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"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders

THE FINAL REPORT

The final report of the House Select Committee on Assassinations has arrived after some delay. It is a monumental work. The summary volume, called *FINDINGS AND RECOMMENDATIONS*, is 686 pages, 240 on Kennedy, 219 on King, the remainder made up of "Seperate Remarks, Views and Dissent of Members of the Committee" and footnotes.

This volume is backed up by an eight-volume *Appendix* consisting of staff and consultant reports. Behind these stands yet the further range of 17 volumes of public hearings, plus 2 volumes of legislative and administrative recommendations for dealing with, God forbid, a future occurrence. All 28 volumes are available from the Government Printing Office for \$172.15 (see "How to Order HSCA Volumes," this newsletter). A Bantam edition of the summary volume, available for \$3.95, is marred by a Tom Wicker misintroduction.

We do not mean to plunge here into a full-dress review of so massive and interesting a publication, saving that for the next issue of *Clandestine America* (we plan, by the way, to stay with the double-issue format). But so historic an event as the publication of the government's formal exposition of conspiracy in the JFK and King cases could hardly be let pass unremarked in these pages.

The position of the AIB for the past year, defended within the critical community against some resistance, has been that the Stokes committee is not a whitewash committee. Whatever opinions one may form of its work—and as appears below, our own opinions are profoundly mixed—still the committee deserves recognition from serious critics for a large-scale, good-faith effort to deal with mountains of difficult material. We think our judgment is essentially borne out by the quality of work exhibited in the final report, though we hasten to add that we have major problems with some of the committee's conclusions.

KING

First take up the King case briefly. It is in some respects a simpler case, and we do not take serious exception to the committee's conception of King's death. The AIB in fact had developed largely the same conception of James Earl Ray and his brothers arrived at finally by the committee, but over a year earlier. The basic mystery, in the King case, appears to have been dispelled.

The bottom line on the committee's King investigation, as these pages have formerly reported, is three principal findings:

1. The FBI "feloniously" conspired against the civil rights and liberties of King, carrying out a vigorous Cointelpro operation to destroy his public reputation.
2. A "St. Louis conspiracy" backed by neo-Confederate southern businessmen put a bounty of \$50,000 on King's life in 1967-68.

3. James Earl Ray did kill King, and the mysterious "Raoul" whom Ray said guided him around the country was most likely a composite of his two brothers, John and Jerry, with whom he had long operated a family bank-robbery gang.

On balance, this strikes us as a convincing picture, though we are left wondering at the question of links that might run between these three established circles of conspiracy. Did the St. Louis conspirators learn from the FBI how unwelcome a presence was King to Hoover? Did the Ray brothers learn of the St. Louis conspiracy in the East St. Louis tavern operated by John Ray? Let no one infer from the small-time quality of the Ray brothers' operations that the King conspiracy is itself small-time. It is perfectly possible to construct a straight line connecting the Rays to the highest authority in the FBI. We cannot see that whole line yet, but the segments visible to us are in perfect alignment on a path linking a conspiracy of low-level hit men with a conspiracy of mid-level contractors with a conspiracy of high-level public officials.

KENNEDY

In the more complex and refractory Kennedy case, there are two areas especially in which we find the committee's results strongly positive.

Of chief significance, of course, is the fact that the committee's technical analysis of the acoustics evidence led it to conclude, to a certainty of 95%, that a shot was fired at the motorcade from the grassy knoll. The committee confronted the common-sense implication of this discovery: a front shot means a second gun in Dealey Plaza, and a second gun means a conspiracy.

That central result is what makes publication of this committee's final report the milestone it is. The report brings to a close a 15-year-old illusion lasting from the publication of the Warren Report in 1964 up till July 1979, the illusion of the lone assassin. The report at the same time opens up a new period of assault on the secret conspiracy. The whole historical position of the issue has been permanently changed.

The AIB also liked about this final report that it is a literate, sophisticated and well-informed representation of that underworld of history in which the spy, the spook, the hood, and the counterspy roam darkly in each other's shadows, a world which polite opinion still likes to forget about.

This is quite rare in American political writing. On one hand, we have the standard history of the thousand days, on the other hand the fragmentary histories of the misty underside of it, the Witch's Sabbath of the early '60's: the CIA contract with the Mafia, the conspiratorial dimensions of Dealey Plaza. Rarely do we encounter an analysis with the sophistication in both the conventional and the black history of the Kennedy period that we find in this final report.

