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Chapter XIV

Aftermath and Perspective

The seeds of neglected evidence sown across the landscape in the wake of the assassination have matured into a jungle of powerful contradictions. Nourished by solid information, each promising theme contends with other themes. This entanglement has become such a morass that no single theory, no final answer, can break free to stand unchallenged as a solution to modern America's most momentous crime. There is too much that is not known, too many facts that remain hidden, for a clear answer to emerge.

Even after two decades, this jungle continues to grow, drawing its nourishment from the slivers of new information tossed to the public by the custodians of the country's treasury of secrets. Millions of Americans, coolly cynical about the official version, believe that concealed somewhere in those awesome vaults of U.S. intelligence is evidence that might finally reveal the truth. However, the prospect

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for the emergence of that truth is not promising. The most dismaying irony of all is that if the truth were to be laid bare in the heart of the jungle, few would recognize it or accept it. The deep doubt felt by millions around the world may have frozen even the most receptive minds into a cold skepticism that is beyond thaw.

The assassination of a President is, of course, a numbing tragedy. In the JFK case, the tragedy spawned a scandal of remarkable endurance. While the truth of the matter remains elusive, a great historical lesson is evident. Through this doubt and skepticism, nurtured in the relative innocence of the early Sixties, Americans may have learned that their institutions--all of them--are subject to the precise weaknesses of the individuals who comprise those institutions. Each individual deceit--the denial of a valid witness's credibility, the failure to pursue a legitimate lead, the shading of facts to fit a mold, the false classification of a document, the destruction of even the tiniest piece of evidence--compounds to form what must be called, in this case, a national disgrace.

Of all the gross deficiencies on the part of the government agencies and the Warren Commission, one ingredient is common at each juncture--a flagrant disregard for the truth. This fundamental flaw is at the core of every major debacle in the handling of the JFK assassination. That flaw, with all its black ramifications, is the foundation upon

which rests the current historical impasse.

Evidence is overwhelming that Lee Harvey Oswald was someone's tool in a conspiracy to murder the President of the United States. Regardless of the origin of the conspiracy, it was a political act of such magnitude that it changed the course of history. A number of nefarious elements--both domestic and foreign--benefited from the destruction of the Kennedy Administration. In this case it is important to understand that the greatest beneficiaries of this political change are not necessarily the prime suspects in bringing it about. Above all, it is useless, if not foolish, to attempt to argue conclusively in favor of a particular theory. While some theoretical answers may appear more promising than others, such speculation is purely an academic exercise. Too much pertinent evidence is either missing, destroyed or languishing under seals of national security. Hope for a final answer must be held in abeyance until the day when there is full access to those secrets.

One judgmental observation is offered to anyone considering the tawdry events described in these pages. The existence of a conspiracy to murder President Kennedy does not automatically mean that the subsequent investigative debacle was a part of that conspiracy. It may have been, of course, and many critics believe that it was. It seems eminently more reasonable to believe that once the gunfire was over in Dealey Plaza, the natural forces of bureaucratic

ineptitude instantly came into play. As officials scurried either to demonstrate their efficiency or to conceal the deficiencies of their own agencies, they perhaps set the first threads in the cover-up that led to the tangled web. The intensity of these natural forces would have been greatly heightened if, as so much evidence suggests, Lee Oswald had any sort of operational connection to a branch of U.S. intelligence. However, that connection, if it existed, would not necessarily mean complicity of the government in the murder of its President--the denouement so favored by some of the theorists.

These natural tendencies were enhanced markedly by an overwhelming concern--apparently genuinely felt in most cases--that it was for the good of the country to get the whole awful business into the past as quickly as possible. In addition, the family of the slain President--including his powerfully influential brother, the Attorney General--accepted the Warren Commission version without a public hint of dissent, even though it is known today that Robert Kennedy and so many others in power had agonizing doubts.

What, then, should be done now?

Another official investigation into the JFK assassination is unpromising for the very reasons the others have failed. There have been eight official inquiries into various aspects of the assassination--the Warren Commission, the original Texas inquiry, the Garrison investigation, the

Rockefeller Commission, the Senate Intelligence Committee as well as public hearings conducted by Congressman Don Edwards and, later, one by Congresswoman Bella Abzug. The last investigation, that of the House Select Committee on Assassinations in 1978, arrived at a conclusion of probable conspiracy. Some of its leads--in addition to the quirky acoustics evidence--were turned over to the Justice Department and FBI with a request that they be developed. The Justice Department examined the acoustics evidence and dismissed its significance. There is little indication of any serious pursuit of other leads.

