

## Chapter 2 Specter Uses His “Legal and Historical Lens”

It is clear before we get into Specter’s “gripping political masterpiece” with its “legal” and “historical” lenses that in his “brutally honest book” Specter leaves it without any question at all that he does not taint his “masterpiece” with false modesty.

The very first thing in his text is what he titled: “Epilogue: The Single Bullet Conclusion” (page 1). What Specter made out of the Warren Commission’s political need, not its factual evidence, was what he knew was impossible from its evidence. He was the first to perceive the Commission would face an urgent political need for what he then called a “theory” of his personal manufacture. That “theory” was not soiled by a single fact. His book elevated his total impossibility from a “theory” into a “conclusion” which it could never be.

He explains his great accomplishment:

It was a heavy charge. I had developed the Single-Bullet Theory more than thirty years earlier as a staff lawyer on the Presidents Commission on the Assassination of President John F. Kennedy, more commonly known as the Warren Commission. I now call it the Single-Bullet Conclusion. It began as a theory, but when a theory is established by the facts, it deserves to be called a conclusion. The conclusion is that the same bullet sliced through President John F Kennedy’s neck and then tore through Texas Governor John Connally’s chest and wrist, finally lodging in the governor’s thigh, as the presidential motorcade wound through downtown Dallas on November 22, 1963. The Warren Commission adopted the Single-Bullet Conclusion as its official explanation. (pages 1-2)

It is not unfair for Specter to say, “when a theory is established as fact, it deserves a conclusion.” But Specter’s “theory” was never “established as fact.” He just blandly says it was. That total impossibility, which was proven to be completely impossible by their evidence, was ignored by the Commission and by Specter. They pretended that they had a great volume of evidence that proved Specter’s “theory” by saying we have seen only a small portion of its evidence. Even the FBI and the

Secret Service did not believe it. Hoover and his counterpart in the Secret Service, James J. Rowley, laughed at it.

The official evidence, which they avoided as much as they could, indicated that the supposed single-bullet did not merely slice through Kennedy's neck. Specter was not alone in ignoring the evidence that indicated that a bullet hit bone in Kennedy's neck. This was left-handedly confirmed by a military autopsy pathologist and is stated unequivocally by top-level authorities in the Justice Department when they read the autopsy X-rays, as the military pathologist had. (*Post Mortem*, pp. 580 ff.)

In a report by the military pathologist of their examination of their X-rays (*Post Mortem*, pages 575-579). They said, as my footnote makes sense of it, quotes the pathologists as saying only that the X-rays reveal "no evidence of a bullet or of a major portion of a bullet in the body of the president." My comment was that this was peculiar language and it, that must mean, as the second panel confirmed, that there were indeed minor portions of a bullet there (see p. 578). This is a negation of the official "solution" and of the non-theory, the fabrication Specter made up out of nothing but the Commission's urgent political need if it was going to conclude, as was decided before the Commission existed. We see documented, that Oswald was not the lone assassin. That fictional conclusion could not be made up without being able to get away with what Specter invented, his invention that one does not have a single fact to support it and a great many facts that proved it impossible. Here we cite relatively little of them.

The second report which established that the bullet that transited the neck also left fragments there when Specter and the Commission said were none. Those experts say that the bullet hit bone. Their report, like the other is printed in facsimile in *Post Mortem*, on pages 576-595. It says on page 592 under "Neck Region," that X-rays reveal "several fragments are present in this region," the neck area (page 593).

No matter how small those fragments are they alone are disproof of what Specter made up without a single fact to support this political need with which it would be disproved, be impossible. It was also to cover their asses because the military pathologists had stated under oath than their bullet, to

which, without inhibition, they assigned super powers in which they all swore that it had no bone in the body in the unreal trajectory and wounding they invented for it.

No matter how little the weight those “small metallic fragments” weighed, the metal missing from the that single bullet of the made-up – and also impossible – trajectory was already missing from the magical bullet, more than was missing from the bullet they had, Exhibit 399.

So we see another path Specter took in his passion for history and in three official reports there is another one that may perhaps be a bit of sloppy writing by a man whose career demanded precision and accuracy in what he wrote. Specter says that this one-bullet “sliced through” Kennedy’s neck and then tore through Connally’s chest, wrist and finally lodging in the governor’s thigh “were inflicted as the presidential motorcade wandered through downtown Dallas ...” (page 1-2).

