

The Washington Spectator

Ben A. Franklin, Editor

(ISSN: 0887-428X)

May 15, 1997

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Volume 23, No. 10

CONSPIRACIES

Conspiracy Theories Keep Coming, But Under Scrutiny the Plot Gets Thinner

Max Holland, one of the few reporters who regularly observe the progress of the JFK Assassination Records Review Board in its efforts to demythologize the murder of President John F. Kennedy, is completing a history of the Warren Commission, A Need to Know, to be published by Houghton Mifflin. He reported for us on the beginning of the J.F.K. Assassination Records Review Board in the November 15, 1994, issue of The Washington Spectator.

By Max Holland

Conspiracy theories are rampant these days. Allegations of government involvement supposedly explain everything from the assassination of the Rev. Dr. Martin Luther King Jr. to the downing of TWA Flight 800. Given this atmosphere, it will take a generation or two for most Americans to appreciate the raw historical data now becoming available on the assassination of President John F. Kennedy, which remains the main melodrama of conspiracy theorists.

Taken together, the government records being assembled and made public by the five-member J.F.K. Assassination Records Review Board (ARRB) paint a sobering portrait of the federal government. It's not the idealized version depicted in civics textbooks or the demonized version featured on talk radio. It's the real federal government—imperfect, plodding, riven by distrust and rivalries, compartmentalized by secrecy, working at cross-purposes or in ignorance, simultaneously guided by elevated national concerns and the most banal of bureaucratic instincts. But it does struggle to do the right thing. The Warren Commission, though established to determine the facts about a heinous crime, was at the same time a window on the vast, clanking machinery of the government.

It is government not as the American people are accustomed to seeing and hearing about it, but as it really worked in 1963—and, in many respects, the way it still works today. Despite shortcomings and conflicts, the government did not violate its sacred duty to tell Americans the truth about who murdered the 35th President of the United States.

Although it is almost entirely ignored by the mainstream media, a fabulously rich record is being laid bare under the terms of the J.F.K. Records Collection Act of 1992, by the panel charged with carrying out the provisions of that law.

Now in its third year of operation, the Assassination Records Review Board is asking Congress for another year and an additional \$1.6 million. The funds ought to be appropriated. The Board is an unprecedented and unheralded success.

The ARRB's job is to pull back the shroud covering literally thousands of government records on the November 1963 assassination of President Kennedy. These documents run the gamut from the obvious (F.B.I. and C.I.A. files) to the obscure (records from the Social Security Administration and Army Corps of Engineers). A succession of local, state and federal investigations of the assassination has generated a mountain of documents, many of them classified Secret, Top Secret and higher.

The national government's conclusion has long been that Lee Harvey Oswald, acting alone, fired all the shots that killed the President, and that Oswald, in turn, was murdered by a vigilante named Jack Ruby. The ARRB is not specifically charged with reinvestigating the events in Dallas. But nothing the ARRB has turned up alters those findings by one iota. Through the panel's efforts, all Americans will

have access to millions of pages of records relevant to the government's conclusion.

The ARRB's efforts have resulted in the declassification of thousands of records from heretofore secret F.B.I. and C.I.A. files; the release of the Marine Corps's original personnel file on Oswald; and access to private papers of two key lawyers in the saga, J. Lee Rankin and Jim Garrison, the former New Orleans district attorney.

Rankin was chief counsel of the Warren Commission, and his papers show that he acted honorably in a difficult situation. Garrison's papers reveal that he egregiously abused his prosecutorial powers. If justice had prevailed, rather than being sainted by the likes of Oliver Stone in the movie *JFK*, Garrison would have been sued by the Justice

Hard Facts Usually Lose to Bogus Theories

"The majority of men prefer delusion to truth. It is easier to grasp. Above all, it fits more snugly than the truth into a universe of false appearances. . . ."

—H.L. Mencken, 1920

Department's civil rights division for violating the rights of Clay Shaw, who was wrongfully prosecuted for an alleged role in the Kennedy assassination.

THE PAPER TRAIL—The official federal verdict, first pronounced by the Warren Commission in September 1964, remains intact. But beyond that, the ARRB's digging has turned up some startling corollary facts and fascinating stories. To cite three:

- Although the Kennedy Presidential Library attempted at first to declare them off-limits, Robert F. Kennedy's personal papers have been subjected to ARRB scrutiny and a few have been made public. As a result, R.F.K.'s intimate and driving role in the effort to oust Castro is becoming better documented by a paper trail.

