

# An agenda for investigators

# CAN CONGRESS CRACK THE KENNEDY ASSASSINATION?

By RUSSELL STETLER

**W**HAT WILL IT TAKE TO SOLVE THE JFK murder case—or to satisfy the citizen-critics who have kept the case alive for 14 years? This double-edged question is hitting home in Washington, where congressional investigators face the annual task of persuading skeptical legislators to fund a probe that has so far uncovered no smoking guns. Down from Capitol Hill, the post-Hoover FBI is hoping that the sheer quantity of the assassination-related files it is releasing will impress the public that it has nothing to hide and will overwhelm spare-time researchers, who will need months if not years to assimilate the contents of another 98,000 pages of official documents.

In a strong sense, a critical moment has arrived. Congress has been looking into various aspects of President Kennedy's assassination for more than two years. The Freedom of Information Act has unleashed a torrential flow of files and reports. Murder (Sam Giancana and John Roselli) and suicide (George de Mohrenschildt) of potentially important witnesses have augmented the mood of mystery surrounding

the Kennedy killing and the investigations that followed. A host of exotic would-be witnesses have offered their information and disinformation to the press—at least heightening the public's desire for clear answers. The latest books have completed the picture: details of Oswald's frustrated sex life; mug shots of the "real" assassin (who reportedly confessed to a retired law-enforcement officer with a background in military intelligence), and—for balance—the story of Oswald's secret career as a programmed KGB automaton. The time has surely come to end the madness and settle some basic questions.

**O**NE LARGE PROBLEM IS THAT SOLVING THE case depends on the sustained efforts and intelligent collaboration of three groups: the press, Congress, and responsible private researchers (whom I call the citizen-critics). Each has a different, vital role to play. The press can spend money to investigate a long shot that might seem an embarrassing waste of congressional funds. A tough reporter can not only get away with some investigative techniques that an ethics-conscious Congress has to avoid—for example, pay-offs or wired interviews—but can also pursue leads that are just too politically sensitive for the Hill. Congress has other

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powers and duties, however, such as the unique ability to compel testimony and greater access to official documents. The citizen-critics offer expertise. They have used the 14 years since President Kennedy's assassination to analyze the existing literature in the National Archives and the Warren Commission's own 26 volumes of published testimony and evidence. Only they are in a position to tell the press or Congress what is already known (if anything) about a seemingly new lead. Working together, these three groups would be formidable. But in an adversary relationship, they may doom the investigation.

So far, the press seems to have the largest ego and the least desire to cooperate. The most recent example is, of course, press coverage of the 98,000 pages of documents released by the FBI in December and January. Half an hour after the first installment of 40,000 pages was opened to public inspection at the FBI reading room on December 7, NBC was on the air to report "no startling new revelations." Even before the papers were released, Reuters was sending out a scheduled background piece—apparently relying on FBI sources—noting that "few startling revelations are expected." UPI found a report on the Kennedy autopsy by FBI Agents James W. Sibert and Francis X. O'Neill, Jr., among the "new" documents—not realizing that the controversial five-page, single-spaced report had been available to the public from the National Archives for more than 11 years (and had been published in a few books).

(In fairness to the FBI, it should be pointed out that their handout announcing the release of the first installment indicated that much of the material had been available at the archives or even published in the Warren Commission's 26 volumes. But there is little doubt that the FBI public relations specialists were well aware of the advantages to the bureau in releasing such a massive amount of material all at once. The vast amount was just too much for the press to cope with; it seemed to show immense good will in the post-Hoover bureau—no more secrets, let all the files be opened—and a large amount of the material did show the FBI diligently pursuing even the most trivial leads and outlandish allegations.)

