lee Harvey Oswald or David Ferrie, alleged co-conspirators in the Garrison-envisioned plot which killed the president. Garrison's only witnesses were those who testified at the murder trial. After exhausting state remedies Shaw turned to the federal system.

On 18 Jan. 1971 Shaw applied to the District Court for a temporary restraining order to block the perjury trial scheduled for that day. Because of the imminence of the trial and the ex parte nature of the temporary restraining order, the court refused.

142. That day Shaw applied to the Appeals Court for emergency relief. A panel of judges directed the District Court to hear his application for injunctive relief; the lower court issued a temporary restraining order.

Shaw's attorneys were Edward F. Wegmann, William J. Wegmann, F. Irvin Dymond, and Salvatore Panzeca; Garrison's attorneys were John P. Volz, Andrew J. Sciambra, and William R. Alford.

On Jan. 25, 26, 27, Judge Christenberry heard numerous witnesses and filed into evidence 55 exhibits. Shaw argued the prosecution was instituted in bad faith and for the purpose of harassment and that this was the second of a series of multiple prosecutions to which he had been and would be subjected. In rebuttal Garrison argued that he was primarily interested in the forces behind JFK's assassination and individuals were not basic to his investigation. In referring to Garrison's efforts to separate the two issues of JFK and Shaw's trial, the court stated that Shaw was an integral part of the probe; there were no grounds for Garrison proceeding without his arrest.

At the same time the court found substantial weakness in Garrison's case. The state used drugs, hypnosis, and other methods to enhance the memory of the key witness, Perry Raymond Russo, who was used to connect Shaw with Oswald and Ferrie. The court found that the techniques actually inculcated the desired information and were incompatible with the American system of justice. Too, Garrison's promotion of the perjury trial through extensive press conferences related to the promotion of his recently published book Heritage of Stone [1894], a contract to write three more books, and a need

to repay substantial obligations owed one of his private financial backers in a local merchants' special fund.

Whereas previously the federal system of constitutional protection had been typically given a limited application to a few rights of the individual, the court held that it applied more widely and spread its protective mantle over Shaw by permanently enjoining Garrison and his associates from further prosecution of him. 328 F. Supp. 390.

143. Clay L. Shaw v. Jim Garrison. 5 CA No. 71-2422. United States Court of Appeals for the Fifth Circuit. Judges Wisdom, Godbold, and Roney.

Garrison appealed. On 31 July 1972 Judge Wisdom delivered the opinion of the Appeals Court affirming the lower court's decision. Extended treatment was given to the weakness of Garrison's perjury charge and to his severe conflict with financial interests, while also stressing serious violations of Shaw's civil rights. 467 F. 2d 113.

144. Clay L. Shaw v. Jim Garrison. United States Supreme Court No. 72-458. October term, 1972.

The Supreme Court denied certiorari.

93 S.Ct. 467, 409 U.S. 1024, 34 L. Ed. 2d 317.

Shaw III

Suit for damages against Garrison and others who allegedly conspired to deprive Shaw of his civil rights.

145. Clay L. Shaw v. Jim Garrison et al. Civil Action No. 70-466. United States District Court for the Eastern District of Louisiana. Judge Frederick Heebe.

In Feb. 1970 Shaw filed suit against Garrison and five others who, he alleged, had deprived him of his civil rights under 42 USCS P 1983 when he was prosecuted in bad faith for conspiring to kill JFK and for perjury charges connected with the same. Shaw died 15 Aug. 1974 and left no survivors. Louisiana law of survivorship would have abated the suit. On 7 Oct. 1974 the court granted the motion of Edward F. Wegmann, executor of Shaw's last will, to be substituted as the plaintiff. The defendants asked for the case to be dismissed because of Shaw's death, but the Court found the civil rights statutes provided broad remedial relief and federal common law required the suit to survive in favor of the executor of Shaw's last will. On 4 Mar. 1975 the Court ruled against the defendants. 391 F. Supp. 1353.

146. Clay L. Shaw v. Jim Garrison et al. 5 CA No. 75-2019. United States Court of Appeals for the Fifth Circuit. Judges Wisdom, Ingraham, and Grooms.

On 24 Jan. 1977 the Appeals Court upheld the lower court's decision. The brief by Shaw's attorney is lengthy and profusely documented. 545 F. 2d 980. On 20 June 1977 a rehearing en banc was denied. 555 F. 2d 1391.

147. Willard E. Robertson v. Edward F. Wegmann, Executor of the Estate of Clay L. Shaw. United States Supreme Court No. 77-178. Argued 21 Mar. 1978. Decided 31 May 1978.

The United States Supreme Court reversed the lower court's opinion. Justice Marshall delivered the opinion of the Court, in which Chief Justice Burger, and Justices Stewart, Powell, Rehnquist, and Stevens joined. Justice Blackmun filed a dissenting opinion in which Justices Brennan and White joined. Robertson was one of the five other persons in the suit who was alleged to have lent financial support to Garrison's investigation of Shaw through an organization known as "Truth and Consequences." The fact Shaw died without survivors was not sufficient in itself for the Louisiana law of survivorship to be set aside as "inconsistent" with the federal laws and the Constitution. 436 US 584, 98 S.Ct. 1991, 56 L.Ed.2d 554.

148. Walter Sheridan and Richard Townley v. Jim Garrison et al. Civil Action No. 67-1147. United States District Court for the Eastern District of Louisiana, New Orleans Division. Judge Alvin B. Rubin.

National Broadcasting Company television news reporter Sheridan and WDSU-TV, New Orleans, news reporter Townley were charged by District Attorney Garrison with public bribery of a witness and Townley with intimidating witnesses in June and July 1967. The newsmen appealed to the federal courts alleging the charges were made in bad faith to intimidate those who disagreed with the District Attorney, that he suppressed evidence that demonstrated the charges false, and that if the charges stood they would drastically inhibit the freedom of the press. Judge Rubin, 28 Aug. 1967, granted Garrison summary judgment arguing that the Anti-Injunction Statute, 28 U.S.C. P 2283, barred the federal courts from intervening in a local court and that the cases were not extreme enough to warrant an intervention via other constitutional grounds. 273 F. Supp. 673.

149. Walter Sheridan and Richard Townley v. Jim Garrison et al. 5 CA No. 25516. United States Court of Appeals, Fifth Circuit. Judges Thornberry, Dyer, and Fisher.

On 13 Aug. 1969 the Appeals Court reversed and remanded the lower court stating that the District Attorney was harassing the reporters and violating their exercise of

free speech. The Anti-Injunction Statute had to give way before the clear instance of the violations of First Amendment rights, as the documents filed with the court, it ruled, showed. Rehearing denied on 16 Sept. 1969. 415 F. 2d 699.

(4) "FREEDOM OF INFORMATION ACT" LITIGATION

Access to FOIA court records relating to the JFK assassination is difficult. Records are stored in court facilities, and no subject index exists in a particular court, let alone at the national level. Court reporting services and legal indexes are extremely selective and those reported or listed are not designated by subject matter, but by legal principles involved. Approach is by case number only. In each District Court an index by case name and number exists. This leads to the Court Docket which lists the filings and proceedings in the case. Most completed federal case records are typically stored in a regional records storage facility. A request takes a few days to be processed and the materials retrieved. Some of the cases are but a few scant pages; others are several feet thick.

In Wrone, Legal Proceedings [110], a FOIA suit of Harold Weisberg has been printed, including the complete court record along with the documents it generated. The legislative base for FOIA is: Public Law 89-487 (Act of 4 July 1966), 80 Stat. 250, as codified by Public Law 90-23 (Act of 5 June 1967), 81 Stat. 54. Amended by Public Law 93-502 (Act of 21 Nov. 1974), 88 Stat. 1563.

Allen, Mark A.

150. Mark A. Allen v. Central Intelligence Agency. Civil Action No. 78-1743. United States District Court for the District of Columbia. Judge John L. Smith.

Suit to obtain WC document 347, known to the CIA as number 509-803, brought by a law student who has done extensive research into the circumstances surrounding the assassination of President Kennedy, particularly Oswald's trip to Mexico. Suit denied.

American Civil Liberties Union.

151. Mark Lane v. United States Secret Services, Department of Treasury, et al. Civil Action No. 76-0227. United States District Court for the District of Columbia.

FOIA suit brought by the ACLU for Lane requesting "all records that are under the control" of the Secret Service and Treasury Department relating to the JFK assassination.

Despite widespread publicity given by Lane to the releases, most of the records requested and obtained were already in the public domain and many had been published by Weisberg.

152. Mark Lane v. General Services Administration, et al. Civil Action No. 76-0226. United States District Court for the District of Columbia.

FOIA suit brought by the ACLU for Lane requesting all files and records pertaining to Lane found in the WC records in the Archives. With some exceptions copies were provided, but many were already in the public domain.

Exner, Judith Katherine.

Suits by Judith Katherine (Campbell) Exner to obtain FBI records on her.

153. A. Judith Katherine Exner v. Federal Bureau of Investigation et al. Civil Action No. 76-89-S. United States District Court for the Southern District of California. Judge Edward Schwartz.

On 2 Feb. 1976 Exner filed suit to compel the FBI to disclose immediately records she had requested. She had publicly stated that she had had an amorous affair with President Kennedy (when she carried the married name Campbell). She was linked to organized crime by the press. Certain critics have promoted the relationship to the status of "evidence" by concluding organized crime assassinated JFK, although they have never substantiated the claims with documentary proof or even theoretical plausibility. On 9 April and 20 April the Court ordered the federal government to disclose immediately the records.

