

# INQUIRY<sup>®</sup>

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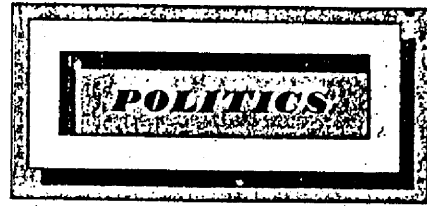
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INQUIRY



PAUL HOCH &  
JONATHAN MARSHALL

## JFK: The unsolved murder

FOR 17 DAYS IN SEPTEMBER 1978, nearly 15 years after the fact, the House Select Committee on Assassinations held public hearings into the death of John F. Kennedy. Long embroiled in controversy over the size of its budget requests and the flamboyance of its leadership, the committee with its new chief counsel, Robert Blakey, has gone to great lengths to avoid such criticism. The hearings were as much an attempt to justify its own long existence as an effort to disclose the main lines of its investigation. In the long run, the real importance of the hearings may lie in the fact that they were held at all; they substantiated the long-standing claim of assassination buffs that the American people deserved to know more about the case than the Warren Commission told us.

Although the hearings were only a partial preview of the forthcoming final report, they provide insights into the committee's thinking and suggest guidelines for evaluating that report. Barring last-minute developments, we can expect the committee to conclude that Kennedy was hit by two shots from the rear, that the Warren Commission and the intelligence agencies did not carry out a thorough investigation, and that a conspiracy involving Lee Harvey Oswald or Jack Ruby with anti-Castro Cubans or underworld figures cannot be decisively ruled out.

Although it kept the conspiracy op-

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tion open, the committee appears to favor the Warren Commission's single-gunman hypothesis. The most persuasive evidence against multiple assassins came from medical and photo analysis experts who concluded that the two shots that hit Kennedy did indeed come from the general direction of the "sniper's nest" in the Texas School Book Depository Building, and not from the front as some critics maintained. Through careful analysis of bullet trajectories and of the chemical composition of bullet fragments, the experts supported the Warren Commission's claim that a single bullet could have passed through Kennedy and wounded Connally, even though it emerged relatively unscathed.

One impressive witness, however, threw doubts on the committee's case for the single-assassin theory. From his examination of a tape recording of the shots fired in Dealey Plaza, Dr. James Barger concluded there was a fifty-fifty chance that a *fourth* shot was fired—a miss from the grassy knoll. Moreover, the timing of two of the shots from the rear—1.6 seconds apart—suggests that a single gunman would have had difficulty firing them fast enough. The committee questioned Dr. Barger closely, probing for weaknesses, but ultimately could not discount his anomalous evidence. The committee's handling of this testimony in its final report will say much about its tolerance of evidence that fails to confirm the lone gunman theory.

Not all the technical evidence was equally impressive. Nevertheless, in comparison with the Warren Commission's shoddy mishandling of such issues and its dependence on FBI experts, the careful work done for the committee now makes it difficult to sustain any theory other than two-hits-from-the-rear without positing massive fraud. The possibility remains that evidence (such as the bullet fragments) was tampered with before the experts saw it, but the critics now must carry a heavier burden of proof.

On the other hand, even with the two-hits-from-the-rear scenario it does not necessarily follow that no shots came from the front, that only one gunman fired from the rear, or, above all, that Oswald himself fired from the sixth floor window. Indeed, the committee added practically nothing to the Warren Commission's questionable circumstantial case against Oswald. The commission failed to prove

not only that Oswald actually pulled the trigger, but even that he was a practiced shot, that he carried the rifle into the book depository, or that he was on the sixth floor when the assassination occurred. The alternative to the Warren Commission's case is a carefully coordinated conspiracy to frame Oswald. This may strike the committee's lawyers as unlikely, on the accumulated weight of the evidence. The real question, however, is whether the congressmen seriously pursued the possibility of such a frame-up; or, to put it another way—if such a conspiracy existed, what is the likelihood that the committee would have uncovered it?