There is simply no way that the FBI documents could be subjected to serious analysis in a period of hours or even days. If we assume that each page contains more than 200 words of text, the 98,000 pages would fill roughly 200 average books. If a news organization employed 20 researchers to read through the documents in a normal eight-hour workday, they would have to skim through the files at a rate of more than eight pages per minute—and this would allow no time to collate their findings. Since intriguing new revelations or leads are often discovered only in the close reading of a subtle sentence or phrase, or by correlating new material with old, it follows that it is even now too early to say with certainty whether the documents released in December and January contain much of significance.

If it is too much to hope that any paper, magazine, or network will ever budget for a real investigative team to work on the Kennedy assassination, perhaps our major news

organizations could at least assign a reporter to work on this story over a period of months, with a view to telling the FBI-assassination story in some depth. Even if the reporter ignored many of the wider controversies over what happened in Dealey Plaza on November 22, 1963, the inside story of how the FBI viewed and handled the Oswald case would be fascinating.

We know, for example, that J. Edgar Hoover twice asked his assistants for the files of the Warren Commission's staff—probably in the hope of finding some small scandal or political taint that could be leaked to the press to embarrass the commission (which Hoover viewed as "seeking to criticize the FBI"). Hoover's handwritten notes on many of the FBI documents are often more interesting than the reports themselves.

We know, too, that less than three weeks after the assassination, harsh action was taken inside the FBI. Seventeen employees—five field investigative agents, one field supervisor, three special agents in charge, four headquarters supervisors, two headquarters section chiefs, one inspector, and one assistant director—were censured or placed on probation for what the bureau called "shortcomings in connection with the investigation of Oswald prior to the assassination." When the Warren Report came out in September 1964, eight of the 17 were again censured or put on probation; some of the eight were transferred; and three other employees (including an assistant to the director) were disciplined for the first time.

One FBI memo (previously quoted in a Senate report) suggests that Oswald may have been viewed by the FBI as someone on undercover assignment for another federal agency. This memo relates that the bureau's "public" position before the Warren Commission was to maintain that there was no reason for it to have put a stop on Oswald's passport, whereas the bureau's internal position was that "with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time."<sup>1</sup> Exactly what the FBI knew or suspected about Oswald merits careful investigation.

It would also be helpful if a national news organization would lend its weight to a Freedom of Information Act request for the FBI's crucial preassassination Oswald files. The celebrated 98,000 pages come almost entirely from the FBI's postassassination investigations. The documents filed before November 22, 1963, are few but potentially very important if people in the bureau had any reason to suspect that Oswald had intelligence connections (or, as some other critics have speculated, a possible informant relationship with the FBI itself). Samuel Stern, a junior lawyer on the

1. Critic Peter Dale Scott, in his *Crime and Cover-Up* (Berkeley: Westworks, 1977), has offered this concise analysis of the FBI memo: "Logically, Gale's [the memo-writer's] judgment must refer to U.S. intelligence assignments, the only assignments which could have mitigated, rather than strengthened, the need to keep track of Oswald's movements. The adverbial qualifiers (definitely . . . at that time) suggest that the FBI had been receiving indefinite intimations that Oswald at some time had had such assignments."

Warren Commission staff, drafted a comprehensive request for those files in March 1964 (asking for "all FBI files on Oswald through November 22, 1963, whether maintained at headquarters or at any field office . . . including internal memoranda, teletypes, and other instructions or communications between FBI activities [sic], internal surveillance reports on any surveillance conducted involving Oswald, internal mail cover reports on Oswald, and the like"). Stern's request was deleted in the final version of the letter sent to Hoover, and the Warren Commission never saw the preassassination files. Critics have sought the file for years under the Freedom of Information Act, and Representative Christopher Dodd of the House judiciary subcommittee on civil and constitutional rights (and now also of the House assassination committee) has asked for it as well. But the FBI has so far shown no eagerness to comply. A forceful request from a major newspaper or TV network might succeed where these individuals have failed.