- R.F.K.'s appointment book, for example, proves his involvement in instigating a liaison between the C.I.A. and Mafia figures. The Mafia supposedly controlled assets inside Cuba that were potentially useful to Operation Mongoose, the U.S. program to overthrow Castro.

- Charles Ford was the C.I.A. Special Affairs Staff case officer ordered by then-Attorney General Kennedy to meet with Mafiosi at a time and place of their choosing. Ford's name is written down in R.F.K.'s 1962 appointment log, as is the "Siscollini" alias that Ford used for his secret assignments with the Mafia at R.F.K.'s insistence.

- James Powell, an Army intelligence agent then involved in the surveillance of domestic dissidents, was present, and dressed in civilian clothes, in the Texas School Book Depository building in Dallas, 10 minutes after the shooting. And his unit, the 112th Intelligence Group, did indeed have a file on a self-styled, and seemingly non-violent, Marxist named Lee Harvey Oswald.

But contrary to allegations leveled by some assassination buffs for more than 20 years—innuendoes that lie at the core of Oliver Stone's paranoid motion picture *JFK*—documents indicate that Powell's presence was sheer happenstance. Neither the Pentagon nor the 112th Intelligence Group had anything to do with the assassination. (And now Oliver Stone apparently has a contract with Dr. King's survivors for what may be yet another conspiracy extravaganza, acquitting King's confessed assassin and pointing a finger at the F.B.I.)

Like thousands of Dallasites that bright November day, Powell had taken the day off to watch the President and First Lady as their motorcade wound its way through downtown streets. After hearing shots, Powell, who was a block away from Dealey Plaza, immediately ran to the vicinity.

His first reaction was to take a picture of the School Book Depository because several people were pointing to it as the source of the rifle fire. He then raced over to check out the commotion around the "grassy knoll," identifying himself as "Special Agent Powell," and thereby creating rumors of a mysterious federal agent at the scene.

Finding nothing, Powell then had the presence of mind to want to inform his office that the President had been shot—how badly wounded Powell did not know. He placed a brief telephone call from inside the School Book Depository.

Powell then talked to Howard Brennan, a steamfitter who claimed to have seen a rifle protruding from a window on the Depository's sixth floor. After police hurriedly bundled

Brennan into a squad car, Powell went inside the building for a second time to relay this eyewitness information to his office, only to become trapped inside when the Dallas police sealed off the building.

- Another tangled thread unraveled by the ARRB's diligent staff concerns "Oswald's missing F.B.I. files," as conspiracy buff John Newman describes them in his book *Oswald and the CIA*. Ostensibly these records, dating from May 1960, held vital secrets about Oswald's pre-assassination involvement with the U.S. government. When the ARRB went after the file, the F.B.I. appealed to the White House, hoping to block release. But eventually the Bureau relented.

- It turns out that the F.B.I., in a super-secret program dating back to the 1940s, and with the cooperation of major U.S. banks, routinely monitored all dollars flowing to hostile powers. The "missing" documents only pertain to an effort by Oswald's mother, Marguerite, to send \$25 dollars to her son, who had decided on his own accord to try life in the Soviet Union. The Bureau was trying to keep this kind of snooping under wraps.

A HISTORICAL BONUS—At a step removed from revelations about the Kennedy assassination and its perpetrator, the ARRB has accelerated the release of hundreds of hours of President Lyndon Johnson's taped conversations. One tape has Johnson speaking to the late Senator Richard Russell (D-GA), the chairman of the Senate Armed Services Committee, in the spring of 1964. Their conversation came a couple of months before the Gulf of Tonkin resolution, which Johnson used as a legal justification for putting the United States in combat mode in Vietnam. The first **Marines** landed at Da Nang a year after the resolution.

The tapes reveal that Johnson and Russell foresaw **nothing** but trouble from deeper U.S. involvement in Vietnam. But like protagonists in a Greek tragedy, **Washington's** two most powerful men seemed helpless to **extricate themselves**, or the United States, from the clutches of **America's** undif-

The Washington Spectator

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The Spectator is available on microfilm from University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

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The Washington Spectator (ISSN 0887-428X) is published semi-monthly except monthly in July and December by The Public Concern Foundation, Inc., 668 Greenwich St., #607, New York, NY 10014, for \$15 per year. Periodicals-Class postage paid at New York, NY. POSTMASTER: Send address changes to *The Washington Spectator*, London Terrace Station, P.O. Box 20065, New York, NY 10011.