(EDITORS PLEASE NOTE: A NONSUBSTANTIVE REPORT FROM THE JUSTICE DEPARTMENT ON THE HSCA LEADS IS EXPECTED IN EARLY 1984. OTHER REPORTS ON ACOUSTICS DUE. WHOLE SITUATION FLUID.)

There is little reason to believe that the Justice Department would respond any more positively to another, similar finding reached after yet another Congressional investigation. Anyone who speaks to high FBI officials about these matters will quickly sense an attitude of loyalty toward the original findings. Rather than any expression of interest in new leads on the part of the FBI, there appears to be the firm pride that nothing so far has succeeded in shaking the Bureau's original conclusions, those embraced a few hours after the death of the President. Any hope that this attitude would change under FBI Director William Webster has long since evaporated. Webster has stated that he has

reviewed the Bureau's JFK investigation and found that "a very, very intensive and thorough investigation was conducted." He knows of no evidence that would cast doubt on the original conclusions.

Some have suggested that the appointment of a Special Prosecutor to pursue the case might be an answer. Again, the whole political process would be involved--a process that carries pointed deficiencies when attempting to examine secret workings within government agencies.

One suggestion, advanced to this author by James H. Lesar, seems more reasonable. A lawyer who has devoted much of his career to the pursuit of answers in the JFK case, Lesar suggests the creation of a special unit of the Justice Department with specific funding from Congress. It would be fashioned after the Office of Special Investigations, created in 1977 to expedite the handling of reports on Nazi war crimes. That unit serves as a repository for information on Nazi criminals. Despite some internal bickering, it has operated with relative efficiency and notable achievement. Funded directly by Congress, the unit's very autonomy from the political process has allowed it to move expeditiously in its pursuits to bring about fresh revelations and specific recommendations--in its case, the identification and deportation of Nazi war criminals living in the United States.

If such a unit were established, its function would

include the continuing collection and analysis of information on the JFK case, as well as the pursuit of leads considered insignificant by the FBI and the Justice Department. The unit would have authority to examine classified documents and to subpoena and question officials and other witnesses about the case. It could recommend specific prosecutions. The best JFK files and indicies in the country are today in the private hands that created them. Those owners have begun to consider how they might bequeath their priceless stores of information, and the possibilities are scattered and perilously unreliable. Such a unit, established properly, would be the natural repository for such information--a function that somehow has been abrogated by a government smugly satisfied with its sealed case.

There is no dearth of highly competent citizens who could serve on such a unit--people whose long years of dedication to the case are proof of their commitment to finding the truth. Of the various possibilities for specific action, none makes more sense than this relatively modest proposal.

In the beginning, as the Warren Commission closed down business, it preserved its files for future generations. The mass of material was to be housed at the National Archives, under seal, for seventy-five years. The material was so disorganized and ungainly that it was not measured by pieces of paper but by volume: 357 cubic feet. That stock-

pile did not include physical evidence in the case, such as clothing, weapons and photographs. That material, initially, remained in the custody of the FBI.

There was nothing unusual or nefarious about these procedures. The seventy-five year time seal was a general policy applied to any material emanating from an investigative body. There was nothing unreasonable about the Warren Commission's statement on the matter, which appeared in the final paragraph of the foreword of the Report:

"The Commission is committing all of its reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable federal law."

Soon, however, there was a public clamor for access to the material, a clamor that was rather promptly heeded in high places. Chief Justice Earl Warren, by whose name the Presidential Commission was known, was explicit in his stated position that the intent of the Commission was to make "the fullest possible disclosure" to the public. He approved a plan by which the material could be partially released prior to the end of the seventy-five year embargo.

In a letter to the Attorney General, Nicholas deB. Katzenbach, in April of 1965, Chief Justice Warren reasoned that it would be necessary for the agency which originated a particular document to decide when that could be released without damaging innocent individuals or national security.

The White House approved this recommendation, which had the concurrence of all pertinent agencies with the exception of one: CIA. That agency not only urged the continuation of the seventy-five year seal but recommended "that at the end of the seventy-five year period another security appraisal be made before such documents are disclosed."

Thus began the odyssey by critics and researchers to the keepers of the secrets, trying to wrench their way into these materials. It is a misconception that the National Archives has capriciously withheld large numbers of documents. Decisions on the release of material have rested with the agencies which originated the documents in question. In fact, Marion Johnson, the archivist who has been in charge of the Warren Commission materials practically from the start, and his former assistants, Michael Leahy and the late Mike Simmons, have earned general praise from researchers who have found them unfailingly helpful and courteous.