**R**EPRESENTATIVE DODD'S INABILITY TO obtain FBI files is a grievous example of the practical limits on congressional power in confrontation with the federal bureaucracy. The media could play an important role in strengthening congressional demands for historically important information, but so far they have treated congressional interest in the Kennedy assassination with little sympathy. When the House voted more than a year ago to establish a committee to look into the assassinations of President Kennedy and Dr. Martin Luther King, the press gave the largest share of its coverage to the ensuing conflicts between the committee and its controversial original chief counsel, Richard Sprague. Since replacing Sprague with a less colorful organized-crime specialist, the committee has prudently sought no headlines and promised no smoking guns—hinting instead that a slow, discreet investigation is in order. As is so often the case, a great deal will depend on the quality of the staff work in this investigation. As we hope for the best in the staff, we must voice some concern about the composition of the House committee itself. The Black Caucus, whose initial interest spearheaded the reopening of the Kennedy and King investigations, is well represented. California Democrat Yvonne Burke may be the most open-minded member on the committee. But Burke is balanced by archconservative Sam Devine, an Ohio Republican who has predicted that the investigation will trace the Kennedy assassination plot to the feet of Fidel Castro. The committee as a whole could turn out to be very unstable once it is asked to pass judgment on reports and evaluations from the staff; it could easily split into two factions—each of which represents only a small minority in the overall congressional picture.

Despite these difficulties, the potential importance of the congressional investigation cannot be overstated. Without the power to subpoena witnesses and compel testimony, citizens and the press are forever denied answers that Congress can get. The 1976 Senate report by Pennsylvania Republican Richard Schweiker and Colorado Democrat Gary Hart demonstrated very dramatically what Congress can do to open up the Kennedy case. (Schweiker and Hart have asked the Senate's permanent intelligence oversight committee—chaired by Daniel Inouye of Hawaii—to follow up the leads they uncovered. The new committee has been silent on the subject, but there are indications that members of the committee's staff are pursuing some aspects of the JFK case.)

**T**HE GREAT CONTRIBUTION OF THE Schweiker-Hart Report was its documented exposure of what the CIA didn't tell the Warren Commission and its detailed account of the international context of the Kennedy assassination, in terms of the then-current covert plots against Castro. While there is no certainty that this context was directly relevant to the events in Dallas, there is no doubt that the Warren Commission's ignorance of the anti-Castro plots influenced its investigation and that the CIA's Cuban secrets help to explain the agency's failure to cooperate fully with the commission.

The most fascinating story in the Schweiker-Hart narration of the Cuban connection is that of Rolando Cubela Secades, to whom the CIA gave the code name AMLASH. Cubela was a student leader who attained the rank of major in Castro's guerrilla army in the late fifties. When the rebels took power, Cubela became a high official in the Ministry of the Interior. Almost everything else we know of Cubela's subsequent activities is shrouded in ambiguity. Agent or double agent? That is the haunting question.

The CIA says its contact with Cubela began about the time that President Kennedy took office in 1961. According to the agency, the man they called AMLASH wanted to talk about defecting, but they wanted him to stay in Cuba, where he could provide information and play a role in any future attempts to overthrow the Castro regime. Following the October 1962 missile crisis, nearly a year went by without any known CIA contact with AMLASH. The administration had made a deal with the Soviet Union: Moscow withdrew its missiles, Washington would tolerate Castro. The details are obscure, but Kennedy undoubtedly did impose restrictions on the exile raids against Cuba from Florida. In the fall of 1963, Kennedy also initiated informal moves toward rapprochement with Castro via Ambassador William Atwood, a UN delegate who made contact with the Cuban mission in New York, and French reporter Jean Daniel, who met with the president before traveling to Havana in late October. The CIA reports that it shifted its emphasis in the summer of 1963 toward encouraging dissidents inside Cuba—in preference to the exiles. How much the agency and the White House were coordinating their Cuban policies is a matter of controversy.