The question is not an idle one, since the Warren Commission itself never seriously entertained the possibility of Oswald's innocence. Inasmuch as the commission relied on the FBI as its chief investigative arm, it could hardly have done otherwise. Only two days after the assassination J. Edgar Hoover already sought to put the case to rest. As he told Walter Jenkins in the White House, "The thing I am most concerned about and so is [Deputy Attorney General] Mr. Katzenbach is having something issued so we can convince the public that Oswald is the real assassin."

**J. Edgar Hoover tried and convicted Oswald only days after JFK died.**

That same day—November 24—Alan Belmont, Hoover's assistant, indicated in a memorandum that his agents were at work on a report for the attorney general to "make it clear that Oswald is the man who killed the President." "We will show," he added, "that Oswald was an avowed Marxist, a former defector to the Soviet Union and an active member of the FPCC [Fair Play for Cuba Committee], which has been financed by Castro." Yet the Warren Commission's files provide evidence that Oswald's defection may have been arranged by a U.S. intelligence agency, that he was privately in contact with White Rus-

sian and anti-Castro circles, and that he was the *only* member of his FPCC chapter—which certainly looks like a cover. But the FBI had already made up its mind, and the Warren Commission was loath to ask too many questions.

**UNFORTUNATELY, THE** House committee, at least in its hearings, likewise showed no interest in the possibility of a conspiracy to frame Oswald, as opposed to suggestions that he played a part in a larger plot against Kennedy. It chose instead to call Marina Oswald to the stand to provide a plausible political or psychological motive for his alleged crime.

The committee's decision to call her at all was highly questionable; it knew that even the Warren Commission had doubted her veracity. As commission counsel Norman Redlich put it in a memo of February 28, 1964, "Marina has repeatedly lied to the Secret Service, the FBI, and this Commission on matters which are of vital concern." The committee thus faced a dilemma: either to assault a defenseless widow in full public view, or to let her testimony go unchallenged at the risk of leaving the public misinformed. The congressmen chose the latter option—all the more readily because her testimony as to Oswald's character might not stand up if her general credibility were questioned.

To take but one example, the committee was noticeably silent when Marina told her dubious story of having prevented Oswald from leaving their bathroom, by dint of her superior physical strength, to murder Richard Nixon. (The Warren Commission said her story—originally that she locked him in from the outside—was "of no probative value.")

Despite their efforts, the congressmen could not make Marina say she thought Oswald pulled the trigger; she would admit only that he was capable of the crime. She even recalled that Oswald had expressed admiration for President Kennedy. Her appearance did not add to the committee's luster.

Moving away from Dealey Plaza, the hearings focused on larger issues, including Jack Ruby's extensive ties to organized crime. More than any other issue these ties suggested to the committee the possibility of a conspiracy. The committee uncovered little that surprised informed critics, who long

ago demolished the Warren Commission's denial of Ruby's underworld dealings. Whatever the committee's conclusions, these particular hearings were revealing as an indication of Blakey's belief in an ongoing organized crime conspiracy that deserves exposure and federal prosecution. Blakey himself fought the mob as an attorney in the Kennedy Justice Department, and the major institutional effect of the hearings may be to revive the Kennedy war against organized crime, whether or not the assassination case is solved.

The committee also failed to explain conclusively the suspicious denial by Soviet defector Yuri Nosenko of any dealings between Oswald and the KGB (*INQUIRY*, June 26, 1978). Its lengthy hearings on the Nosenko case aired some of the CIA's dirty linen—in particular, its gross mistreatment of Nosenko and the divisiveness of the CIA's internal debate over his *bona fides*—but how much was relevant to the assassination inquiry? Richard Helms complained with some justification that some of the testimony was less an attempt to shed light on the murder than to excoriate various CIA officials. In any case, sending a fake defector, even with a fake story, does not implicate the KGB in the assassination any more than the FBI coverup of a note Oswald sent one of its agents implicates that agency in the crime.

For all its interest in Oswald's connection to the Soviets and the Cubans, the committee was surprisingly quiet about the possibility of his ties to U.S. intelligence agencies. In questioning Helms, for example, the congressmen never got around to asking the former CIA director why his Warren Commission testimony that the CIA had never even considered using Oswald as an intelligence source, was contradicted by an internal CIA memo describing in detail precisely such contemplated contacts.