154. B. Judith Katherine Exner v. Federal Bureau of Investigation et al. 9 CA No. 76-1903. United States Court of Appeals for the Ninth Circuit. Judges Barnes, Goodwin, and Takasugi.

The Department of Justice appealed, pleading the huge number of requests under FOIA and the volume of demands creating a backlog. Exner's requests were placed on a list to be processed when they could get to them. The Appeals Court refused to stay the District Court's order pending appeal and ruled the District Court had not abused its discretion in its orders. The filing of a suit can create a preference, especially when a "federal court orders it." The case was remanded. On 24 June 1976 Exner obtained 200 pages from 85 documents and the Court examined in camera portions of others not released and agreed to the FBI's withholding of them. Later she received additional documents. 542 F. 2d 1121.

155. C. Judith Katherine Exner v. Federal Bureau of Investigation et al. Civil Action No. 76-89-S. United States District Court for the Southern District of California. Judge Edward Schwartz.

Attorney's suit for compensatory fees in accordance with FOIA stipulations. The Court found the relationship between the lawsuit and the deliverance of information to be substantial; the government did not show that the information would have emerged without the lawsuit. 443 F. Supp. 1349.

Fensterwald, Bernard, Jr.

156. Bernard Fensterwald, Jr., v. Department of Justice. Civil Action No. 861-72. United States District Court for the District of Columbia. Judge Gerhard Gesell.

Fensterwald sued to obtain copies of three photographs of an unidentified white male shown by federal agents on 20 Feb. 1964 to Pedro Gutierrez Valencia, Mexico, as the possible person he had seen entering the Cuban embassy 1 Oct. 1963. The photographs were described in detail in an FBI report of 24 Feb. 1964 to the WC which became WC document 566. Fensterwald appeared pro se and Robert M. Werdig, Assistant United States Attorney, served as counsel for defendant. After extended delay the government, on 5 July 1972, handed the photographs to Fensterwald during a hearing before Gesell.

157. Bernard Fensterwald, Jr., v. United States Central Intelligence Agency. Civil Action No. 75-282-A. United States District Court for the Eastern District of Virginia. Judge Oren R. Lewis.

Fensterwald sued to obtain a copy of his "Fensterwald file." The CIA provided him with a copy containing numerous deletions made on several grounds which, Fensterwald conceded, were proper "except those which the defendant claims would constitute the clear invasion of the privacy of a third party." Judge Lewis inspected the nine documents in camera and opined "the CIA was justified in deleting the material from the documents in question before turning them over to the plaintiff." With an order of 24 Nov. 1975, Lewis dismissed the case.

158. Bernard Fensterwald, Jr., v. United States Central Intelligence Agency. Civil Action No. 75-897. United States District Court for the District of Columbia. Judge John Sirica.

Fensterwald sued to determine the classification status of several hundred CIA documents relating to JFK's assassination and after delays got a printout of materials classified. On 22 Dec. 1977 Judge Sirica responded to Fensterwald's argument that the CIA's assigned classification status may not be correct by conducting a "prudent"

in camera review of a representative sample of them. Fensterwald represented himself; Michael Ryan, Assistant U.S. Attorney, the CIA. 443 F. Supp. 667.

Lane, Mark.

None. See American Civil Liberties Union.

Levy, Michael.

159. Michael J. Levy v. U.S. Secret Service et al. Civil Action No. 78-0307. United States District Court for the District of Columbia.

A successful pro se suit by a private researcher for 99 documents totaling several hundred pages.

Nichols, John.

Suits to study and perform certain scientific tests upon JFK evidence.

160. A. John Nichols v. United States of America. Civil Action No. T-4761. United States District Court for the District of Kansas. Judge Templar.

Suit by a physician seeking to study certain items of evidence in the possession of the National Archives and, he asserted, in the possession of the U.S. Navy, in order to perform neutron activation analysis upon some of them. On 24 Feb. 1971 Judge Templar granted the government summary judgment emphasizing two factors: the Archives stated the clothing of JFK lay under Kennedy family restrictions and could not be examined, and Nichols failed to challenge the affidavit of Vice Admiral George M. Davis, commander of Bethesda Naval Hospital, who swore the Navy did not possess the requested materials. 325 F. Supp. 130. For subject matter discussion refer to Weisberg Post Mortem [973].

161. B. John Nichols v. United States of America. 10 CA No. 71-1238. United States Court of Appeals for the Tenth Circuit. Judges Lewis, Holloway, and Barrett.

On 12 May 1972 the Appeals Court affirmed the lower court's ruling and dismissed Nichols' suit. It held that the 29 Oct. 1966 letter of agreement between the Kennedy family and the National Archives was a valid, binding agreement and that restriction on access and inspection imposed thereby is reasonable. Further, since the David affidavit went unchallenged by Nichols it must stand. Essentially the Court said that the FOIA's purpose was to release documents already in existence, not to generate information such as tests. 460 F. 2d 671. See Weisberg Post Mortem [973] on the question of the family's letter of agreement, where

chronological and documentary evidence contradicts the Court on the nature of the relationship of the Kennedy family to the evidence.

162. C. John Nichols v. United States of America. October term, 1973. The Supreme Court of the United States.

Nichols petitioned the Supreme Court for a writ of certiorari. The Court denied cert. 93 S. Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

163. D. Historical note. Robert M. Brandon v. Jack M. Eckard, Administrator, General Services Administration, et al. DC CA No. 74-1503. United States Court of Appeals for the District of Columbia. Judges Wright, Tamm, and Wilkey.

A major reference to Nichols v. United States, Tenth Circuit No. 71-1238, occurs in the opinion of the court by Wright. Brandon sought to gain access to certain items in the Vice Presidential papers of Nixon but was precluded by the terms of the contract between Nixon and the GSA. The District Court had denied Brandon access, in part basing its summary judgment upon Nichols, ruling that Brandon was not a party to the agreement and thus had no right to access. Judge Wright opined, however, that the Tenth Circuit did not cite any authority nor discuss the FOIA's history or purposes in asserting that one who was not a party to an agreement has no standing to object to the agreement or its terms. "With deference," said Wright, "we reject this attempt to create a novel barrier to FOIA plaintiffs as clearly inconsistent with congressional intent." On 22 Dec. 1977 the Appeals Court vacated the lower court's judgment and sent the case back for reconsideration of recent legislative and legal developments in the field of FOIA. 569 F. 2d 683.

Smith, Robert P.

164. Robert P. Smith v. Department of Justice. Civil Action No. 1840-72. United States District Court for the District of Columbia.

Critic sought FBI records relating to Oswald and certain FBI laboratory examinations or other reports. No report handed down.

Weisberg, Harold.

Suits for disclosure of scientific evidence pertaining to the assassination of President John F. Kennedy.

Spectro I

165. A. Harold Weisberg v. United States Department of Justice. Civil Action No. 2301-70. United States District Court for the District of Columbia. Judge John Sirica.

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In complaint filed in District Court on 3 Aug. 1970, Weisberg sought the disclosure of the "spectrographic analysis of bullet, fragments of bullet and other objects, including garments and part of vehicle and curbstone said to have been struck by bullet and/or fragments during assassination of President Kennedy and wounding of Governor Connally."

Weisberg was represented by Washington, D.C. attorney Bernard Fensterwald, Jr. The Department of Justice was represented by Thomas A. Flannery, United States Attorney for the District of Columbia, and Assistant United States Attorneys Joseph M. Hannon and Robert M. Werdig, Jr.

Weisberg sought these records in the belief that if the laboratory tests had been properly done they would disprove key findings of the Warren Commission.

On 6 Oct. 1970 the Department of Justice filed a motion to dismiss, or, in the alternative, for summary judgment. The Department contended that Weisberg was not entitled to copies of these records because they were protected by the Act's investigatory files exemption. The Department maintained that this exception to the Act's mandatory disclosure requirements was a blanket exemption which protected all of the FBI's investigatory files from disclosure.

On 9 Nov. 1970 the Department filed an affidavit by FBI Special Agent Marion E. Williams which claimed that the release of "raw data" from its investigative files to any and all persons who requested them "would seriously interfere with the efficient operation of the FBI and with the proper discharge of its important law enforcement responsibilities" It speculated that the release of such information could lead to "exposure of confidential informants; the disclosure out of context of the names of innocent parties, such as witnesses; the disclosure of the names of suspected persons on whom criminal justice action is not yet complete; possible blackmail; and, in general, do irreparable damage." It concluded by warning that: "Acquiescence to the Plaintiff's request in instant litigation would create a highly dangerous precedent"

During oral argument before Judge Sirica on 16 Nov. 1970, Assistant United States Attorney Robert M. Werdig told the Court that the Attorney General of the United States had determined that it was not in the "national interest" to divulge the spectrographic analyses. This representation was made even though the Freedom of Information Act had specifically eliminated "national interest" as a ground for nondisclosure because it was too vague.

Ruling from the bench and without making any findings of fact, Judge Sirica granted the Department's motion to dismiss.