In late summer 1963, the CIA renewed contact with AMLASH, who reportedly told them he was primarily interested in whether the United States would support a new invasion plan or an "inside job" to eliminate Castro. (On the second anniversary of the Bay of Pigs, Castro had charged publicly that the United States had shifted its strategy from invasion plans to assassination plots; this April 1963 speech was reported in the U.S. press but not noted in the Schweiker-Hart Report.) AMLASH's concerns were officially reported to CIA headquarters on September 7; on the same day an AP reporter quoted Castro as warning U.S. officials that "if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe." Inside the government, a memo was prepared on how Castro might be likely to respond to the rash of covert activities being planned for Cuba, but "attacks on U.S. officials" within the United States were considered so unlikely that this option was not even on the final list. More meetings were set up with AMLASH; no matter who first raised the idea of assassination, the contact with AMLASH continued on that basis.

AMLASH soon upped the ante: He demanded a personal meeting with the president's brother—Attorney General

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Robert Kennedy—as an assurance that the U.S. government was firmly behind the policies under discussion. The CIA didn't pass the invitation on to the attorney general. Instead, the socially prominent Washington lawyer Desmond Fitzgerald—the secret head of the CIA's Special Affairs Staff (effectively the agency's Cuba desk at that time)—met AMLASH on October 29, introducing himself as Bobby Kennedy's personal representative. At least two of Fitzgerald's colleagues at the CIA advised him not to go. The chief of counterintelligence of Fitzgerald's own Special Affairs Staff thought Cubela's "bona fides were subject to question"—in other words, he might be reporting back to Castro. Double agent or not, AMLASH was known to talk too much. Security around his contacts with the CIA was so bad that an FBI informer reported to the bureau on October 10 that Cubela was meeting with the CIA. Despite the warnings and danger signs, Fitzgerald used no disguise for his fateful meeting with Cubela; his only fig leaf was an alias.

AMLASH told the putative Kennedy emissary that he wanted "technical support"—like a high-powered rifle with telescopic sight—not just approval for his policies. The two CIA agents present at the meeting have given opposite versions of Fitzgerald's reply to the request, but by November 19 Fitzgerald told the CIA case officer he could tell AMLASH that rifles, telescopic sights, and explosives would be provided. The day before, Fitzgerald had sent AMLASH another signal—by way of President Kennedy himself. On November 18, Kennedy gave a speech in Miami—the heartland of the exiles—in which he described the Castro government as a "small band of conspirators" whose removal would ensure U.S. support for progressive goals in Cuba. Fitzgerald reportedly helped draft the speech, and an internal memo of the CIA quoted in the Schweiker-Hart Report confirms that the CIA intended the speech to signal the dissidents in Cuba that the United States would support a coup.

As Kennedy was being shot in Dallas, Fitzgerald and the CIA case officer met with AMLASH, on November 22, 1963, assuring him that he would get his rifles and telescopic sights. They also gave him a ball-point pen rigged with a hypodermic needle so fine that its victim would not notice its insertion, advising AMLASH to buy a bottle of Blackleaf-40—a commercial poison lethal even in tiny doses. When they left the meeting, news of the Kennedy assassination was on the wires around the world.

Assassination plots involving AMLASH and the CIA continued into 1965. In June of that year, a Cuban exile labeled "A" in the Schweiker-Hart Report contacted the Immigration and Naturalization Service and talked about the AMLASH operation. "A" himself had been active in New Orleans in 1963—the time when Oswald made contact with anti-Castro Cubans and operated his one-member Fair Play for Cuba Committee. It is conceivable that "A" himself had contact with Oswald and likely that they met some of the same people. But the CIA wasn't worried about the possible Oswald link. What "A" exposed in 1965 was simply the indiscretion of AMLASH. At a joint FBI-CIA debriefing, "A" told how much he knew about the CIA-AMLASH plot. The CIA

terminated the operation, cabling its stations: "Convincing proof that entire AMLASH group insecure and that further contact with key members of group constitutes a menace to CIA operations." Another CIA memo stated: "The AMLASH circle is wide and each new friend of whom we learn seems to have knowledge of plan." Among other things, the information from "A" raised the possibility that underworld figures involved in earlier anti-Castro plots had also learned of the AMLASH scenario.

