

To: Rick Feeney

September 24, 1976

From: Paul L. Hoch

Subject: Suggestions for the House investigation of the JFK assassination

A. Contents of the first report:

I would like to see the report due in January contain the following:

1. An analysis of the Warren Commission's case that Oswald was the lone assassin, with the Committee's conclusion that the case is not valid.
2. A summary of key factual points raised by the physical and medical evidence, along with suggested procedures for resolving these questions over the next year, using panels of scientists.
3. A description of relevant information not seen by the Warren Commission, and of the Committee's efforts to get it, along with any significant new evidence thus obtained. (This would mainly involve files held by government agencies, but could also include a complete collection of photos of the assassination and a list of witnesses who have not been properly questioned.)
4. Any solid information obtained from an investigation of the actions of the Dallas Police and other local agencies (including the FBI in Dallas) immediately after the assassination, including the arrest of Oswald. (This would be a profitable area in which to call witnesses right away.)
5. No incorrect facts and no one-sided or incomplete analysis. (The Schweiker Report had some flaws which could have been avoided if a draft of the report had been reviewed by outside consultants familiar with the case.)

B. Procedural suggestions:

1. It is crucial to subject all witnesses to adversary examination.
2. Some of the staff should be full-time "devil's advocates," assigned to a critical review of any new theories and a defense of the Warren Commission report.
3. I would like to see the study of the physical evidence designed to meet the standards of the scientific community, rather than as a quasi-legal proceeding aimed primarily at the public.
4. If possible, the Committee should avoid an arbitrary deadline for a final report. Provisions for followup (which were not established by the Warren Commission) should be thought about early.

C. Discussion:

I am assuming that there is no new evidence in the JFK case which purports to solve the whole mystery, and that the immediate focus is on the apparently major leads in the King case. With this assumption, the main job this year will be to establish that the JFK assassination is unsolved, and to lay the groundwork for next year's study.

It is already apparent that there will be many constraints on the investigation, any one of which could cause serious problems. Of course, there is really very little time until January. The Committee can expect to be flooded with trivia and serious disinformation, and will probably not be able to use the FBI to screen such material (as the Warren Commission did). Procedures for dealing with public and press input must be set up soon.

The agencies will probably resist exposure of their files and operations, especially in areas with no obvious connection to the assassination. Certain

members of the Warren Commission staff (notably David Belin) will resist any rebuttal of the Warren Report. There will be skepticism, indifference, and some hostility in the press (segments of which managed to ignore the Schweiker Report completely). The unavoidable anti-Warren Commission opinions of people who know the facts might cause problems if proper use is made of the critics as staff or consultants. Reported differences among members of the Committee could cause problems, as could some residual hostility in the House. Carefully cultivated anti-leak feelings could make it difficult to give the necessary information to consultants. In summary, the Committee will have all the problems the Schweiker-Hart Subcommittee had (except a limited mandate), and some additional ones.

One of the most vulnerable sections of the Warren Report is the Ball-Belin chapter (Ch. 4) on the identity of the assassin. It has been torn apart repeatedly - starting with criticism within the Commission staff - and effectively. Official confirmation would be both easy and useful. It could be based on the work of leading critics in this area (Meagher, O'Toole, Lane, and Weisberg, for example) and - if the time squeeze becomes serious - could be done with no additional investigation by the Committee. If the Committee decides to have hearings in this area, I am sure that David Belin would be glad to testify. I would certainly like to see him and Sylvia Meagher carry on their dispute about Belin's handling of the testimony of Charles Givens. He is so sensitive about this point that he bullied the publisher into deleting Meagher's key conclusion from our anthology, in the process making erroneous accusations against her. (It might be useful to have some sympathetic investigator talk to Givens, a black, about the possibility that his testimony resulted from pressure from the Dallas Police or the Warren Commission.)

The attack on Chapter 4 of the Warren Report would be designed to make the Commission's failure official, not primarily to break new ground. For the latter, I would suggest that the main options (in decreasing order of effectiveness) are (1) a study of official behavior immediately after the assassination; (2) an attempt to determine what the FBI, the CIA, and other agencies were withholding from the Warren Commission (now that the Schweiker Report has confirmed that some things were being withheld); (3) questioning of witnesses who may have played minor roles in the coverup and who might be willing and able to help unravel it (as occurred in the Watergate investigation); (4) getting narrative depositions from the many potential witnesses ignored by the Warren Commission; (5) a systematic study of the physical and medical evidence.

Assuming that "volunteer" witnesses, carefully cross-examined, do not prove fruitful, I would suggest that the best source of really new leads would be an examination of the actions (and files) of the Dallas Police and other agencies involved in the arrest of Oswald and the attempt to make a case against him. An exploration of the DPD's reason for going after Oswald (when his absence from the TSBD was allegedly noted) would be helpful. A key question is whether the DPD really knew nothing about Oswald in advance. The Committee has the opportunity to do what the Commission failed to do, and get frank assessments of the DPD position from (e.g.) the FBI. We already know that some Texans blamed the FBI for failing to warn the DPD about Oswald, because (they suggest) he was an FBI informant. The truth may lie in the opposite direction: someone might have picked Oswald as a patsy knowing that his FBI connection would cause the Bureau to cover up. Specific indications that the DPD knew of Oswald (perhaps under a variant of his name) can be followed up. I would really like to know if the Dallas FBI considered it possible that the DPD did not know about Oswald, given the prominence of his defection, return, and other activities. The Secret Service protection of Marina Oswald, and the peculiar providing of interpreters, should also be examined. (Incidentally, the peculiarities of Oswald's arrest, and his public background, provide key evidence for a study of the hypothesis that Castro was responsible for the assassination.)