And this may prove the report's most enduring and compelling contribution: less the detailing of the Kennedy assassination than



the detailing of the context in which it occurred. The report's readers will come away clear in their minds that when we talk about "the Mob," we are talking about a basic component of the contemporary American political scene, not a bunch of Pal Joey types running a crap game in the steam-pipes.

The report makes it quite clear, for example, that Carlos Marcello is a powerful national political figure who commands vast financial and organizational resources and who operates routinely on a world stage (see Jeff Goldberg's piece this issue, "Carlos Marcello"). Yet all but pointedly, all but suspiciously, our organs of popular opinion decline to focus on the simple fact that Marcello and his kind are *there*, that these creatures prosper and wax stronger all the time, doing billions a year in illegal business, using that capital base to devour or parasitize legitimate businesses, paying no taxes, corrupting the police, subverting the political system, draining of all real meaning the idea and the ideal of a lawful and orderly society. Our chronic national refusal to *see* the Marcellos of the world in our political landscape, or to *see and behold* our darling CIA in the hot embrace of Mafia thugs, means simply that we do not understand our history.

But it is a complaint of ours with this report that having painted Marcello, Trafficante and Hoffa into the picture, the report then moves on to paint them all right out again, as though to say at last that we had labored through these revoltingly similar mobster biographies for nothing, pieced together all these elements of a common motive to murder in Marcello, Trafficante, and Hoffa only in the end to say, after all, "that it is unlikely that Marcello was in fact involved in the assassination of the President" (p. 172), that "it is unlikely that Trafficante plotted to kill the President" (p. 175), and that "it was improbable that Hoffa had anything to do with the death of the President" (p. 179).

Really? Then why all this posturing to contrary effect? Why this portentous huffing and puffing about all the times one or the other of these horrifying men threatened the lives of the Kennedys? Why set so suggestively before us the associations between Oswald and Marcello's people current as of Marcello's white-hot rage against the Kennedys if one means only to say, at the end, that it is "unlikely" that Marcello was involved? What is the point, if one is the chief counsel of this committee and the chief author of its final report, of telling a *New York Times* reporter a few weeks before the publication of this report, "I think the Mob did it," flatly that, "I think the Mob did it," if the report is really trying to say to the record and to history that the Mob probably did *not* do it?

The report repeatedly asserts it must weigh its words "in the context of its duty to be cautious in the evaluation of its evidence." One can grasp the committee's needs to guard against oversimplification, but the confusion it has thereby spread as to its report's real purport and burden may be just as counter-productive.

Much more strenuously do we object that the committee is in no position to be passing out the acquittals we see flowing so generously from its pages—"the CIA didn't do it, the FBI didn't do it, the National Crime Syndicate didn't do it, the KGB didn't do it." Not to say that any of these *did* do it, but just why is the committee trying to close down speculation as though it had proved anything conclusively in any one of these areas? The FBI's eager and many-sided suppression of evidence and the CIA's obviously willful and substantial deception of the Warren Commission are questions basic to the whole JFK case, laden with significance for the campaign to assert the interests of democracy in the sphere of the secret state. The committee just has no business heavy-

handedly trying to close these questions down, as though it could limit the boundaries of future research by mere power of assertion.

Deeper yet is our dissatisfaction with the report's picture of Oswald. Our problem here ties to the problem just discussed, the report's tendency to play Now you see it, no you don't. Just as the report first seems to show us a Mob conspiracy, then abruptly takes it all back, so now, in respect to Oswald, it acknowledges that it was "unable to resolve its doubts" about this man, yet at the same time insists on defining him conclusively as an ideological assassin acting on a leftwing motive.

In the following passage, the report persuasively expresses the problem confronted by the committee in its search for a theory of Oswald.

The report reads, "the committee was unable to resolve its doubts about Lee Harvey Oswald. While the search for additional information in order to reach an understanding of Oswald's actions has continued for 15 years, and while the committee developed significant new details about his possible organized-crime associations, particularly in New Orleans, the President's assassin himself remains not fully understood. The committee developed new information about Oswald and Ruby, thus altering previous perceptions, but the assassin and the man who murdered him still appear against a backdrop of unexplained, or at least not fully explained, occurrences, associations and motivations" (p. 180).