In February 1966 AMLASH, a.k.a. Cubela, was arrested in Havana in connection with an assassination plot involving an FAL automatic rifle with telescopic sight. He was convicted and sentenced to death—but Castro himself intervened to commute the sentence to 20 years.

**A**LTHOUGH MUCH ABOUT AMLASH REMAINS a mystery, we know for certain that the AMLASH plot is a secret the CIA was not about to share with the Warren Commission. On November 24, the Mexico CIA station sent headquarters a list of all known contacts of certain Soviet personnel in Mexico City to help headquarters assess the significance of Oswald's contact with the Soviets there in October. AMLASH's real name was on the list. Unfortunately, there is neither a documentary record nor a personal recollection of what happened when that list reached headquarters. According to the Schweiker-Hart Report: "Had routine procedure been followed, that name would have been checked in Agency files. Operational information, i.e., details of CIA plots with AMLASH to assassinate Castro, would not have been routinely provided. The decision to provide such information would have been made by Fitzgerald or Helms. The AMLASH case officer can recall no discussion about connections between AMLASH and the assassination of President Kennedy."

There is no evidence that any high official of the CIA concluded that Oswald was a Castro agent. The Schweiker-Hart Committee asked AMLASH's case officer directly why he didn't associate President Kennedy's assassination by a pro-Castro activist with his own involvement in the AMLASH operation. According to the report, the case officer replied that "he does not know to this day that Oswald had any pro-Castro leanings." The report emphasized that the committee "has seen no evidence that Fidel Castro or others in the Cuban government plotted President Kennedy's assassination in retaliation for U.S. operations against Cuba" and specifically added that it "found no conclusive evidence that Castro was aware of AMLASH's 1963 dealings with the CIA." The true significance of the Cuba angle seems to be that the mere mention of Cuba put the CIA on red alert. Outsiders who tried to pursue the Cuban connection were warned of "serious repercussions" and politely discouraged on grounds of "national security"—leaving some with the impression that Oswald's links to Castro were being covered up when the CIA was actually guarding its own anti-Castro secrets. Not only did the CIA volunteer nothing to the Warren Commission about its Cuban plots, the commis-

sion itself lacked curiosity about Oswald's ties. Commission member Allen Dulles, CIA director during many anti-Castro plots, was mute. The CIA personnel who worked directly with the commission were experts in the KGB and Soviet matters. Apparently the commission put no questions to the CIA about the anti-Castro groups whose members encountered Oswald in New Orleans.

The limits of what Schweiker and Hart uncovered were determined by their narrow mandate: They investigated only intelligence agencies' activities in relation to the Kennedy assassination. The current House committee has no such limits on its mandate; thus it has the opportunity to break the case wide open—coupled with the unavoidable duty to confront the toughest questions on which the Warren Commission's leading critics have never reached a consensus. Though there is wide agreement that individuals other than Oswald were involved in the Kennedy assassination, there are sharp differences over whether Oswald was a guilty member of a murder conspiracy or an innocent fall guy. And there are further differences as to just who Oswald was—and for whom he may have been working. In the simplest schematization, there are half-a-dozen logical possibilities to explain Oswald's identity: He could have been a lone nut, either guilty or innocent; he could have been a conspirator of the left (such as a Castro or KGB agent), either guilty or innocent (framed by plotters who knew his leftist ties); or he could have been a conspirator of the right (such as a CIA asset or anti-Castro plotter), either guilty or innocent (framed by plotters who knew his government or rightist links).<sup>2</sup>

**T**HERE IS AN AMPLE BODY OF REASONABLY well researched literature covering most of these logical possibilities. The case for Oswald's innocence can be found in the early books by Mark Lane, Harold Weisberg, and Sylvia Meagher, and more recent works by George O'Toole and Howard Roffman. The case for Oswald's guilt still rests on the Warren Report, but his associations on the left (principally with the Soviets) are the subject of a book by Michael Eddowes, and his associations on the right are explored in several studies of Jim Garrison's investigations in New Orleans, as well as Robert Sam Anson's 1975 paperback. Regrettably, all these books are often discounted and dismissed in the press along with the *National Enquirer's* annual announcement that the case has been solved. Fortunately, the House committee has recognized the difference between conspiracy kooks and real experts who have studied the Kennedy assassination with the meticulous care normally reserved for an academic discipline.