There was no shooting at the motorcade as it “wound through downtown Dallas.” The firing, all of it, was within about five seconds and that was shortly after the first vehicles had turned from Houston onto Elm Street when, from beginning to end the distance moved in shooting entirely on Elm Street was, according to FBI estimates, a remarkably short distance.

Specter knew this. Why he deliberately wrote it this way and why did he say what he knew was not true only he can explain.

But this is an unusual road to take in satisfying his passion for truth, if that is really what he is trying to do.

After a little more self-promotion, Specter says:

A central problem in America today is distrust of government. (pages 1-2)

That is true, but it is true not only “today.” It was true almost a century ago, when I was born, it was true before then and it will continue to be true, unfortunately. But what Specter does not tell his readers of the Twenty-first Century is that a little after the middle of the twentieth century the Commission of which he was part, when it issued its Report that made no sense at all

despite the fact that the media supported it lustily, as their media did for Hitler and Stalin, and with that made a major addition to the national scandals that cause – no, demand – that government not be trusted.

After that Report was out and my first book also was, I made personal appearances from coast-to-coast, mostly colleges. There then was much mistrust of government over the Viet Nam war. On some campuses mistrust of government over the impossible and utterly dishonest Warren Report was, what was expressed, greater than it was of that unpopular war. On other campuses, it was second, behind that war. And the man who manages not to say this in his passion for truth is Arlen Specter.

To give an idea of how great this mistrust was over what Specter did make possible, that Warren Report he brags of making possible, the only address in my first book was "Hyattstown, Maryland." In that tiny hamlet which consisted of small homes on both sides of a single road, counting my wife and me, who were just outside it on our small farm, there were, as I now recall, about a hundred people, from infants to octogenarians. There was no street address and no mail delivery. We picked our mail up at the general store. Despite how strange this to most people, a great many people wrote me with no more address than "Hyattstown, Maryland" and I got those letters. Many hundreds got our phone number from information and called me. When in 1967, we moved to Frederick, MD, a little more than ten miles from Hyattstown, we had more of an address that made sense to city people. Eventually a street number, although we are on the side of a mountain. And the mail grew even heavier. When, in about 1982, I was asked how many people had written me, we calculated about twenty thousand had by then. Twenty thousand people calling and writing a total stranger who wrote those books is, I think, an indication of how dissatisfied and estranged people had become over not being able to trust their government because they do not believe the Warren Report.

Years later, in 1992, when *CBS* was making a big thing over Gerald Posner's commercialization and exploitation of the Warren Report and the JFK assassination, it took a poll after that extravagant

fiction which was done with skill and effectiveness. After that considerable support by *CBS-TV*, ninety percent of the people did not believe and did not trust the Warren Report.

Another well-known fact that Specter found not worth mentioning in his account of what he calls his passion for truth.

Specter follows this with his partial “solution”:

Part of the cure demands that Americans move off the sidelines and onto the playing field. Democracy, after all, is not a spectator sport. But our political and social health also rests on the government doggedly following facts to find truth and then acting on that truth...” (page 2).

Specter does not say how people can move “onto the playing field.”

But in effect Specter is telling people who know anything at all about the Kennedy assassination, which was a *de facto* coup d’etat, that the only real way is by violence. His passion for truth tells them that from the government there is no real truth when truth gives government a political problem.

Specter’s experience in investigations came when he was young:

My own efforts at truth-seeking began right out of college, as a second lieutenant in the Air Force Office of Special Investigations stateside during the Korean War. I continued my work in Philadelphia through several major investigations and trials, first as an assistant and later as district attorney, and through the Warren Commission. Later, as a U.S. senator, I ran investigations on the killings at Ruby Ridge, the terrorist bombing of Khobar Towers in Saudi Arabia, and Gulf War syndrome, and I participated actively in other probes, on such matters as campaign fund-raising abuses and allegations of Chinese espionage on military secrets. (page 3)

This is considerable experience in and with investigations, including of killings.

He next says that investigations “can answer important questions” and that all this experience with them led “to my fetish for facts”:

This book contains my suggestions for combating distrust in America by showing how congressional and other governmental inquiries can reveal the truth, how Senate hearings on Supreme Court appointments can answer important public questions on nominees fitness, and how the Congress responds to international crises. Interwoven with these substantive topics are my own backgrounds, experiences, and values, leading to my fetish for facts. (page 3)

We do examine Specter's "fetish" in this book.