Excellent reasoning. As the report notes elsewhere, "The committee recognized that an association by Oswald with anti-Castro Cubans would pose problems for its evaluation of the assassin and what might have motivated him." Half-heartedly the report points out that Oswald might have been "associating with anti-Castro activists for some unrelated reason," but concedes that "a variety of speculations are possible" and that "the committee was forced to acknowledge frankly that, despite its efforts, it was unable to reach firm conclusions . . ." (p. 140).

Later the report tests this doubt again: ". . . it is likely that [Oswald's] principal motivation in the assassination was political," reads the report, and "generally leftwing," but "the organized-crime figures who had the motive and means to murder the President must be generally characterized as rightwing and anti-Castro. Knitting these two contradictory strands together posed a difficult problem" (p. 179).

The committee returns to this theme over and over, as though it were itself dissatisfied with its Oswald theory. It says it is "puzzled by Oswald's apparent association with Ferrie" (p. 145). It sees "troublesome implications" if Ruby was "part of a sophisticated plot to murder Oswald" (p. 148), as the committee appears to suspect he was. It says it "found [the military's] 'routine' destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission . . ." It says, "The question of Oswald's possible affiliation with military intelligence could not be fully resolved" (p. 224), and "no explanation could be given for how or when the Office of Naval Intelligence received [a] particular photograph of Oswald" (p. 255).

Yet a wholly different spirit, alas, abides in the committee's final position on Oswald's motive, a spirit eager to brush away the doubts and say, "Here is Oswald, period, like it or not," despite that lovely, lyrical, grown-up admission of uncertainty we quoted above, and despite the report's high-minded demand for "a re-examination of all that was thought to be true in the past" (p. 180).

Hereabouts the tone is different: "The committee agreed," we



are told, with the Warren view that Oswald was motivated by "hostility," "seeking a role in history," "Marxism," and "the capacity to act decisively" (p. 61). The committee reports it was convinced that "politics was the dominant force in Oswald's life right down to the last days," that "his dominant motivation... must have been a desire to take political action," and that "the depth and direction of Oswald's ideological commitment is [sic] therefore clear" (p. 63).

If the "depth and direction" of Oswald's politics are so "clear" to the committee as all that, then why in the world are we treated to the passages quoted above, passages brimming with ambivalence and ambiguity? Why is it so hard for the committee to explain clearly the "depth" of Oswald's New Orleans associations and their "direction" within the over-all assassination story?

The report does mount one brief effort to rationalize this annoying contradiction. "Considering the depth of his political commitment," it reads, "it would not have been uncharacteristic for Oswald to have attempted to infiltrate anti-Castro organizations. But the significant point," reads the report, "is that regardless of his purpose for joining, it is another example of the dominance of political activity in Oswald's life" (p. 62).

That is quite a little patch of prose. Launched with a dangling participle, ever a sign of bad reasoning, it ripples neatly from a double negative to a double agent, then finesses out the implication that a person like Oswald, strongly ruled (says the report) by political motives, could with equally valid logic serve either the left or the right, and that Oswald could even be visualized reasonably as a true leftist acting in the consummation of a rightist plot.

If Oswald was trying to infiltrate the New Orleans anti-Castro rightwing, then why did he go stand in the sunshine of downtown New Orleans, in plain view of the very Cubans whose outfit he was supposed to be infiltrating, and pass out pro-Castro lit under their noses, provoking the tussle for which he was busted? And on the other hand (for Oswald is no easy riddle), if he was pure and simple a leftwinger, then why was he sprung from jail the next day by an associate of Nofio Pecora, a figure high in the Marcello crime system?

Is it the Stokes committee's theory that Mob associates Ferrie and Banister and/or others cultivated in Oswald a leftwing madness they could make subject to their own rightwing purposes? Was the hypnotist in Ferrie in play? The homosexual?

The committee rationally admits its doubts in this area. That is why we find it so strange to see the report persisting in a dogmatic reduction of Oswald to fit a neat little conceptual space, "leftwing assassin," just because the committee proved to itself (somehow!) that Oswald had no CIA connections. The committee would have done better to ponder Hamlet's famous advice to Horatio ("There are more things in heaven and earth," etc.). In the sphere of human motive, a thing that is not known directly cannot be ascertained from inference or deduction, because it is not reason that governs people's motives. The committee tried heroically to fill an emptiness, but we do not yet have a solid Oswald.