Last September the committee gathered a small group of the top experts for a secret Washington brainstorming session. Those attending included several of the authors just named, a college professor whose early book used the now-famous Zapruder film to challenge the single-bullet theory, two Berkeley researchers who have specialized in the post-assassination cover-up, and representatives of the Washington groups that have lobbied most effectively in support of the congressional investigation. Secret contact with the critics enables committee staffers to test their new leads and hypotheses against the expertise of the ranking critics, who in some cases could cite chapter and verse (or document and

file number) to indicate that an apparently new story had been around a long time and had led past investigators up a blind alley. In other cases, they could add details that might make a new lead more worthwhile to pursue. And last of all, they were collectively put on the spot to tell the committee what they would do if the tables were turned and the citizen-critics were running the official investigation.

**T**HE CRITICS' SPECULATIVE ANSWERS TO the question, "Where do we go from here?" offer the committee a range of informed choices: Stick to a critical examination of the physical evidence; zero in on Oswald's possible connections with U.S. intelligence agencies (and explore the unusual activities of various Army Intelligence people in Dallas on November 22, 1963); concentrate on Oswald's defection to the Soviet Union (and explore whether an Oswald impostor could have been sent into Russia by the CIA or back to America by the KGB); focus on Jack Ruby and his demonstrable links to organized crime; or—by analogy with Watergate—stick to the cover-up (where the Senate investigators were already so successful) and hope that it will lead back to the crime itself.

It is a good sign that the House committee has called upon the citizen-critics at all, but much will depend on the long-term liaison between congressional staff and the experts (or *which* experts the staff chooses to rely on the most). While it seems wise for the House investigation to avoid the limelight, a secret investigation also has many pitfalls. The Schweiker-Hart Senate Committee held closed hearings and produced a good report, but researchers should now have access to the transcripts of those hearings. It will be ironic if the Warren Commission appears less secretive about its hearings than the congressional committees are about theirs.

It is hard to be wholly optimistic about the prospects of solving the real-life political thriller that the Kennedy assassination has become. The stakes are large, the motives of the amateur detectives and official investigators are diverse and complex, and many of the known events occurred in the murky underworld of international intrigue, where every fact may mean the opposite of the obvious interpretation. (In the extreme case, there are those who interpret every piece of evidence suggesting Oswald's links to U.S. intelligence as further proof that the KGB has penetrated the CIA—planting false trails here, infiltrating double agents there. This is, of course, logically possible, but the assumption makes any rational analysis impossible; obviously, without any compelling evidence to support this thesis, such a line of inquiry would be an exercise in paranoia.) The minimal hope is that the effort to understand the Kennedy assassination and the official secrets surrounding it will shed needed light on a number of covert forces at large in American society that have literally gotten away with murder—if not Kennedy's, then plenty of others. One needn't assume a solitary conspiracy underlying all the unsolved murders and unquiet assassinations—the Kennedy brothers, their enemy Jimmy Hoffa, their sometime ally Martin Luther King, the CIA's patriotic would-be assassins, Sam Giancana and John Roselli, and CIA foe Orlando Letelier. The point is that all these deaths mean something for American politics, and our ignorance of that meaning puts an area of politics outside accountable control. We may never know what really happened in Dallas in 1963, but the search for that knowledge should not be abandoned as long as it is leading us to other politically significant truths.

<sup>2</sup> Some critics speculate, for example, that if Mafia elements engineered the assassination, they might have been happy to frame Oswald and pin the blame on either the left or the right.