No evidence has ever been produced to substantiate Werdig's claim that the Attorney General had determined that it was not in the national interest to divulge the spectrographic analyses. Several years after Werdig made this assertion, Weisberg obtained records which show that at least by 1972 Department of Justice officials were trying to get the FBI to make a discretionary release of such records in order to avoid a possible adverse legal precedent which would be harmful to the FBI's interests.

166. B. Harold Weisberg v. United States Department of Justice. DCCA No. 1026. United States Court of Appeals for the District of Columbia Circuit. Judges: Chief Judge David L. Bazelon, Senior Circuit Judge John A. Danaher, Judge Frank R. Kaufman.

This case arose from Weisberg's appeal of Judge Sirica's order granting the government's motion to dismiss in Civil Action No. 2301-70. On appeal Weisberg was again represented by Bernard Fensterwald, Jr., with James H. Lesar serving "of counsel." The Department of Justice was represented by Walter H. Fleischer, Assistant Attorney General L. Patrick Gray, III, Thomas A. Flannery, Harold H. Titus, Jr., Barbara L. Herwig, and Alan S. Rosenthal.

On appeal Weisberg attacked the affidavit of Marion E. Williams as conclusory and far-fetched. He contended that the spectrographic analyses had not been compiled for a "law enforcement purpose," but rather as a result of a request by President Lyndon B. Johnson that the FBI conduct a special investigation for the President; that the Freedom of Information Act's "investigatory files" exemption did not extend blanket protection to all FBI files; and that the Department had failed to show that disclosure of the spectrographic records would result in any harm to the FBI's law enforcement functions.

On 28 Feb. 1973 the Court of Appeals issued its opinion. The majority opinion, written by Judge Kaufman and concurred in by Chief Judge Bazelon, held that the Williams affidavit was "most general and conclusory" and "in no way explains how the disclosure of the records sought is likely to reveal the identity of confidential informants, or subject persons to blackmail, or to disclose the names of criminal suspects, or in any other way to hinder F.B.I. efficiency." Specifically holding that the Department had the burden of proving "some basis for fearing such harm," the Court reversed Judge Sirica and remanded the case to him for further proceedings.

Given FOIA's explicit language and criteria, Senior Circuit Judge John A. Danaher curiously but confidently dissented, "it is unthinkable that the criminal investigatory files of the Federal Bureau of Investigation are to be thrown open to the rummaging writers of some television crime series, or, at the instance of some 'party'

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off the street, that a court may by order impose a burden upon the Department of Justice to justify to some judge the reasons for Executive action involving Government policy in the area here involved." After offering his opinion that "the law . . . forbids against [Weisberg's] proposed further inquiry into the assassination of President Kennedy," he concluded his dissent with a Latin phrase emblazoned in capital letters: "REQUIESCANT IN PACE."

The Department of Justice petitioned for a rehearing by the full court. The Court of Appeals granted the Department's petition and vacated the panel decision. The case was then orally argued before the nine active members of the Court, Chief Judge Bazelon and Circuit Judges Wright McGowan, Tamm, Levanthal, Robinson, MacKinnon, Robb, and Wilkey, plus Senior Circuit Judge Danaher.

On 24 Oct. 1973, the Court of Appeals upheld Judge Sirica's original ruling by a 9-1 vote. Senior Circuit Judge Danaher wrote the majority opinion; Chief Judge Bazelon filed the lone dissent.

Factually inaccurate where it touched upon the events surrounding the assassination of President Kennedy, the Court's en banc opinion held that where Department of Justice files "were investigatory in nature" and "compiled for law enforcement purposes," they are exempt from compelled disclosure. 489 F. 2d 1195 (en banc), cert. denied, 416 U.S. 993. Because this meant that law enforcement agencies could protect virtually all their files simply by asserting that they had been compiled as a result of an investigation made for law enforcement purposes, this decision eviscerated the Freedom of Information Act. Ultimately, however, Congress amended the investigatory files exemption and specifically overrode the decision of the Court of Appeals in the Weisberg case.

167. C. Harold Weisberg v. United States Department of Justice. United States Supreme Court. No. 73-1138.

Weisberg filed a petition for a writ of certiorari seeking to have the Supreme Court review the decision of the Court of Appeals. Weisberg argued that the Court of Appeals' decision marked the first time that any Court of Appeals had converted the investigatory files exemption into a blanket exemption protecting all files said to be (1) investigatory in nature, and (2) compiled for law enforcement purposes, even though the agency had failed to show any conceivable harm which might result from disclosure. Weisberg contended that this interpretation of the investigatory files exemption was in direct conflict with the decisions of other Courts of Appeals and stressed the important implications the case had for the viability of the Freedom of Information Act. However, the Supreme Court denied certiorari, 416 U.S. 993, 94 S. Ct. 2405,

40 L.Ed. 2d 772. Only Justice William O. Douglas voted to grant certiorari.

Spectro II

168. A. Harold Weisberg v. United States Department of Justice and United States Energy Research and Development Administration. Civil Action No. 75-0226. United States District Court for the District of Columbia. Judge John Pratt.

In 1974 Congress amended the Freedom of Information Act. Public Law 93-502 (Act of November 21, 1974), 88 Stat. 1563. In amending the investigatory files exemption, Congress specified its intention to override the en banc decision of the United States Court of Appeals for the District of Columbia Circuit in Weisberg. Senator Edward Kennedy asked Senator Hart, on the floor of the Senate, whether Hart's proposed amendment to the investigatory files exemption would override the Weisberg precedent and some other D.C. Circuit cases which followed it. When Senator Hart replied that it would, Senator Kennedy announced his support for the measure. It was then enacted over President Gerald Ford's veto.

On 19 Feb. 1975, the effective date of the Amended Freedom of Information Act, Weisberg again filed suit for the spectrographic analyses made in connection with the investigation into President Kennedy's assassination. This time he also requested records on or pertaining to neutron activation analyses and other scientific tests on the physical evidence associated with the President's murder.

During the proceedings in front of Judge John Pratt, the FBI submitted two affidavits by FBI Special Agent John W. Kilty, who was assigned to the FBI Laboratory. The first Kilty affidavit swore that the FBI had examined the President's clothing, the presidential limousine windshield, and a piece of curbstone allegedly struck by bullet by means of neutron activation analysis. When Weisberg sought the records of this testing, Kilty then executed a second affidavit in which he directly contradicted his first affidavit by declaring that, "upon further examination" the President's clothing, the windshield, and the curbstone had not been examined by means of neutron activation analysis. Notwithstanding this blatant discrepancy, Judge Pratt granted summary judgment in favor of the government, ruling that the case was moot because the Department had "substantially complied" with Weisberg's request. This ruling was based on the government's claim that it had produced "all available" records sought by Weisberg.

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169. B. Harold Weisberg v. United States Department of Justice et al. DCCA No. 75-2021. United States Court of Appeals for the District of Columbia Circuit. Judges Spottswood W. Robinson III, Malcolm R. Wilkey, William Jameson.

In this appeal Weisberg was represented by James H. Lesar. Justice Department attorney Michael Stein argued the case for the appellees. Assistant Attorney General Rex E. Lee, United States Attorney Earl J. Silbert, and Justice Department attorney Leonard Schaitman were also on the brief for appellees.

On appeal Weisberg argued that the government had not met its burden of showing that each document sought had been produced and that there were material facts in dispute, particularly as regarded the existence or non-existence of certain records, which precluded summary judgment. Weisberg argued that it was essential that he be allowed to undertake discovery on this issue. District Judge Pratt had foreclosed Weisberg's attempts to obtain answers under oath to his interrogatories, labeling them "oppressive."

The case was argued on 3 June 1976. Barely a month later, and just three days after the 10th anniversary of the enactment of the Freedom of Information Act, the Court of Appeals issued its opinion reversing Judge Pratt. The opinion, written by Judge Wilkey, held that there were issues of material fact in dispute, and that Judge Pratt should not have dismissed Weisberg's interrogatories as oppressive. In remanding the case to the district court, the Court of Appeals declared that, "[t]he data which [Weisberg] seeks to have produced, if it exists, are matters of interest not only to him but to the nation." Saying that the existence or nonexistence of these records "should be determined speedily on the basis of the best available evidence," the Court of Appeals stated that on remand Weisberg must take the testimony of live witnesses who had personal knowledge of events at the time the investigation was made. 177 U.S. App.D.C. 161, 543 F. 2d 308.

In addition to its significance as a legal precedent establishing the right of discovery in Freedom of Information Act cases, this decision is important because comparison with its earlier en banc decisions reflects a changed attitude towards the Freedom of Information Act and a reversal of the Court's opinion of Weisberg and his work.

170. C. Harold Weisberg v. United States Department of Justice et al. Civil Action No. 75-0226. United States District Court for the District of Columbia. Judge John Pratt.

On remand Weisberg utilized three forms of discovery: interrogatories, depositions, and requests for the production of documents. He took some 400 pages of deposition testimony from four FBI agents who had personally participated in the testing of items of evidence in the assassination of President Kennedy. The evidence developed on remand directly contradicted the affidavit of FBI Agent Kilty in which he swore that neutron activation analysis had not been performed on the presidential limousine windshield. After first testifying that he could not recall whether the windshield scraping had been subjected to neutron activation analysis, FBI Special Agent John F. Gallagher then admitted, when confronted with evidence that the specimen had in fact been submitted to the nuclear reactor, that he had tested it.