His book, as we see, is a cause for "distrust in America."

Specter then writes about "The idea for the book" and when he says when it began but never gets around to giving a real reason for writing about it:

The idea for the book began when my press secretary, Charlie Robbins, decided, after my 1995 campaign for the Republican presidential nomination, to leave to write a novel. That project shifted to a nonfiction collaboration on the Damon Runyon-esque characters I had prosecuted during my DA days, and broadened to include my role on the Warren Commission and my Senate career.

No matter how studious the effort at avoidance, this book may suffer from "hero stories." As a young lawyer, I observed senior attorneys whom I called "chests of vests" recount their "heroic" trial experiences. Despite these potential pitfalls, I decided to proceed.

I believe it is particularly important for staff counsel of the Warren Commission to tell their experiences, especially as to the procedures and integrity of the investigation. We have seen, in the thirty-five years since the assassination, an almost morbid obsession about it. The assassination of John Kennedy is the single most investigated event in world history, with the possible exception of the crucifixion of Christ. And the challenges, the skepticism, and the questions only seem to grow. As soon as the commission legal staff was hired, the chief justice called us together and stressed that our mission was to find the truth and report it. That is what we tried to do. "Your client is the truth," he told us.

During my extensive travel throughout Pennsylvania and the nation, in open-house town meetings and in high school auditoriums, hardly a gathering occurs without questions about the Warren Commission, the Single-Bullet Theory, and the role I played in the investigation. I often answer that truth is stranger than fiction. Generally, I get nods of agreement. I also often point out that questions still linger about the assassination of Abraham Lincoln. (pages 3-4)

Specter's book does "suffer from 'hero stories'" but as he does not say he is his book's hero, or at least its intended hero, and if he made any "studious effort at avoidance," I did not detect any such effort.

As I think will become apparent.

Specter urges other Commission counsel “to tell their experiences, especially as to the procedures and integrity of the investigation. It is not an unfair belief that those counsels could not write as Specter wanted them to write from their experiences and observations at the Commission.

Much of this is presented at considerable length in my earlier books and will be again in this one.

What Specter refers to as a “morbid obsession” he can do that with his own record in mind and what could happen to his reputation.

Is “morbid” the right word for what many if not most people felt? It serves Specter’s purpose in putting his own prejudiced view on as a replacement for reality.

The grim reality is that the people elected John Kennedy and after the Cuba Missile Crisis his handling of which was both wise and heroic, the people loved him even more. They also elected him President, not Lyndon Johnson. But with the assassination, the election was wiped out. And little by little many of John Kennedy’s plans also were more than wiped out – they were changed to the opposite of his policies. There was also a sense of futility and powerlessness when elections are wiped out and those elected are wiped out with it.

And – there was what Specter refuses to admit, what was reflected in the poll after all the years of prior propaganda by all major media to get the incredible Warren Report believed, and after all the hokum in and about the Posner exploitation of the assassination and his commercializing of it. And despite all that, nine out of ten Americans did not believe the Warren Report. Which Specter helped make incredible and which he defends years after it was repeatedly proven that not much more than the spelling can be believed about that Report for which Specter wrote much of the more important and least credible parts.

No, it is not morbidity – it is the plain common sense.

This again gets back to all those times Specter declined to appear with me on Philadelphia area radio and TV stations.

If he believed what he writes in this book he would have profited immensely for the publicity of him as a hero, the hero he pretends to be in his book, and he would have done much, at least in that heavily populated part of the country and to his constituency by establishing the truth, if the report had

been true, as he would have to do. If there is any doubt that he knew very well could not do that, is there a better reason for presenting himself as the hero he represented himself as being in this book?

He really gets to his real reasons for writing this book, as so often happens with Congressmen and Senators, with the book written by a ghost who is on the federal payroll. If that is true, the taxpayers paid for having incredible propaganda presented to them at their cost, as the newest official effort to get them to believe what in their good common sense, very few people do.

Suspicious may be and often are unjustified. Nonetheless there are two obvious suspicions. One is that he wanted to make a record that pleased him of his less than honest, less than efficient, less than derring-do investigating of "the crime of the century," the most subversive of crimes under our system, the crime that is an automatic coup d'etat.