EXTRA COPIES: 1-10 copies, 70¢ each; 11-20 copies, 55¢ each; 21-50 copies, 40¢ each. For larger quantities please write or call our New York office.

differentiated global commitment to oppose communism—and to head off election year attacks for “losing Vietnam.”

At one point, L.B.J. tells his mentor, Senator Russell, about a sergeant, a father of six, who works for the President. “Thinking of sending that father of those six kids in there [to Vietnam] and what the hell we’re going to get out of his doing it—it just makes the chills run up my back,” L.B.J. laments. Russell, who dominated the Senate in a manner that is hard to imagine today, responds, “It does me, too. We’re in the quicksands up to our neck, and I just don’t know what the hell to do about it.”

It is for historians to decide whether Johnson worried that war in a Southeast Asian backwater threatened to bring down his vision of a Great Society, or whether he was trying to convert Russell to a pro-war stance.

In any event, the Johnson-Russell chat is only one of hundreds in more than 80 hours of conversations taped during L.B.J.’s first months in office. They have nothing directly to do with the Kennedy assassination, but shed extraordinary light on mid-1960s politics: the Kennedy-Johnson presidential transition, domestic budget and tax issues, and foreign policy decisions on Panama, Vietnam and Cuba. Historians writing about high-level policy matters will have to cull through the records unearthed by the ARRB.

AN INTELLIGENCE GOLD MINE—The same holds true for anyone interested in intelligence operations during the Cold War. The ARRB has unearthed a gold mine of information on that. And because of the unusually strong tilt toward disclosure in its authorizing statute—it declares a “presumption of immediate disclosure” unless there is “clear and convincing evidence of harm”—the Review Board has been able to get at categories of information that have never before been declassified.

The shorthand justification for secrecy—that disclosure “reveals sources and methods”—has long been used by the intelligence community to keep classified records secret in their entirety or to “redact” them before reluctant release—to edit much or all of them by blacking out names, phrases and entire pages.

Early on, however, the ARRB decided that if its mandate was going to mean anything, it could not grant automatic and ironclad protection to documents touching upon intelligence sources and methods. The end of the Cold War and the passage of time had to be factored in. As a result, the public now has an unprecedented bird’s-eye view of how the covert war against Castro’s Cuba was waged from 1960 until 1964, when Vietnam replaced Cuba as the overwhelming preoccupation of Washington policymakers.

In minute detail, F.B.I. records describe the ebb and flow of anti-Castro activities by Cuban exile groups and Washington’s relationship to them.

The twilight intelligence struggle waged in Mexico City—in effect, the Berlin of the Western Hemisphere—is amply documented. We now know more than ever before about how the United States monitored the Eastern bloc there, using double agents and technical means (hidden microphones, wiretapping and photographic surveillance) to spy on communist embassies. No less eye-opening are the revelations about how U.S. and Mexican law enforcement agencies cooperated, on both sides of the border.

A YEAR TO GO—Terminating the ARRB would be costly in terms of finding the truth. At this writing, Congressional funding for another year seems assured, and the ARRB is certain to provide a high return on the investment, which so far has reached \$6.1 million. The ARRB’s review of almost every F.B.I. record relating to the Kennedy assassination will, by itself, represent a formidable accomplishment. In the next year, the Board will also have time to go beyond the assassination itself, and to make public other critically important government records.

The ARRB is now trying to obtain diaries of key participants in the drama of the assassination and its aftermath, and make them available to researchers. Nellie Connally, the wife of the late Texas governor John Connally, who was injured by Oswald’s sniping at the Dallas motorcade, wrote a personal account of those fearsome days that has never been made public. Then-Representative Gerald Ford kept a diary or sorts, too, one that includes his service as a member of the Warren Commission. He made notes of all the hearings and deliberations and described some of the Commission’s most memorable activities, such as its trip to Dallas and the commissioners’ face-to-face meeting with Jack Ruby. The diary is not to be found at the Ford Library but remains in the hands of the former President. There are also indications that Ford’s Democratic colleague, Louisiana Representative Hale Boggs, kept a journal of written or taped entries. Given an additional year, the ARRB may gain the release of all of these diaries.

Whether it succeeds in putting to rest allegations of government involvement depends on what researchers and writers ultimately make of the records unearthed. But even now no one can deny the ARRB’s tangible accomplishment in establishing important new precedents for the release of classified documents.