It is impossible to give a precise report on what has been released from the National Archives. Of the original 357 cubic feet of sealed material, all but fifteen cubic feet have been released to the public. Obviously, the most sensitive and important information in the entire case could be in that small remaining portion of material. On the other hand, a large percentage of that remaining material possibly is information with little relevance to the case--information that could be embarrassing to individuals, or actually could

compromise a sensitive intelligence source.

These figures, however, are somewhat irrelevant in a real sense because of the extensive amount of "sanitizing" done by the agencies to the documents that have been released. Even though a document with heavy deletions may be officially "released," most of the information in that document is no more in the public domain than it ever was because of the deletions. Thus, it is impossible to offer a relevant assessment on how much Warren Commission material including pertinent documents from the CIA, FBI and other agencies, has reached the public.

An unknown factor of far greater significance is the sure knowledge that the CIA and the FBI withheld thousands of pages of pertinent information from the Warren Commission in the first place. The most flagrant example of this was the complete withholding of all information regarding the efforts by President Kennedy's administration to assassinate Fidel Castro and to overthrow the Cuban government, thus hiding a powerful possible motive. Other good examples of this withholding of information are the documents on Thomas Eli Davis, Jean Souetre or Joseph Milteer, to cite only those cases examined a few pages earlier. Other concealed information included the FBI's complete files on Jack Ruby, as well as the Army file on Oswald that was finally destroyed. Such information, denied to the Warren Commission, is therefore completely separate from the rules governing disclosure of

documents held at the Archives. For years there was no way for the public to pursue documents in this category, and there was little to go on but the mere suspicion that they existed.

Then, in 1966, Congress enacted the Freedom of Information legislation. With this tool, researchers were armed with the potential ability to pry out new information pertaining to the JFK case, under certain reasonable restrictions. In practice, of course, it didn't work quite that way. Through almost sheer obstinance on the part of the agencies, almost nothing was released under this law until Congress strengthened it in 1974. Following that, the only releases beyond absurdly classified documents such as newspaper clippings were the results of costly lawsuits brought against the agencies.

As the different agencies began to go through the motions of compliance, the censors' deletions became so pervasive that the released documents were often of little practical use. The copies provided were so nearly impossible to read that in one early case U.S. District Judge John Sirica rejected an offering of illegible documents from the CIA and ordered the Agency to produce copies that could be read.

It is difficult to escape the suspicion that such impediments were the purposeful manipulation by the various agencies as the material was prepared for release. There was

even a mocking quality about the "release" of documents in which every word was deleted, or the continuing release of news articles that some agency had seen fit to withhold from the public. (A favorite example of this among researchers is a newspaper article in which the names of FBI agents have been deleted from the text.)

Ostensibly, most deletions pertained to sensitive sources, innocent individuals or national security. No one doubts that in some cases these exclusions were fair and proper, even though it is difficult to imagine how very much 20-year-old material could fall into that category. Few have confidence that there were not numerous cases in which these lofty banners were flown to conceal information that either would demonstrate some impropriety or foolishness on the part of the agency involved, or reveal something about the case that would throw new kinks into the official version.

One of the most frustrating aspects of the struggle for informative documents is the discovery that much material pertinent to the JFK case is filed in ways unconnected to the assassination. In the instance of the Cubans Policarpo and Saez, or Thomas Eli Davis, III, most of the documents never would have been produced if researchers had not been meticulous in the tedious process of requesting files on individual names.

It was not until 1978 that researchers confirmed that the material filed at FBI Headquarters on the JFK case did

not include all of the information that originated in FBI Field Offices around the country. (In an unrelated case, a federal judge found that an FBI Field Office had four times more material than had been sent to Washington, and that the field office material was, in the words of the judge, "the stuff of history.") Thus, all investigative records in the JFK case handled by the FBI in New Orleans or Dallas would not necessarily have been sent to FBI Headquarters in Washington. In 198_, a letter written by FBI Director William Webster was made public in a Freedom of Information lawsuit. Webster noted that the Dallas and New Orleans Field Offices alone generated 170,000 pages of documents.

The net result of this practice is that thousands of documents of potential relevance to researchers were still buried in the FBI Field Offices--not at FBI Headquarters where research efforts had been focussed.