It could also be intended as his hook about himself and his career that he presents as heroic and brilliant to use when he runs for office again. He was running for President and he was talked of making that effort again.

It is not true, much as Specter would like it believed that "the assassination of John F. Kennedy was the most investigated event in world history because the actual assassination was not officially investigated at all. The actual investigation was to make it seem to be credible that Oswald was the assassin and the lone assassin when – and this, too, was to Specter's knowledge, -- that the best shots in the country, provided by the National Rifle Association, all rated as Master, and under vastly improved conditions, could not do what Specter and his Commission superiors and associates made up, that Oswald alone did it.

Specter also had personal knowledge of the fact that when the Army's top expert on such tragedies, Dr. Charles Dolce, told Specter that part of his invention of the so-called single-bullet theory was in fact an absolute impossibility (*Post Mortem*, pages 55-6, 591, 503-504, the latter the "MEMORANDUM FOR THE RECORD by Commission staff counsel, Melvin A. Eisenberg), Dolce returned to the Army's Edgewood Arsenal, did the tests that Specter asked of him, they, confirmed his



scientific opinion, he gave them to Specter, who ignored their destruction of his single-bullet fantasy and then Specter kept all that out of the Report in which this fantasy was essential. When Gerald “Chip” Selby was working on his documentary, *Reasonable doubt*, which won the Golden Eagle for documentaries. I told him where Dolce lived and urged him to interview Dolce. Selby did and he gave me a transcript of that interview and permission to use it. I did, in *NEVER AGAIN!* (pages 291-300).

At close to the end of what I wrote about and based on what Dolce told Selby, who videotaped it, I notice that I made several statements about which I never heard a thing from Specter. The first is, “Without Specter’s suppression of what he learned from Dolce, the Report as written would have been impossible.” The next of an extraordinary number of the most serious and often derogatory comments about Specter that never led him to protest or complain in any way to me or to the media in his area, states, “Specter had practiced his trickery on the Commission ...” (page 300).

Dolce also told Selby that when any VIP was the victim of a shooting he was to be called in, he was that kind of expert, the Army’s best. He also told Selby that when John Kennedy was shot to death he was not called in.

Much of the transcript is verbatim in *NEVER AGAIN!* The entire transcript and the videotape are included in the archive I leave and it will be publicly available at *Hood College*.

Specter is essentially correct in saying “Your client is truth.” In other official records I have seen, it was “Our client is truth.” But Specter omits what I’d found in only one of a pair of staff memos. That of Melvin Eisenberg, in full, is:

MEMORANDUM

TO: Files

FROM: Melvin A, Eisenberg

SUBJECT: First Staff Conference (January 20, 1964)

February 17, 1964

On January 20, 1964, Chief Justice Warren met with the staff. After brief introductions, the Chief Justice discussed the circumstances under which he had accepted the chairmanship of the Commission.

When the position had first been offered to him he declined it, on the principle that Supreme Court Justices should not take this kind of role. His associate justices concurred in this decision. At this point, however, President Johnson called him. The President stated that rumors of the most exaggerated (sic) kind were circulating in this country and overseas. Some rumors went as far as attributing the assassination to a faction within the Government wishing to see the Presidency assumed by President Johnson. Others, if not quenched, could conceivably lead the country into a war that could cost 40 million lives. No one could refuse to do something that might help to prevent such a possibility. The President convinced him that this was an occasion on which actual conditions had to override general principles.

The Chief Justice then discussed the role of the Commission. He placed emphasis on the importance of quenching rumors, and precluding future speculation such; as that which has surrounded the death of Lincoln. He emphasized that the Commission had to determine the truth, whatever that might be. (*Whitewash IV*, page 24).

The other staff memo on that first meeting Warren had with his staff was by the same Howard P. Willens who was the one, not Robert Kennedy as we have seen Specter said, who asked Specter to work for the Commission. Specter refers to him on pages 39, 43-46 and 122.

Eisenberg did record that Warren told his staff what Willens omits from his report on that meeting, that some rumors, "If not quenched, could conceivably lead the country into a war which could cost 40 million lives."

This is a very significant statement. Particularly coming from the Chief Justice, who had conferred with the new President. When I reported what it meant, I heard no denials.

The only way there could be a war that could cost "40 million lives" would have been a war with the Soviet Union. So what Warren had to say that had to be "quenched" was anything that could relate to an assassination conspiracy in which the Soviet Union was part.