The balance between secrecy and disclosure has always favored secrecy, controlled by laws highly deferential to the interests of government agencies. Virtually anything and everything the government wants to keep secret has been kept secret.

But the five citizens who sit on the Board—two history

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sors, a college dean, a librarian and a federal judge—
re peeked behind the veil and have determined that more
penness is possible. Their cumulative decisions are bound
to have enormous consequences for how the balance
between disclosure and secrecy is struck in the future.

(For a description of the ARRB's decision-making by a
board member, see Kermit Hall, "The Virulence of the
National Appetite for Bogus Revelation," in the *Maryland
Law Review*, Vol. 56, No. 1, 1997.)



Does He Read the Papers?—Just as Vice
President Al Gore announced (April 7) that
"the era of better government has begun"
with the Clinton administration's crusade to
"reinvent" the civil service, the bad news
reached a momentary crescendo. No doubt,

there's more to come.

As the income tax deadline arrived, the Internal Revenue
Service (I.R.S.) was pilloried for wasting \$2 billion on use-
less—indeed, disruptive and data-destroying—computer in-
stallations, most of which will now be junked. There was
also a renewal of the annual complaints—never resolved—
that I.R.S. workers are free to "browse" and pass around
anyone's tax return, and that the agency fails each year to
collect some \$200 billion in taxes due, most of it from the
rich, enough to balance the budget.

Both the Federal Bureau of Investigation and the Central
Intelligence Agency reached new highs—or lows—of criti-
cism. The F.B.I. was criticized for unscientific procedures
and flawed documentation at its fabled criminal research
laboratory, and its G-men were reproached for falsely ac-
cusing Richard Jewell of being the Atlanta Olympics
bomber. The *Washington Post* ran a profile of F.B.I. direc-
tor Louis Freeh, headlined "Freeh Fall."

The C.I.A. had a long way to go to top the sensational
disclosures of double agents and moles in its midst. But it
did. Last month the agency admitted that it knew *as long
ago as 1984* that the Iraqi ammunition dump that was blown
sky-high by U.S. explosives during the Gulf War contained
poison gas munitions. It somehow forgot to relay this infor-
mation to the Pentagon. Thousands of veterans blame the
explosion for their mysterious disabilities.

Then there's the Federal Aviation Administration
(F.A.A.), which has a long history of deferring to the airline
industry and ignoring needed safety reforms. Mary Schiavo,
the former F.A.A. inspector who resigned in protest, has just
written a damning book, *Flying Blind, Flying Safe*, now in
bookstores.

Good Money—President Clinton has asked for a \$4 mil-
lion increase in the operating budget of the Federal Election
Commission (F.E.C.). It may be the only campaign finance
reform to survive Congressional efforts to perpetuate the
rotten status quo. The F.E.C. is supposed to be a public pipe-
line providing citizen access to the donors and amounts of
all the campaign money scrounged up by federal candidates.
If Congress had not messed up its originating statute in 1974
and then cut its appropriations, it would be doing a better
job. Clinton wants its current \$28-million-a-year stipend
raised to just over \$34 million. It should be.

Money Out of Control—That's what *Business Week*
(April 21) calls the compensation of top corporate execu-
tives. The magazine's CEO scorecard for 1996 finds that the
average package of top corporate salaries, bonuses, retire-
ment benefits and stock options rose 54 percent—on top of
a 30 percent rise in total pay in 1995. Factory workers' 1996
pay rose an average of 3 percent.

Business Week says challenges to this kind of corporate
excess are finally rising, too. Protests by labor unions are
being joined by major stockholder groups, including state
pension plans.

George Seldes Remembered—An outstanding video bi-
ography of the late George Seldes, founder of the political-
ly irreverent newsletter *In Fact* and the shaper of publica-
tions that followed his, including *I.F. Stone's Weekly* and
The Washington Spectator, is now available on videocas-
sette. It was nominated for an Academy Award. Write or
call Rick Goldsmith Productions, 2600 10th St., Suite 104,
Berkeley, CA 94710; (510) 849-3225.

Correction—A reader notes that in our April 1 issue we
incorrectly noted that Peter G. Peterson, a leader of the Con-
cord Coalition and a controversial proponent of reductions
in Social Security benefits, was a Secretary of Commerce in
the administration of President Carter. Peterson actually
served from 1972 to 1973, under President Nixon.

ISSUE HIGHLIGHTS:

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CONSPIRACIES

**Conspiracy Theories Keep Coming,
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by Max Holland

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