It was not until 1978 that this field office material began to become available under Freedom of Information disclosures. Somewhat later it was discovered that FBI Field Offices "routinely" purge their files. One of the more blatant examples to surface so far--an instance in 1983--is the destruction of records in the New Orleans Field Office pertaining to the activities of David W. Ferrie.

The great hope of researchers and critics in terms of the release of documents was the House Select Committee on Assassinations. Hundreds of thousands of pages of investiga-

tive records were turned over to the Committee by various agencies. One of the most grating ironies in the whole case is what happened to that treasure trove of documents. In the end, the Assassinations Committee sealed them in the National Archives, not to be released for fifty years. The only documents to reach the public were those routine few included in the Committee's published material. Thus, the great hope of the critics for getting these massive CIA and FBI files into the public record was lost.*

*FN(Some of those documents, heavily censored, have been pried loose in a lawsuit against the FBI brought under the Freedom of Information Act. Mark Allen, a young Washington lawyer, has been in the forefront of this effort.)

G. Robert Blakey, Chief Counsel to the House Select Committee on Assassinations, has stated that his Committee received everything of significance pertaining to the JFK case that could be found in the records of the CIA and the FBI. During the course of a 1981 Freedom of Information lawsuit, an internal CIA memorandum was placed in the public record. It is an account of a 1979 visit made to CIA Headquarters by Blakey to review the final plans for the handling of the CIA's JFK material. The memorandum contains astounding revelations.

According to the internal memorandum, Blakey was at the Agency for an hour. The memorandum conveys the following information, illustrating what must be key deletions:

"Mr Blakey examined only that material held _____

(DELETION) . He apparently did not go elsewhere within the Agency, (DELETION) , to examine their holdings." This clearly suggests that Blakey did not inspect holdings that were housed at some other place in the building. One presumes that Blakey was not made aware of these other holdings, but the wording on this point is ambiguous.

In all, according to the memorandum, Blakey "spent only twenty or thirty minutes discussing and examining the contents of some fifteen safes of Agency materials..." The contents of nine four-drawer safes had been examined earlier by Assassinations Committee staff members.

Of this material, it is likely that the most significant information was contained in the eight drawers of these safes which housed the "201 file" of Lee Harvey Oswald. The CIA memorandum flatly states: "Oswald's 201 file was not completely reviewed by HSCA staff members."

In summary, the CIA memorandum states that sixteen file drawers of material were not reviewed by the HSCA. If this CIA account is true, public cynicism about a "genuine" investigation of the JFK case is more than warranted when so many CIA documents--certainly tens of thousands of pages--went unexamined by those charged with carrying out the investigation.

As for the assertion that the Committee failed to review the complete 201 file on Oswald, Blakey told the

author in 1984: "My memory is that we did it. If the CIA says we did not, its records are incomplete."

Whatever the actual facts are about the 201 file, the prime significance is that the Central Intelligence Agency has placed itself flatly on record as claiming it has sixteen file drawers of material on the JFK case that have never been seen outside of the Agency. The CIA specifies that this mass of material includes information on Oswald, the man so many suspect had some operational connection with a branch of U.S. intelligence. The presence of these tens of thousands of secret pages, unexamined by anyone other than the Agency that originated them, must stand as a monument to the appalling obdurateness of the Central Intelligence Agency.

Since 1978, some documents have been pried out of the CIA by Freedom of Information procedures. In 1982, the Agency stated that it had released 1,655 documents in part and in whole. A spokesman stated that 513 documents remained classified. Each document could contain anywhere from one page to hundreds of pages, so the significance of these figures is unknown. Moreover, it is highly likely that a considerable divergence of opinion would exist over just which documents of the CIA pertain to the JFK case and which do not.

(EDITORS: ALL MATERIAL RELATING TO QUANTITATIVE ANALYSIS OF DOCUMENT RELEASES IS HIGHLY AMBIGUOUS, CONFUSING AND

SUBJECT TO SUBSTANTIAL LAST-MINUTE CHANGES.)

In spite of these figures, it is impossible to be precise about the numbers of documents pertaining to the Kennedy assassination that are still withheld by various agencies. In addition to the FBI and the CIA, the Secret Service, the State Department and the Immigration and Naturalization Service also have documents that have not been released. The Defense Intelligence Agency claims it has released everything it has on the case, but of course certain Oswald records are known to have been destroyed by Army intelligence. Indications are that upwards of one-half million pages remain under wraps. The only present tool for ever prying them out is the Freedom of Information Act.