Also quenched was anything "attributing the assassination to a faction within the government wishing to see the Presidency assumed by President Johnson."

But considering the intensity of feeling against Kennedy's changed and dovish policies after the October 1962 Cuba missile crisis and in particularly from some of the military high command, had there been a real investigation that certainly should have been inquired into. (In *Waketh the Watchman*, which does not say that the military was behind or in anyway involved in the assassination that was not really

officially investigated, some of the open insubordination in the highest levels of military command was reported.)

The full text of the much shorter Willens, also in facsimile, is on the next page, page 25, of *Whitewash IV*. I also repeat a few short parts of what I wrote about these two staff memos that are so different, about what Willens omitted. Willens, remember, seems to have been the Department lawyer Katzenbach and was going to plant on the Commission and who would be his man there who would keep him informed, his “eyes and ears” on the inside. (The FBI also had an informer on the Commission, a Member. I know I published this in one or more of the books I’ve written for a record for history but I do not recall which book. I know also that I have full documentation of this from the FBI’s own files that I got through all those FOIA lawsuits and that this set of records is in what I call my “subject” file.

As with many other subjects I believed others particularly by college professors would find interesting, when Dr. Gerald McKnight was head of the *Hood College* history department I gave him some of my file on, so to speak, Ford as fink. Copies of some of his file will be appended. It is not complete but it states, as fact, what all of us should want to see documented.

The FBI did appreciate Ford’s service for it as its informer inside the Commission. It rewarded him by giving him an FBI agent’s attaché case with a combination lock.

January 21, 1964

MEMORANDUM FOR THE RECORD

From: Howard P. Willens

Re: Staff meeting of January 20, 1964

On the above date members of the staff who were on duty attended a staff meeting at which the Chief Justice was present. In addition to the Chief Justice, Mr. Rankin and myself, the following persons were present: Messrs.. Hubert, Ball, Redlich, Stern, Specter, Griffin, Belin, Shaffer, Eisenberg and Slawson. At the beginning of the meeting the Chief Justice accounted the reasons why he undertook the job as Chairman of the Commission. He described his initial reluctance to do this when the Solicitor General and the Deputy Attorney General asked him to do so. Then he accounted (sic) his conversation with President Johnson, which changed his mind. He stated that the President was very concerned regarding the international repercussions of the assassination and called upon the Chief Justice to help. The Chief Justice stated that he

felt under those circumstances he had no alternative. He stated that the President had instructed him to find out the whole truth and nothing but the truth and that is what he intended to do. (Whitewash IV, page 25)

In a December 11, 1972, appearance on public TV Warren confirmed this was his belief, that unless he undertook this task he should not have the world would be incinerated. Then only the Soviet Union had the capability of launching a nuclear attack on the United States.

If this could be believed, what could not be?

For those uncomfortable with fact, this is the fact as Warren gave it. It is also his expression of his motive and there is no protest from those who served him in this task.

This same belief of mature and sophisticated men in the incredible permeates the January 27 transcript. While it may not be apparent to those who have not made a detailed study of the work of this Commission, it is the fact. The Commissioners are not merely bewildered, lost and fumbling, as they may seem to some. However, the words of the transcript are such that understanding these things is not essential to understanding what the Commission was up to from the first, the search for a means of foisting off a preconceived conclusion, the deliberate hiding .of what actually happened when JFK was killed.

As we see when we get to the Katzenbach memo recording the official determination to declare Oswald the lone assassin as soon as he was dead, that high-level agreement was also to state, before any investigation of it was possible, that there had been no conspiracy.

That this was the nature of that non-investigation about which Specter writes so glowingly is stated in TOP SECRET, by the Commissioners themselves. I obtained that lengthy January 27 transcript under FOIA and I then published it in facsimile in *Whitewash IV*. It is a lengthy first-person, agonizing, account by those Commissioners. They confess some of their fears in particular. They also named names.

I published in 1974, in facsimile, in *Whitewash IV*. Once I obtained it under FOIA it was publicly available to anyone.

Including Specter.

He also had access to all the other TOP SECRET Commission executive sessions transcripts.

For more than two decades.

But he had no interest and none of the actual, official, unusual and top-secret opinions, decisions, worries and apprehensions were any part of Specter's consideration in his passion for truth.