Through discovery Weisberg also established that the spectrographic plates and notes on the testing of the curbstone were allegedly missing. This fact had been concealed from Weisberg and the district court when the case had first been before Judge Pratt in 1975. For example, while Kilty's affidavits had asserted that Weisberg had been provided with "all available" records within the scope of his request, they did not provide the essential information that records which had been created had not been provided him because, it was conjectured, they were "destroyed" or "discarded" during "routine housecleaning."

The discovery materials obtained by Weisberg are significant in a number of respects. If the deposition testimony of the FBI agents can be credited, it discloses a picture of the FBI Laboratory as bungling, uncoordinated, amateurish, inept, and anything but thorough, precise, and reliable. It is a portrait quite opposite to the highly-touted reputation that the FBI Lab has cultivated in the press and elsewhere.

The deposition testimony reveals ignorance of fundamental facts by the FBI agents who conducted the investigation of the President's murder. For example, FBI Special Agent Cortlandt Cunningham, who did the original ballistics testing of CE399, did not know that it had been wiped clean before it was sent to the FBI Lab. Agent Gallagher could not remember testing key items of evidence and when asked to circle possible bullet holes on a photograph of the President's shirtcollar, he circled the buttonholes.

The testimony of the FBI agents is suspect at critical points. Their testimony is also marked by extreme personal antagonism towards Weisberg.

In addition to the discovery he undertook, Weisberg also put into the record some important affidavits and exhibits which address both the official version of the

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President's assassination and the credibility of the government's claim that he had been provided all the records he sought. This included not only the lengthy affidavits which he himself executed, but an affidavit by an actual witness to the Kennedy assassination, James T. Tague, who apparently received a minor wound on his cheek when a fragment ricocheted off the curbstone which the FBI tested (seven months after the fact) by means of spectrographic analysis. The Tague affidavit ties in with the spectrographic plates and notes on the curbstone which the FBI claims were destroyed or discarded and with Weisberg's testimony that the curbstone was patched and that the FBI knew when it tested it that it had been altered from its original state.

Through the affidavits and exhibits which he submitted to the district court, Weisberg also maintained that photographic evidence shows that the alleged bulletholes in the President's shirtcollar do not overlap and that the tears in the shirtcollar and the nick in the President's tie were not caused by a bullet but by the fact that the tie was cut off by a scalpel during emergency medical efforts. During his deposition, former FBI Special Agent Robert A. Frazier, who at the time of the President's assassination was head of the FBI Laboratory, testified that he had ordered an FBI Agent, he thought it was Special Agent Paul Stombaugh, to conduct an examination of the President's shirtcollar to determine whether the alleged bulletholes overlapped. However, the FBI has not produced any report or records pertaining to any such examination.

After establishing that records had been created which he had not been given, Weisberg noted the deposition of FBI Special Agent John W. Kilty, the agent responsible for conducting the search for such records. However, Judge Pratt quashed Kilty's deposition before Weisberg's counsel had even been served with the motion to quash the deposition. Subsequently, Judge Pratt granted the FBI's motion for summary judgment, again finding that there were no genuine issues of material fact in dispute and that the FBI had given Weisberg all the documents it had. 438 F. Supp. 492.

171. D. Harold Weisberg v. United States Department of Justice et al. DCCA No. 78-1107. United States Court of Appeals for the District of Columbia. Judges: Chief Judge David L. Bazelon, Judges Spottswood Robinson III, and Francis L. Van Dusen.

Case was orally argued before the Court of Appeals on 20 Mar. 1979. James H. Lesar represented Weisberg. John H. Kornis argued the case for the appellees; also on the brief for appellees were United States Attorney Earl J. Silbert and Assistant United States Attorneys, John A. Terry, Michael W. Farrell, and Michael J. Ryan.

In asking the Court of Appeals to reverse Judge Pratt for the second time, Weisberg's counsel reviewed the history of the scientific testing of JFK assassination evidence and presented the evidence for the existence of records not provided Weisberg. He contended that summary judgment had been inappropriate because there existed genuine issues of material facts in dispute; namely, whether the records said to have been destroyed or discarded had in fact been destroyed or discarded and whether there had been a thorough search for allegedly missing records. He pointed out that the government had not sworn under oath that all relevant files had been searched and that the records provided Weisberg showed that only certain files had been searched. He also asserted that Judge Pratt had violated well-established principles of summary judgment. Thus, instead of evaluating the evidence to see whether material facts were in dispute, Pratt had resolved the factual issues himself. In addition, he had not applied the principle that matters of fact are to be viewed in the light most favorable to the party opposing summary judgment.

While the case was pending before the Court of Appeals, Weisberg obtained new evidence further discrediting the government's claims that important JFK assassination evidence had been "destroyed" or "discarded" during "routine housecleaning." This evidence, which Weisberg sought to bring to the attention of the Court of Appeals, over the government's vehement protests, showed that the FBI was under instructions not to destroy or discard its records on its investigation of the assassination of President Kennedy and that periodic reviews of field office records had been made to assure that the evidence was being maintained.

Suits for Warren Commission executive session transcripts.

Transcripts Suit I

172. Harold Weisberg v. General Services Administration. Civil Action No. 2052-73. United States District Court for the District of Columbia. Judge Gerhard Gesell.

On 13 Nov. 1973 Weisberg filed suit for the transcript of the Warren Commission executive session held on 27 Jan. 1964. For several years prior to filing suit, Weisberg had repeatedly requested disclosure of the 27 Jan. transcript. However, the National Archives and Records Service, the custodian of the transcript, had rejected his demands, claiming that the transcript was classified "Top Secret" on grounds of national security.

Warren Commission member Gerald R. Ford had previously published parts of the 27 Jan. transcript, including some extensive and purportedly verbatim quotations, in his book Portrait of the Assassin [706]. On 5 Nov. 1973

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during the Senate hearings on his nomination to be Vice President, Ford swore that he had used only publicly available materials in his book. This testimony prompted Weisberg's suit for the transcript which Ford had used in his book, but which had been denied him.

In response to Weisberg's suit, the government submitted two affidavits from high government officials. National Archivist Dr. James B. Rhoads swore that the 27 Jan. transcript was classified Top Secret under Executive Order 10501. J. Lee Rankin, formerly Solicitor General of the United States and General Counsel of the Warren Commission, swore that the Warren Commission had instructed him to classify its records and that he had ordered top secret classification of the 27 Jan. transcript.

Weisberg met these claims head on. He accused Rhoads and Rankin of having filed false affidavits and supported his charges with numerous records taken from the Warren Commission's own files. He argued that these records showed that Ward & Paul, the Commission's reporting firm, had routinely "classified" all records, even housekeeping records, without regard to the content of the records.

On 3 May 1974 Judge Gesell ruled that the government had not shown that the 27 Jan. transcript was properly classified. However, he went on to decide the case in the government's favor, ruling that under the decision of the Court of Appeals in Weisberg v. U.S. Department of Justice, 160 U.S.App.D.C. 71, 489 F. 2d 1195 (en banc) cert. denied, 416 U.S. 993 ("Weisberg I"), it was exempt from disclosure as an investigatory file compiled for law enforcement purposes. In a motion for reconsideration, Weisberg pointed out that the government's answers to interrogatories showed that no law enforcement agency or official had seen the 27 Jan. transcript until at least three years after the Warren Commission had ceased to exist. The motion for reconsideration was promptly denied.

Weisberg planned to appeal Judge Gesell's decision. But the National Archives suddenly "declassified" the transcript and, ignoring its court-sanctioned exempt status as an investigatory file compiled for law enforcement purposes, made it available to Weisberg on 14 June 1974. The eighty-six page transcript contained no material which could have placed the national security in jeopardy nor any indication that it would be used for law enforcement purposes.

Two years after he obtained the 27 Jan. transcript, Weisberg obtained documents during a subsequent lawsuit which showed that the National Archives had withheld the transcript at the insistence of the CIA, purportedly to protect its "intelligence sources and methods." In affidavits filed in other lawsuits, Weisberg has repeatedly asserted,

without contradiction, that the 27 Jan. transcript did not in fact reveal any such "sources and methods."

The disclosure of the 27 Jan. transcript was followed by the release of the transcript of the Warren Commission executive session held on 22 Jan. 1964, for which Weisberg and Dr. Paul Hoch had submitted a new request. The contents of these two transcripts had a devastating impact on the credibility of the Warren Commission's findings. They revealed that the Commission distrusted and feared the FBI, that it knew that the FBI had reached its conclusion that Oswald was "the lone assassin" without having made a thorough investigation to determine if there had been a conspiracy, and that the Commission lacked the courage to investigate rumors that Oswald had worked for the FBI.

These revelations ended any lingering questions as to whether the Warren Commission had conducted a thorough investigation of the President's assassination and disclosed the whole truth in its Report. They helped create the climate of opinion which later caused the House of Representatives to establish a select committee to investigate the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. Case record and transcripts printed verbatim in Wrone [110].

Transcripts Suit II

173. A. Harold Weisberg v. General Services Administration. Civil Action No. 75-1448. United States District Court for the District of Columbia. Judge Aubrey E. Robinson.

On 4 Sept. 1975 Weisberg filed suit for copies of all Warren Commission executive session transcripts which remained suppressed. These consisted of the complete transcripts of the 19 May and 23 June 1964 executive sessions, and pages 63-73 of the transcript of the 21 Jan. 1964 session.