Nor did it pursue Helms's intriguing, and novel, explanation of the CIA's failure to debrief Oswald upon his return from the Soviet Union. Helms suggested that the navy would have had responsibility for interrogating Oswald, a former marine. Many critics have raised the possibility that Oswald, whose background reeks of an intelligence connection, may have worked not for the CIA, but for naval intelligence (ONI). Helms was not asked about this speculation, but the role of the military in planting fake de-

factors in the Soviet Union in the late 1950s, which a committee source confirms, suggests once again that ONI may have sponsored Oswald's defection without even the full knowledge of the CIA or FBI. Yet the committee hearings made no mention of naval intelligence.

The Warren Commission, we now know, never succeeded in getting full access to military files on Oswald, including the complete records of his security clearance and the "damage assessment" that must have been prepared after his defection. One commission lawyer noted that there had been "noticeable delays" by ONI in its "performance of liaison functions." And the commission's general counsel, J. Lee Rankin, asked for, but never got, files he knew to exist "from organizations other than the Office of Naval Intelligence, such as the Office of Special Investigations of the United States Air Force and from intelligence [agencies] of the Department of the Army."

FBI documents released last year reveal, for the first time, that army intelligence held files on Oswald in at least three southern cities. When these files were requested under the Freedom of Information Act, the army said they could not be found; Jack Anderson and committee sources later learned that the files, which the Warren Commission never saw, had been destroyed some time after the assassination.

**T**HERE ARE GOOD reasons to look further into the role of army intelligence. FBI documents show that within two hours of Oswald's arrest, army intelligence agents in San Antonio learned of Oswald's possession of a card with the alias A. J. Hidell, a fact that no other agency seems to have recognized for 24 hours, save the FBI, which was tipped off by the army. The Hidell alias linked Oswald to the much-disputed assassination rifle, which had been ordered in that name.

The army's immediate intervention raises further questions in view of the fact that the head of a local army intelligence reserve unit helped select, for Marina Oswald's crucial first interview, an interpreter whose translation of her testimony about the rifle has been seriously questioned by some critics. We also know that army intelligence agent James Powell was inside the book depository when the rifle was found, and that several pivotal Dallas

police officers were members of the army intelligence reserve. Furthermore, on the tense evening of November 22 the 112th Army Intelligence Group cabled the U.S. Strike Command in Florida the false and highly provocative information that Oswald was a card-carrying communist and a former defector to Cuba.

When asked why the committee ignored Defense agencies in its hearings, a committee staff member would say only that "we are aware of the existence of the Department of Defense." We can only hope that in its final report the committee will indicate the difficulties it had in penetrating the secrets of the intelligence agencies.

Although the committee has publicly dealt with the critics' case against the Warren Commission only imperfectly, its work has clearly been more substantial and thoughtful than most past investigations. But a full appraisal of its job must await the final report expected on December 31. In particular, observers will be watching to see that the committee releases not just its conclusions, but also the bulk of its evidence and executive session transcripts. With the benefit of hindsight, Judge Burt W. Griffin, former assistant counsel to the Warren Commission, specifically called on the committee to declassify "all materials . . . except those whose publication is inconsistent with human decency." Failure to make such disclosure will only provoke new charges of a coverup.

The committee's hearings and extensive investigative work testify to the substantial areas of doubt left open by the Warren Commission. In view of the profound and difficult questions raised by the assassination investigation with regard to the role of intelligence agencies, organized crime, and other covert forces in American politics—regardless of who pulled the trigger—some areas of doubt will inevitably remain. It would be naive to agree with JFK subcommittee chairman Richardson Preyer (D-N.C.) that when the report is issued the American people will at last be able to say "we understand now how it happened; these are all the facts we'll ever know; we don't know all the facts, but let's put it behind us now." For better or worse, Burt Griffin's conclusion seems more realistic: "The public concern about the assassination of President Kennedy will not end in the lifetime of anyone in this room." □