An effort is underway to persuade the Congress to pass a resolution lifting the fifty-year seal on the HSCA materials. HSCA Chief Counsel Blakey opposes the move for a variety of reasons. He believes that the task is practically impossible in light of all the sensitive matters that would have to be considered. "It would almost be that both the Agency and the FBI would have to review our files before they're released," Blakey has said. He points out that there is no precedent for early release of the records of any past congressional committee, observing that the public would probably have a far greater interest in the release of the records of the _____, which conducted the investigation of the Watergate scandal.

Blakey believes that everything of importance on the JFK case has been placed on the public record and that the next proper step is for historians, fifty years from now, to sort out the remaining evidence when the records are opened.

"History should be written by a newer generation," Blakey said.

The former chairman of the HSCA, Congressman Louis Stokes, is not enthusiastic over the resolution. There is little question, to be sure, that a review would be necessary before any significant amount of material would be released. And there is little likelihood that, in the end, the most eagerly sought classified material will be released.

Veteran critic Paul L. Hoch has written: "The irony of the situation...is clear: the Congressional investigation that broke the JFK case wide open and reversed the official government verdict has left us with more material withheld than ever before."

Hardly a piece of useful evidence has come willingly from the government coffers. Almost all of it has been fought for by researchers and lawyers who refused to accept the government's simplistic explanations. Their greatest weapon has been the Freedom of Information Act--passed into law for the very purpose it has served in these matters.

In view of the extraordinary success of this law, it should not come as a surprise that serious moves are underway to change those parts of the law that have yielded the

most significant results. The strongest of these measures, which has been approved by the Senate Intelligence Committee, has substantial support in Congress. The position of the CIA is that it should be relieved from having to consider requests for files relating to its most sensitive departments, including records pertaining to operations and security. By being relieved of this, the position holds, more time can be devoted to expediting requests for less sensitive types of information. This argument is blatantly self-serving inasmuch as even the most routine requests can take literally years for consideration and even then may not be acted upon until the Agency is forced by threatening litigation.

If the law is diluted, a certain number of lawsuits now pending in court will suddenly evaporate. In civil actions such as these, as opposed to criminal cases, it makes no difference that the process is already in the works. If the law is changed while a case is in midstream, the new terms of the law prevail. Legal observers agree that there are sixteen cases that will be directly affected in the event of passage of the most restrictive and highly publicized of the threatening bills. Of those sixteen, ten Freedom of Information cases represent efforts to carry forward the investigation of the Kennedy assassination. The fact that only sixteen current cases would be affected by this proposed legislation casts serious doubt on the CIA claim that relief from handling

these cases would free Agency personnel to move expeditiously on its tremendous backlog of routine requests. It is no surprise that the legislation which would kill these pending cases has the solid backing and legislative endorsement of the CIA as well as the sponsorship of no less powerful figure than Senator Barry Goldwater.

If the government succeeds in gutting the Freedom of Information Act by getting the rules changed to fit its purposes, any hope of closing in on the truth about the Kennedy assassination is seriously impeded.

Decades from now, when the subject has become an esoteric matter for parlor debate, the truth may emerge. However awful that truth may be, there will be no sense of passionate public outrage. Many people probably will recall that their grandparents, long-since gone, used to talk about the Kennedy assassination, and more often than not said they were sure the official version was wrong. The only logical hope for keeping the case alive is, perhaps, in the creation of a special unit modeled after the one designed to expose Nazi war crimes. It would be ironic to deny creation of such a body for a case so widely controversial as the JFK murder while funds are committed to seek justice for crimes during a war that was fought forty years ago and squarely won.

Four out of five Americans do not believe the government version of the JFK assassination. Implicit in this skepticism is a feeling that the public has been deceived by those vested with the special trust to conduct national affairs out of the sight and reach of the ordinary citizenry. Perhaps the ultimate deceit is found in the words that greet any citizen who is permitted to enter the main lobby of the Central Intelligence Agency. Etched on the south wall are words put there while Warren Commission member Allen Dulles was Director of Central Intelligence. Drawn from the Bible, the passage is a familiar one:

"And ye shall know the truth and the truth shall make you free."

It is grossly sanctimonious for officials to lash out at the researchers and critics who have fought for the truth in this tangled case. Those citizens, after all, are the ones who have kept alive this passionate quest for facts about the assassination of one of America's most popular Presidents. If a responsible effort in this direction had been made two decades ago, there would not today be such a corruption of historical integrity, nor such a resonance of reasonable doubt.