The General Services Administration cited various grounds for continuing to withhold these transcripts, including some claims of exemption which had not been made when Weisberg had requested them in previous years.

The main ground for continuing the suppression of the 21 Jan. and 23 June transcripts rested upon GSA's allegations that making them available would result in the release of classified information which would endanger the national security by disclosing "intelligence sources and methods." The primary justifications for withholding the 19 May transcript were assertions that it was exempt from disclosure because: (1) its release would constitute an unwarranted invasion of the personal privacy of two Warren Commission staff members whose continued employment and access to security classified

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information were discussed at that session; and (2) it contained discussions of policy matters which were immune from disclosure under the Freedom of Information Act's fifth exemption, which excepts "inter-agency or intra-agency memorandums or letters" from disclosure.

During the initial discovery phase of the lawsuit, the government refused to identify the subject of the 23 June transcript on the ground that this was classified information. When Weisberg produced a letter from the National Archives to The New Republic which stated that Soviet defector Yuri Ivanovich Nosenko was the subject of the 23 June transcript, Judge Robinson ordered the government to answer Weisberg's interrogatory on this point. The government then admitted that Nosenko was indeed the subject of the 23 June transcript.

The government repeatedly resisted Weisberg's attempts to exercise discovery. Nevertheless, he did obtain some useful materials. For example, he learned that the 27 Jan. 1964 executive session transcript had been withheld at the behest of the CIA, purportedly to protect its intelligence "sources and methods." He also learned that several copies of the 21 Jan. and 23 June transcripts were missing; and that although they were allegedly classified in the interest of national security, no attempt to locate the missing copies had been made.

The government submitted two affidavits by a CIA official, Charles A. Briggs, who claimed that the 21 Jan. and 23 June transcripts had been properly classified in accordance with the applicable Executive Order and that the national security would be damaged if they were made public. Ultimately, Judge Robinson accepted these affidavits at face value and ruled that these two transcripts were immune from disclosure under Exemption 3 of the Freedom of Information Act. In his 4 Mar. 1977 order granting summary judgment to the GSA, he also ruled that upon in camera inspection of the 19 May transcript, he found it to be protected by Exemption 5 because it contained "policy discussions" by members of the Warren Commission.

174. B. Harold Weisberg v. General Services Administration. DCCA No. 77-1831. United States Court of Appeals for the District of Columbia. Judges: Chief Judge David L. Bazelon, Judges Spottswood W. Robinson III and Edward Tamm.

On appeal Weisberg contended, with respect to the 21 Jan. and 23 June transcripts, that (1) the district court had erroneously ruled that they were protected under Exemption 3 by virtue of a statute which requires the Director of Central Intelligence Agency to protect intelligence sources and methods from "unauthorized disclosure" without considering whether they were properly classified; (2) he had been denied discovery essential to an effective

adversarial testing of the government's claims that the transcripts were exempt; and (3) the district court should have examined the transcripts in camera with the aid of his classification expert to determine whether they were being properly withheld. With respect to the 19 May transcript, Weisberg also argued that Exemption 5 should not apply because the Warren Commission was defunct.

While the case was pending before the Court of Appeals, Weisberg found new materials relevant to the issues and attached them as an addendum to his Reply Brief. He contended that some showed a deep-seated animosity toward him which gave the GSA a strong motive for withholding nonexempt records from him. In support of this contention, he submitted records showing that: (a) the National Archivist had directed that the 27 Jan. 1964 Warren Commission executive session transcript be withheld from Weisberg because releasing it would "encourage him to increase his demands;" (b) FBI Director J. Edgar Hoover had ordered the FBI not to respond to Weisberg's Freedom of Information Act requests; and (c) the Secret Service and the National Archives had conspired to deny Weisberg access to a nonexempt record by transferring it from the former to the latter.

Weisberg also submitted materials undermining the credibility of the CIA's affidavits which declared that the release of the 23 June transcript would endanger the national security. Thus, the CIA affidavits had proclaimed that the disclosure of the 23 June transcript would endanger the life of Soviet defector Yuri Ivanovich Nosenko. But Weisberg's addendum contained magazine articles and excerpts from Edward Epstein's newly published book Legend [381] which revealed, with the help of CIA officials, information about the identity and whereabouts of Nosenko, information which the CIA had sworn had to be protected.

The government moved to strike Weisberg's Reply Brief and/or the Addendum on the grounds that the new materials were not properly before the Court of Appeals. The Court of Appeals responded by ordering Weisberg to file a motion for new trial in the district court. It also ordered the district court to decide the motion within thirty days of its filing.

175. C. Harold Weisberg v. General Services Administration. Civil Action No. 75-1448. United States District Court for the District of Columbia. Judge Aubrey E. Robinson.

On 12 May 1978 Weisberg filed a motion in district court asking that it grant him a new trial on the basis of newly discovered evidence. In addition to the evidence previously reproduced in the Addendum to his Reply Brief, Weisberg added the fact that Nosenko's picture had been published in The Washington Post of 16 April 1978.

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The government opposed the motion for new trial, contending that the "newly discovered evidence" was only irrelevant double or triple hearsay. When Weisberg moved to take the deposition of the CIA's affiant, Mr. Charles A. Briggs, the government moved to quash it. Judge Robinson granted the motion to quash and also denied the motion for a new trial.

176. D. Harold Weisberg v. General Services Administration. DCCA Nos. 78-1731 and 77-1831. (Consolidated.) United States Court of Appeals for the District of Columbia Circuit. Judges: Chief Judge David L. Bazelon, Judges Spottswood Robinson III and Edward Tamm.

Weisberg took a separate appeal from Judge Robinson's denial of his motion for a new trial. This new appeal, Case No. 78-1731, was consolidated with Case No. 77-1831, in which briefs had already been submitted to the Court. Weisberg's brief in this new appeal argued that the district court had abused its discretion in denying his motion for a new trial on grounds of newly discovered evidence and fraud on the part of the government.

On the day the government's brief was due in court in this new appeal, counsel for GSA announced that the 21 Jan. and 23 June transcripts had been "declassified" and would be made available to Weisberg. The pretext for this action was that the transcripts had been "declassified" as the result of a request by the House Select Committee on Assassinations made in connection with testimony regarding Nosenko before that committee. At the same time the government also moved for complete dismissal of Case No. 78-1731 and partial dismissal of Case No. 77-1831, with which it had been consolidated, on grounds that all issues save those pertaining to the 19 May transcript were now moot.

Weisberg opposed the motion to dismiss. However, on 12 Jan. 1979 the Court of Appeals granted it. But the Court also ordered the district court to vacate its orders with respect to the 21 Jan. and 23 June transcripts and stated that the district court might, upon motion, consider such post-dismissal matters as it thought appropriate.

On 13 Feb. 1979 the only remaining issue before the Court of Appeals, the status of the 19 May transcript, was orally argued. On 15 Mar. 1979 the Court issued an order affirming the district court's finding that the 19 May transcript was exempt from disclosure.

177. E. Harold Weisberg v. General Services Administration. Civil Action No. 75-1448. Judge Aubrey E. Robinson.

In May, 1979 Weisberg filed a motion for an award of attorney fees and costs in district court, arguing that the release of two of the three transcripts he had sought

meant that he had "substantially prevailed" in this litigation and thus qualified him for such an award. This issue is still pending in district court at this time.

Suits for Federal Bureau of Investigation records.

FBI Records Suit I

178. Harold Weisberg v. Griffin Bell et al. Civil Action No. 77-2155. United States District Court for the District of Columbia. Judge Gerhard Gesell. (Originally assigned to Judge George Hart.)

Suit under the Freedom of Information Act for preliminary injunction or other forms of relief, the object of which was to compel the Department of Justice to provide Weisberg with free copies of approximately 80,000 pages of FBI Headquarters' records on the assassination of President Kennedy.

The lawsuit was precipitated by an FBI plan to make these records available to the press in two unmanageable batches of 40,000 pages each, while effectively excluding Weisberg from having any meaningful access to them. The first batch was released on 7 Dec. 1977. Although Weisberg had requested many of these records as long as ten or twelve years before, the FBI had not responded to his requests as required by the Freedom of Information law. After stalling for many years, the FBI announced release of these Headquarters' records but told Weisberg that he had a choice of either purchasing the entire 80,000 pages for some \$8,000 or going to Washington, D.C. to search for what he had requested in the records placed in the FBI Reading Room in the J. Edgar Hoover Building. Lacking funds to pay for copies of these records and unable to drive to Washington, D.C. every day from his home fifty miles away, Weisberg brought suit instead.

At a hearing held on 16 Jan. 1978 Judge Gerhard Gesell heard oral argument. James H. Lesar represented Weisberg. The Department of Justice was represented by Paul Figley, Lynne K. Zusman, Daniel Metcalfe, and Jo Ann Dolan, attorneys, Department of Justice, Assistant Attorney General Barbara Babcock; and Emil Moschella, Legal Counsel for the FBI.

At the conclusion of the hearing Judge Gesell found that Weisberg "has made a unique contribution in the area by his persistence through the courts and before Congress, without which there would be no disclosures" of FBI records on the assassination of President Kennedy. Considering such factors as Weisberg's indigency, the poor state of his health, the contribution he had made to public knowledge on the subject, the refusal of the FBI to even respond to his Freedom of Information Act requests, and his role in forcing Congress to amend the Freedom of

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Information Act so as to make the investigatory records of the FBI and other law enforcement agencies available to the public, Judge Gesell ruled that the "equities are very substantially and overwhelmingly in [Weisberg's] favor." Accordingly, he ordered the FBI to provide Weisberg with a free copy of the approximately 40,000 pages of records scheduled to be released on 18 Jan. 1978.