An attempt to follow up the Schweiker Report by examining what the agencies were withholding could provide the framework for an examination of the backgrounds of Oswald and Jack Ruby. The Ruby story would permit an easy, but major, step forward from the Warren Report: the analysis by the Commission staff, and the material they gathered, is much better than the chapter on Ruby in the Report, which is extremely forced in its insistence that Ruby's connections were not significant. I and other critics can provide many specific examples of agency withholding from the Warren Commission, and Commission awareness of this problem.

The Committee should certainly try to accumulate all relevant documents which were not given to the Warren Commission and thus are not preserved in the Archives. If, as I expect, some agencies will resist the Committee's requests, the resistance will itself support the argument for a continued investigation. If material is turned over, it will probably contain significant "new" evidence. General requests should be supplemented by specific requests for material which the critics have been trying to obtain under the Freedom of Information Act. Hopefully, some records which could not be found will turn up if the Committee presses for them. Without checking my files, I can suggest a number of interesting documents: the FBI files on Oswald, including those at field offices; the CIA's 1967 Inspector General's report, and records relating to CIA interest in Oswald in the USSR (as well as whatever was given to the Schweiker Committee), the original DPD radio tapes, as obtained by the Secret Service, Warren Commission records in the Dulles collection at Princeton, and possibly elsewhere (as discussed in my correspondence with the Abzug Committee), Ed Butler's testimony to SSI, any reports from Frank Ellsworth in the ATF files, the Air Force One tapes in the Johnson Library, and various records of the FBI, State Department, Department of Defense, and HUAC.

I am sure that some people will want to testify about pro-Castro or anti-Castro Cuban involvement. As I have noted, such witnesses must be treated with care and skepticism. In the long run, witnesses with "minor" stories to tell might turn out to be more productive. I would suggest that a good way to approach these Cuban hypotheses would be to follow up the discussion of the 1967 Morgan-Roselli-Pearson flap in the Schweiker Report. The advantage of this part of the Cuban Connection is that there is documentary evidence (notably, the 1967 I.G. Report) to look at. The Schweiker Report's delicate handling of this issue suggests that there is a lot more to the story.

Of course, I would like to see some investigation of the link between the Odio incident and the Veciana-Gonzalez plot to kill Castro which is discussed in my 1975 memo to the Rockefeller Commission. Also, the Committee could find out if the "Bay of Pigs thing," central to the Watergate puzzle, has anything to do with plots against Castro, or the Kennedy assassination. The Committee must be careful not to ruin any of the "hot leads" of the Schweiker Report if they are now being followed up. (This is a tricky problem, since I do not even know who testified to the Schweiker Committee, and that testimony could be quite helpful to the House investigation.)

I do not think that the physical and medical evidence allows a reconstruction of the facts of the assassination in three months. The Warren Commission's reconstruction of the shooting is not as absurd as the case the Warren Report made for it, or as the Commission's procedures in this area. I do not think there is any single piece of evidence now known that can conclusively shoot down the Commission's version beyond a reasonable doubt. This is certainly a minority position among the critics of the Warren Report, and I would be pleased to be proven wrong. I do not think the Warren Report's version is correct, and I know that it would be easy to show that there are many problems with it. I feel that a public demonstration of reasonable doubt is not necessary and might not be productive; there are arguments in favor of the Warren Commission reconstruction which are not trivial to rebut.

I think it would be a mistake to try right away to rebut the entire Warren Report reconstruction. I would suggest setting out the questions that need to

be answered, and setting up some sort of scientific panels to go about answering them. The Committee should carefully consider where experiments have to be done - e.g., on the distortion of bullets, the possible doctoring of the photos of Oswald and the rifle, etc. (Incidentally, the newly discovered photo of Oswald and the rifle should be looked into promptly.) The ultimate objective would be to produce scientific analyses which are solid enough to stand up to peer-review processes like those of the best technical journals. Incomplete or inadequately documented studies, like that by Itek on the Zapruder film, are not good enough.

At first, I would suggest a low-key investigation of those specific points which the various critics present as the best evidence against the Warren Report version. I expect that this will mean the reverse head motion, the visible reaction to the Connally shot, the condition of the single bullet, and the spectrographic evidence. Each of these should be looked at with the hope, but not the firm expectation, of coming up with something which is conclusive by scientific standards. The Committee should avoid a premature public debate with Itek, Arlen Specter, and others about all the criticism which has been raised over the years.

I expect that those critics with scientific expertise are more sensitive to the uncertainties of the medical and physical evidence than some of the other critics. There is evidence on both sides which cannot be easily discarded. On the question of the head shot, my opinion is that if the medical evidence is authentic, there is no evidence for a shot from the front. (That is, the obvious evidence for a shot from the front is not persuasive.) I feel that any study of the medical and physical evidence will run into the possibility of inauthenticity. This is obviously a very difficult matter which has to be handled most carefully.

Again, I emphasize that my position on the current physical and medical evidence is a minority view, but carefully considered and based on my intuition and judgment as a scientist familiar with working with complicated and contradictory data. I certainly would encourage getting new evidence in this area - e.g., by recommending or initiating a spectrographic study using current technology. It would also be worthwhile to contact the Dallas and Bethesda doctors to see if they have any new information or opinions. (Similarly, it would be good to check with various Warren Commission staff members to see which of them are now willing to admit the inadequacy of the Commission's work.)

The House Committee may be able to solve the Kennedy assassination and explain its coverup. In any case, it has the chance to meet the highest standards of responsible investigation and responsiveness to public concern.