As a result of this decision, Judge June L. Green ordered the Department of Justice to explain the basis of its decision to grant Weisberg only a partial waiver of copying costs in Weisberg v. Department of Justice, Civil Action No. 75-1996, his suit for records pertaining to the assassination of Dr. Martin Luther King, Jr. This led to a decision by the Department of Justice to grant Weisberg a waiver of all search fees and copying costs for all of its records on both the King and Kennedy assassinations.

To date Weisberg estimates that he has received more than 200,000 pages of FBI records without charge. This achievement is unique in FOIA litigation.

FBI Records Suit II

179. Harold Weisberg v. Clarence M. Kelley, Griffin Bell, U.S. Department of Justice, Civil Action No. 78-0249. United States District Court for the District of Columbia. Judge John Lewis Smith. (Initially assigned to Judge Louis F. Oberdorfer.)

Filed 13 Feb. 1978. Suit to obtain copies of all FBI Headquarters' worksheets and other records on the JFK assassination and records related to requests for and processing and release of those documents. James H. Lesar represented Weisberg. Emory J. Bailey and Lynne K. Zusman, attorneys, Department of Justice; Barbara Allen Babcock, Assistant Attorney General, and Earl J. Silbert, United States Attorney for the District of Columbia, attorneys for the government. Several thousand pages of material is involved. Of the 2,500 pages obtained in 1978, obfuscation of them was apparent and is now in litigation.

FBI Records Suit III

180. Harold Weisberg v. William H. Webster, Griffin Bell, Federal Bureau of Investigation, United States Department of Justice, Civil Action No. 78-322. United States District Court for the District of Columbia. Judge John Lewis Smith. (Initially assigned to Judge Louis F. Oberdorfer.)

Filed 24 Feb. 1978. Suit for disclosure of records of FBI's Dallas Field Office on the assassination of JFK and to provide complete and accurate copies of material released. James H. Lesar, attorney for Weisberg. Daniel

J. Metcalfe and Lynne K. Zusman, attorneys, Department of Justice; Earl J. Silbert, United States Attorney for the District of Columbia, Barbara Allen Babcock, Assistant Attorney General, attorneys for the government. By early 1979 Weisberg and Lesar had uncovered vast quantities of essential records, including scores of films, suppressed eyewitness testimony which contradicts the official reconstruction of the crime, reports of tests done of additional possible bullets, and others. Records agreed to be provided include an index to written communications for the first two years and an index to their content.

FBI Records Suit IV

181. Harold Weisberg v. Federal Bureau of Investigation, William H. Webster, United States Department of Justice, and Griffin Bell. Civil Action No. 78-420. United States District Court for the District of Columbia. Judge A. Robinson on the related case rule moved case to Judge John Lewis Smith.

Filed 10 Mar. 1978. Suit for disclosure of records of FBI's New Orleans Field Office on assassination of JFK. James H. Lesar attorney for Weisberg. Daniel J. Metcalfe and Lynn K. Zusman, attorneys, Department of Justice; Earl J. Silbert, United States Attorney, Barbara Allen Babcock, Assistant Attorney General, attorneys for the government.

Suit for meaningful pictures of JFK's clothing.

182. Harold Weisberg v. General Services Administration. Civil Action No. 2569-70. United States District Court for the District of Columbia. Judge Gerhard Gesell.

Suit to obtain meaningful photographs of JFK's clothing in the National Archives, those available being inadequate and needlessly unclear. Gesell dismissed the complaint on the government's request but directed the Archives to provide Weisberg with photographs of the clothing. Contrary to Court directive and its own rules, the Archives merely showed some photographs which they selected to Weisberg, but would not give him copies.

Suits for disclosure of official records pertaining to the assassination of Dr. Martin Luther King, Jr.

183. Harold Weisberg v. United States Department of Justice, United States Department of State. Civil Action No. 718-70. United States District Court for the District of Columbia. Judge Edward M. Curran.

Filed 11 Mar. 1970. Suit for the disclosure of official records pertaining to the extradition of James Earl Ray. Bernard Fensterwald and William G. Ohlhausen, attorneys for Weisberg. David J. Anderson and Harland F. Anderson,

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attorneys, Department of Justice, and William D. Ruckleshaus, Assistant Attorney General, attorneys for the government.

184. Harold Weisberg v. United States Department of Justice, Civil Action No. 75-1996. United States District Court for the District of Columbia. Judge June L. Green.

Filed 28 Nov. 1975. Suit for disclosure of records pertaining to the assassination of Dr. Martin Luther King, Jr. James H. Lesar, attorney for Weisberg. John R. Dugan and Robert N. Ford, Assistant United States Attorneys, Earl J. Silbert, United States Attorney for the District of Columbia, Barbara Babcock, Assistant Attorney General, and Lynne K. Zusman and Betsy Ginsberg, attorneys, Department of Justice, for the government.

185. Harold Weisberg v. Central Intelligence Agency, National Security Agency. Civil Action No. 77-1997. United States District Court for the District of Columbia. Judge John Lewis Smith.

Filed 21 Nov. 1977. Suit for records pertaining to Dr. Martin Luther King, Jr., James Earl Ray, and the assassination of Dr. King. James H. Lesar, attorney for Weisberg. JoAnn Dolan, Daniel J. Metcalfe, Lynne K. Zusman, attorneys, Department of Justice, Earl J. Silbert, United States Attorney for the District of Columbia, and Barbara Allen Babcock, Assistant Attorney General, attorneys for the government.

186. Harold Weisberg v. United States Department of Justice. DCCA No. 78-1641. United States Court of Appeals for the District of Columbia. Hearing scheduled 6 June 1979.

Appeal from Civil Action No. 75-1996. James H. Lesar, attorney for Weisberg. Michael L. Limmel and Leonard Schaitman, attorneys, Department of Justice, Earl J. Silbert, United States Attorney for the District of Columbia, and Barbara Allen Babcock, Assistant Attorney General, attorneys for the government.

Suits for disclosure of official records pertaining to the assassination of Dr. Martin Luther King, Jr., by James H. Lesar.

187. James Lesar v. Department of Justice. Civil Action No. 77-0692. United States District Court for the District of Columbia. Judge Gerhard A. Gesell.

Filed 21 April 1977. Suit for disclosure of Report to the Attorney General by the Office of Professional Responsibility on the FBI's Martin Luther King, Jr., assassination and security investigations and the voluminous appendix materials thereto. James H. Lesar, pro se. Daniel J. Metcalfe, Jeffrey Axelrad, and Lynne K. Zusman, attorneys,

Department of Justice, Earl J. Silbert, United States Attorney for the District of Columbia, and Barbara Allen Babcock, Assistant Attorney General, attorneys for the government.

188. James Lesar v. Department of Justice. DCCA No. 78-2305. United States Court of Appeals for the District of Columbia. Hearing to be scheduled.

Part V: Photographic Evidence (1) OSWALD IN NEW ORLEANS

Only a portion of the pre-22 Nov. 1963 photographic record has been assembled by the federal investigative agencies, the WC and its staff, and New Orleans law enforcement agencies. Much of the photographic record was ignored. The critics have not given attention to the subject. Listed are just six films of Oswald in New Orleans that relate to his political activities.

189. Doyle, James Patrick.

Motion picture taken by tourist of Oswald's 9 Aug. 1963 handbill operation depicting those who assisted him and those who waited in the background as well as another profile of Oswald. Essential evidence known to the FBI but not provided WC. Weisberg [1901], pp. 175, 316, 505.

190. Martin, Jack.

Motion picture taken by tourist of Oswald's 9 Aug. 1963 handbill operation. The FBI did not turn over to WC.

191. WDSU-TV (1).

On 12 Aug. 1963 the New Orleans station filmed Oswald's court appearance outside the Municipal Court of New Orleans.

192. WDSU-TV (2).

On 16 Aug. 1963 the New Orleans station filmed Oswald distributing leaflets in front of the Trade Mart.

193. WDSU-TV (3).

On 21 Aug. 1963 the New Orleans station made a sound film of Oswald at their studio following a radio appearance.

194. WWL-TV.

On 16 Aug. 1963 cameraman Bob Jones of the New Orleans station filmed Oswald plus another person distributing

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handbills in front of the Trade Mart.

(2) THE ASSASSINATION SCENE IN DALLAS

An indeterminate number of slides, still photographs, and motion pictures were taken during and immediately before and after the assassination. Scores of photographers produced tens of thousands of individual frames. Neither the federal investigative agencies nor the WC nor its staff sought to bring these essential, fact-fixing records into the evidentiary base upon which the investigation of JFK's assassination was conducted. On the contrary, they actively discouraged citizens from presenting their film to the WC, often refusing offers, delaying responses for months until the integrity of the particular unit was impaired or destroyed, and in other ways acting to exclude film. For example, the Special Agent in Charge of the Dallas Field Office sent an Airtel cable to Director J. Edgar Hoover on 19 Dec. 1963 stating:

No effort is being made to set forth the names of news media throughout the country who made photographs or films in Dallas on 11-22-63. [DFO File 100-10461-1478a]

Critics immediately sought to define, preserve, and make known the existence of many of the film records; it is largely through their persistence that portions of photographic records survived. The HSCA's strictly limited use of the photographic records heavily exploited the work of critics for some data. A complex and evolving subject with film still being discovered and little serious work having been done on it, no listing can be complete. The list presented here is restricted to the assassination scene and omits the many photographs found in the WC 26 volumes of Hearings and Exhibits.

M = motion picture	P = still photograph
MC = motion picture color	PC = still photograph color (slide)
MB = motion picture black and white	PB = still photograph black and white
TV = television film	

195. Allen, Richard.

M: Amateur's edited footage which was incorporated into President Kennedy's Last Hour [251].

196. Allen, William.

PB: Dallas Times Herald photographer who snapped 73 shots of Dealey Plaza, the inside of the TSBD, and also three shots of "winos" being taken in for questioning.

197. Altgens, James W.

PB: Associated Press photographer who snapped 73 photos, seven at the time of the motorcade and the rest that afternoon. A crucial picture taken from the south side of Elm depicts JFK clutching his throat with a figure, said to resemble LHO, standing in the TSBD background. It is the subject of intense controversy. The FBI severely cropped the picture, used as evidence by the WC. Washington Post, 23 Nov. 1963; Shaw [2213] and especially Weisberg [735]; [See 3665].

198. Alyea, Thomas P.

TV: WFAA-TV photographer who at the first sound of gunfire ran toward the TSBD with his Bell & Howell, 70 DR, 16 mm, filming as he ran. Inside the TSBD he took five reels as the police made their initial search of the interior, including the discovery of the alleged murder weapon, the alleged sniper's nest, etc. The FBI refused to acquire the 500 feet of film which totaled 25,000 frames until many weeks later, after the studio had severely edited the reels for a composite single reel and the integrity of the evidentiary value was impaired. Remnant frames exist. Weisberg [1075], 39-40, 121-23, 274-75.

199. Atkins.

Listed by Sprague [1098] but unverifiable.

200. Beck.

Listed by Sprague [1098], but unverifiable.

201. Beers, Jack.

PB: Dallas Morning News photographer who snapped 33 shots around and inside the TSBD immediately after the assassination. Included are shots of the boxes and sash arrangement inside the alleged sniper's window which clash with the official findings and shots of "winos" being taken in for questioning. Weisberg [1058], Shaw [2213].

202. Bell, F. M.

MC: Filmed from the SW corner of Main and Houston. Thompson map [732].

203. Benell, Albert.

M: Amateur whose edited footage was incorporated into President Kennedy's Last Hour [251].

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204. Betzner, Hugh, Jr.

PB: Citizen who with his Kodak 120 snapped three pictures of the JFK party turning from Houston into Elm Street, including one with the TSBD in the background. Weisberg [1058].

205. Bond, Wilma.

PC: Amateur who snapped nine 35 mm slides as the motorcade moved onto Houston Street, as well as after the assassination. Some of her slides contain important factual material obfuscated by the federal investigative agencies. Weisberg [1075], 42, 46-9 Thompson map [732].

206. Boren, Bryant.

M: Amateur whose edited footage was incorporated into President Kennedy's Last Hour [251].

207. Bothun, Richard.

PB: Snapped from inside grassy triangle opposite Zapruder. Thompson map [252], Cutler map [1071].

208. Brenk, Rudy.

M: Amateur whose footage was incorporated into President Kennedy's Last Hour [251].

209. Bronson, Charles L.

MC: Amateur whose 8mm film of the assassination scene was discovered in 1978 by critics. Released with a major news story by Dallas Morning News, 26 Nov. 1978. Film analyzed and enhanced by optic expert Robert Groden. Major national coverage impaired by inexpert news releases by Assassination Information Bureau, 26 Nov. 1978. See also NYT, 28 Nov. 1978.

210. Brown, Joe.

M: Amateur whose footage was incorporated into President Kennedy's Last Hour [251].

211. Burrows, Henry.

An Associated Press photographer listed by Sprague [1098] but unverifiable.

212. Cabluck, Jerrold.

PB: Fort Worth Star Telegram photographer who snapped three pictures of Dealey Plaza from a helicopter as well as three ground pictures.

213. Cabluck, Harry.

Fort Worth Star Telegram photographer who snapped four shots of grass on interior triangle of Dealey Plaza where a bullet possibly hit, and three pictures at Parkland. Shaw [2213]; [See 714].

214. Cancellare, Frank.

United Press International photographer who snapped several pictures on Dealey Plaza.

215. Cook, Donald.

A KTTV-TV photographer listed by Sprague [1098] but unverifiable.

216. Couch, Malcom.

TV: ABC-TV cameraman in motorcade who filmed Dealey Plaza area immediately after killing. Views of TSBD front and related subjects.

217. Croft, Robert Earl.

PC: One reel 36 exposures on Kodachrome X film.

218. Daniel, Jack.

MC: Amateur 8mm, ten second, 176 frame movie that depicts the events immediately after the assassination including the departure of motorcycle policemen. Discovered in 1978.

219. Darnell, James.

Listed as a WBAP-TV cameraman by Sprague [1098] but unverifiable.

220. Davis, William.

Listed by Sprague [1098] but unverifiable.

221. Dillard, Thomas C.

PB: Dallas Morning News photographer who snapped at least five pictures. Immediately after the assassination he took two snaps of the TSBD, one which was reproduced in the WR severely cropped and improperly labeled, a picture of the triple underpass area which the WC officially refused to admit to its existence, and two shots which were snapped the next day of the curbstone associated with the wounding of citizen James T. Tague. Weisberg [1075].

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222. Dorman, Elsie T.

MC: Amateur on the fourth floor TSBD who filmed the motorcade passing as the assassination occurred. Film neither acquired nor examined by the FBI or WC despite her statement to SS. Thompson map [732]; Weisberg [1075].

223. Field, Mr. C.

Listed by FBI in 100-10461-1178 Dallas Field Office Files. No description.

224. Gewertz, Irving.

M: Amateur whose edited footage was incorporated into President Kennedy's Last Hour [251].

225. Gray, W. C.

M: Amateur whose edited footage was incorporated into President Kennedy's Last Hour [251].

226. Howard, T.

Listed by Sprague [1098] but unverifiable.

227. Hughes, Robert J.

MC: Amateur standing on the corner of Main and Houston whose 8mm film recorded the motorcade turning onto Elm past crowds before the TSBD. The FBI severely cropped one frame for presentation in CD 1 [91] by removing information essential for understanding the time and place and carefully mislabeling it as being taken at 12:20 rather than the actual 12:30, the time of the assassination. In WR 644 the error is continued with the second part in the footnote reference to a non-existent source, while the first part is to data other than is claimed. The two figures appearing in the windows adjacent to the alleged sniper's window are presumptively asserted by officials, and replicated and enhanced by CBS [2690], to be the central point at issue, but the empty alleged sniper's window and the empty fifth floor windows where the WC said the alleged earwitnesses sat at the time the assassination was in progress are the evidentiary points raised. Thompson's map and discussion [732] ignore the empty window and FBI misrepresentations and focus on tangential issues. Weisberg [1075] is basic.

228. Jackson, Robert.

P: Dallas Times Herald photographer snapped pictures after the assassination and over the several days of the controversy. His pictures were not introduced when he testified before the WC and his picture of Oswald's arrest was excised from the printed record. WC 26 H 781-2; Weisberg [1075].

229. Jamison, J.

MB: WBAT-TV cameraman mentioned in Weisberg [1075].

230. Kincaid, George.

M: Amateur whose edited footage was incorporated into President Kennedy's Last Hour [251].

231. KRLD-TV.

TV: Copy of Oswald murder film claimed by Sprague [1098] but unverifiable.

232. Laird, J.

PB: Dallas Morning News photographer who snapped 47 shots.

233. L'Hoste, A. J.

TV: Professional cameraman for WFAA-TV who filmed the TSBD immediately after the murder. No official record of the film exists.

234. McAulay, Joseph.

PB: Fort Worth Star Telegram photographer who snapped three pictures of a man being apprehended in Fort Worth.

235. MacCammon, Jim.

PB: Snapped pictures of Tippit murder scene and Texas Theater arrest of Oswald.

236. Martin, John H.

M: Amateur whose edited film of assassination scene was incorporated into President Kennedy's Last Hour [251].

237. Mentesana, Ernest.

MC: Amateur located in the freight yard area near the TSBD who filmed "the turmoil" immediately after the assassination. Edited version incorporated into President Kennedy's Last Hour [251].

238. Mester, Earl.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

239. Miller, D.

PB: Snapped JFK limousine on Stemmons Freeway on way to Parkland Hospital.

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240. Moorman, D.

PB: Snapped JFK limousine on Stemmons Freeway on way to Parkland Hospital.

241. Moorman, Mary.

PB: From the grass on the south side of Elm snapped at least two Polaroid pictures of the assassination, one showing the TSBD and sixth floor window, the other the grassy knoll; [See 1089, 1090].

242. Muchmore, Mary.

MC: From the grassy interior, an amateur filmed the assassination. Acquired by UPI.

243. Murray, James.

PC: Freelance cameraman whose slides include a frontal view of the TSBD about the time of the assassination.

244. Newman, Justin.

PB: Amateur who snapped the JFK limousine rushing to Parkland Hospital on Stemmons Freeway opposite the Trade Mart where JFK was to have spoken.

245. Nix, Orville.

MC: Amateur who filmed the assassination from the south of Elm.

246. Owens, Dan.

TV: Cameraman for WBAP-TV listed by Sprague [1098] but unverifiable.

247. Parr, Wyman.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

248. Paschall, P.

Listed by Sprague [1098] but unverifiable.

249. Phenix, George.

Listed by Weisberg [1075].

250. Powell, James W.

PB: Member of a U.S. Army Intelligence Reserve unit who snapped at least one picture of the full front of the TSBD about 30 seconds after the assassination. Long

suppressed by the federal government. Shown in Shaw [2213].

251. President Kennedy's Last Hour.

MC: A 16 mm film produced by Dallas Cinema Associates, Inc., Dallas, 1964. 175 feet, 8720 frames, 12 minute composite of 18 Dallas amateurs' edited films of the motorcade and the assassination and immediate aftermath, sold commercially first by the amateur group and then through Wolper Productions, Inc., Dallas. The FBI refused the edited film and ignored the original films. The WC ignored it. Weisberg [1075].

252. Randell, Hazel (Gooch).

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

253. Reed, S. L.

PC: Snapped three 35 mm pictures of the Texas Theater arrest scene and related subjects.

254. Reiland, Ronald.

TV: Listed as WFAA-TV cameraman by Sprague [1098] and Weisberg [1075].

255. Rhodes, Allen.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

256. Rickerby, _____.

PB: Amateur who snapped pictures from the middle of Elm opposite Zapruder's position a few seconds after the assassination.

257. Sanderson, _____.

Listed by Sprague [1098] but unverifiable.

258. Seigler, Howard.

M: Amateur whose edited film of the motorcade was incorporated into President Kennedy's Last Hour [251].

259. Shawver, George.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

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260. Similas, Norman Mitchel.

P: Canadian professional photographer who snapped a roll of film of JFK's assassination from "seven feet" away. The film was not acquired by the federal government. The magazine publishing them ceased publication in the midst of a series. Similas [345] and Weisberg [1075].

261. Smith, George.

P: Fort Worth Star Telegram photographer who snapped seven pictures of the assassination scene immediately afterwards.

262. Speigle, _____.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

263. Stoughton, _____.

Listed by Sprague [1098] but unverifiable.

264. Thomas, Larry.

M: Amateur whose edited film was incorporated into President Kennedy's Last Hour [251].

265. Towner, Jim.

PC: Amateur who snapped twelve pictures of the assassination scene immediately afterwards.

266. Underwood, James.

TV: Photographer for KRLD-TV riding in press car of motorcade who filmed the TSBD, grassy knoll, and the crowd as the car moved onto Elm. He left the car and remained "in front of the building" continuing to photograph all who entered and left the TSBD. After taking his testimony the WC declined to examine the film and did not acquire a copy. Weisberg [1075].

267. Unknown AP.

Sprague [1098] lists four Associated Press photographers, but this is unverifiable.

268. Unknown DCA-1.

M: Amateur film on list Dallas Cinema Associates supplied to the FBI of those films making up President Kennedy's Last Hour [251]. The FBI rendered the name illegible. Weisberg [1075].

269. Unknown DCA-2.

M: Amateur film on list Dallas Cinema Associates supplied to the FBI of those films making up President Kennedy's Last Hour [251]. The FBI rendered the name illegible. Weisberg [1075].

270. Unknown DFO-FBI.

In the FBI's Dallas Field Office files on JFK since 1963 are "bulky exhibits containing numerous photographs and other documents . . . located in a secure metal file cabinet with the total volume . . . being 15 cubic feet." (DFO 89-43. Serial 9958). Only after a tangled legal battle did Weisberg discover their existence.

271. Unknown UPI.

Sprague [1098] lists three UPI photographers but this is unverifiable.

272. Volkland, _____.

Listed by Sprague [1098] but unverifiable.

273. Weaver, Jack A.

PB: One photograph of President's car making the right-hand turn onto Houston Street from Main showing the TSBD in the background.

274. Westfall, Mrs. E. H.

PC: Two color photographs of the TSBD, both showing the pertinent window on the sixth floor as being closed. Taken 9:00 a.m., 22 Nov. 1963.

275. Willis, Phillip L.

PC: Snapped 18 important slides of the murder scene and its aftermath which he sells commercially. Slide number five was taken after the first apparent shot hit JFK and coordinates with Zapruder frames 202-206. After commercial publication brought them into public view, the WC interviewed Willis. Weisberg [532, 1075] provides indispensable commentary upon the evidentiary value of the slides and the relationship of them to the WC's investigation.

276. Winfrey, Bill.

PB: Picture of Oswald handcuffed at Dallas jail, taken by a professional.

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277. Zapruder, Abraham.

MC: Amateur who stood on the pergola north of Elm just in front of the picket fence and filmed the motorcade from its entrance into Elm Street until the car bearing the assassinated President sped away under the triple underpass. Using an 8 mm super Bell & Howell camera his film has 484 frames running at 18.3 frames per second, constituting a clock of the assassination, and establishing a time and a place for much evidentiary data. The FBI and the WC assigned a number to each frame and concluded that trees blocked JFK's car from the alleged assassin's lair in the TSB from frame 170 to 210, being the point where they allege the first shot fired by the alleged assassin could have hit JFK. The third and last of the three alleged shots occurred at frame 313. The WR prints several frames and the Hearings and Exhibits begins reproduction with 171. The motion picture has about 25 percent of each frame cropped, removing vital data; frames 155 and 156 are missing; 207 and 212 are spliced diagonally being composites; 208, 209, 210, and 211 are missing, reportedly having been destroyed in the processing lab of Life magazine, who purchased the film. Black and white copies of the missing frames 208-211 were made from the poor copy of the Secret Service set.

Photographic expert Robert Groden painstakingly enhanced the film, slowed down frames, and in other ways improved it in a major contribution to critical knowledge. See Groden [1068, 1087].

One edition of the Zapruder film even dubbed the voice of CBS reporter Dan Rather onto a commercial copy. Rather's account of the origin of the audio copy [1534] dispels the misrepresentations effectively.

Individual, high quality slides have also been made of the film; they serve as an excellent source for study of the assassination scene. In Weisberg's expanded edition of Photographic Whitewash [1075], the CIA's records of its study of Zapruder's film are available in print. These put the first shot at frames much earlier than WR accepted; [See 732, 734, 735, 972, 1067, 1075, 1080-1083, 1086, 1087, 1089, 1092, 1094, 1097, 1104, 1108, 1110-1116, 2865, 3219, 3264, 4590, 4598, 4662, 4790].

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Part III: The Reaction

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2649. The Eternal Frame. 24 minutes. 22 Nov. 1975. Produced by T. R. Uthco and the Ant Farm.

2650. Executive Action. 91 minutes. 1973. Screenplay by Dalton Trumbo. Directed by David Miller. Based on a novel by Donald Freed and Mark Lane. Produced by Edward Lewis. Released by National General Pictures.

The movie argues extremist businessmen combined with dissident intelligence elements to murder JFK who was seen as a threat to the continuance of their empires. An eight-page leaflet was distributed to patrons asserting to provide the factual background of the movie's thesis. In addition to being factually without foundation and logically preposterous, the film's doctrines are identical with the doctrines of the book Farewell America [1776] an intelligence disinformation operation. See the novel Executive Action [2607 and 4733, 4742, 4763].

2651. Farewell America. Shown 25 Nov. 1968 on UCLA campus.

Film based on the book Farewell America [1776] and shown to a few groups. Originating in France with elements of French intelligence associated with it and promoted by Herve Lemarre in the U.S., the film's doctrines are identical with the book by the same name, an intelligence disinformation operation; [See 4632].

2652. Greetings. 88 minutes. 1968. Directed by Brian de Palma. Distributed by Sigma III.

Political comedy on the JFK assassination. Contains references to Harold Weisberg, the single bullet theory, and related subjects.

2653. Lee Oswald, Assassin. 100 minutes. 15 Mar. 1966. British Broadcasting System. Director Rudolph Cartier. Adapted from stage work of Munich playwright Felix Lützendorf.

2654. Oswald-Self Portrait. 22 Nov. 1968. Produced by the Information Council of the Americas. Sponsored by Schick Safety Razor Co. Narrated by Ed Butler.

Adapted from the record album of INCA [1142] using documentary scenes. The Procrustes bed of extremist right wing political orientation ignores the factual elements to force Oswald into a false mold. See Weisberg, Oswald in New Orleans [1901].

2655. The Parallax View. 100 minutes. 1974. Directed by Anthony Pakula. Paramount Pictures.

2656. The Serpent. 90 minutes. 1970. National Educational Television Playhouse.

A "ceremony" with a segment of stylized re-enactment of the Zapruder film of the JFK murder.

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2680. _____, 2 May 1970: "That Day in Dallas: LBJ Speaks".
2681. _____, 22 Nov. 1973: "Midweek: Did Three Assassins Kill Kennedy?"
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5134. 31 Dec. 1978: "JFK-King Panel Finds Conspiracy Likely in Slayings [Conclusion Made Yesterday]," George Lardner, Jr., pp. A1, A4.

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