Finally (for now), we have two problems with the report's technical reconstruction of the assassination. These involve the timing of the shots and the validation of the medical evidence.

Shots first. The acoustics evidence showed an elapsed time of only 1.66 seconds between the first two shots. FBI tests in 1964 set a minimum refiring time of 2.3 seconds. Did this arithmetic now imply that besides the gunman on the grassy knoll there were two others in the Depository?

Blakey and deputy chief counsel Gary Cornwell accompanied expert firearms consultants to a firing range on two separate occasions, first in September, 1978, when the public hearings were in progress, and again in March, 1979, after the committee was formally defunct. The group discovered that by using the weapon's open iron sights instead of its telescopic sight they could achieve much lower firing times. One of the experts was able to hit stationary body targets at 143 and 165 feet and come within an inch of hitting a head target at 266 feet with a time interval of only 2.0 seconds between the first two shots and a total of 5 seconds for all three (VIII, p. 184). Others in the group shot for speed rather than accuracy, merely pointing rather than aiming the rifle. They were capable of refiring the rifle faster than 1.66 seconds but did not hit the target.

This was the sole scientific basis of the committee's decision to assume that Oswald was capable of carrying out the feat of marksmanship attributed to him by this Warren-theory variant. Merely that. Even though no one in their group—no one ever—could duplicate it.

Congressman Christopher J. Dodd made the perfect point about this in his dissent. "None of the expert marksmen," he wrote, "were able to aim and fire two consecutive shots in less than 1.66 seconds. The committee staff members were able to fire two consecutive shots in less than 1.66 seconds by 'point' aiming, that is, not aiming through the telescopic or iron sights. These results have not allayed my concern over this issue To believe that [Oswald fired the first two shots within 1.66 seconds of one another], one must accept that Oswald was more proficient with a rifle than any of the committee's four expert marksmen, or that, like the committee staff members who participated in the test, Oswald 'point' aimed and did not take the time necessary to line up his target in the iron sights or the telescopic sight on his rifle. . . . It is even more difficult for me to believe that, having missed with his first shot, as the committee finds, he did not take the time necessary to properly aim his second shot. This becomes almost impossible to believe in that Oswald, by merely pointing the rifle from 165 feet, would have had to hit a target that was moving at 11 miles an hour. It should be noted that the second shot referred to here struck both President Kennedy and Governor Connally. This is the foundation of the single-bullet theory. . . ." (pp. 484-86).

Besides asking us to believe that Oswald's first shot went altogether awry (the *New York Times* [7/17/79] artist's version, based on input from Blakey, showed the first shot heading inexplicably off into thin air, as though Oswald were shooting at ducks), the committee's reconstruction of the shooting has the added problem of not accounting for the shot which hit the curb and wounded bystander James Tague, standing near the triple overpass.

As a second example of technical shortcomings in the committee's theory of the crime, we must (sigh!) cite the always vexed area of the medical evidence.

This is the most important area of evidence in the committee's reconstruction of the case. That is because this area comprises the evidence which the committee claims absolutely determines the nature of the wounds and therefore the direction of the gunshots that made them.

This evidence consists of autopsy photos and x-rays. It is the evidence that no one can see—we are told it is too gruesome—but it is used to overthrow the evidence that all of us can see, i.e., the Zapruder film, which so strongly appears to say that JFK was hit from the front.



If this medical evidence is authentic, then the film's indication of a front shot to the head would simply have to be counted as one of the more productive illusions of our time, for it is the Z-film's apparent evidence of a front shot more than any other single piece of physical evidence that convinced a generation and a Congress to re-open the case. Without Robert Groden's indefatigable forays into countless congressional offices with his Zapruder film blow-ups and freeze-frames and slo-mos, the assassinations committee would probably never have been set up. An error in perception, a mere illusion, that pointed toward a correct conclusion of a front shot and conspiracy would surely deserve an enshrinement higher than Ripley's.

But we are dissatisfied with the committee's assay of the medical evidence for two more substantial reasons. First, because the committee failed to examine the key medical witness, Dr. James Humes, searchingly and completely. Humes in his original autopsy report located the head wound at the base of the skull in the back. Now the committee presented medical drawings of the autopsy photos which showed the wound in a completely different spot, near the crown of the head. And Humes with no explanation for it, only a red-faced, mumbled, "I was wrong."

Second (dreary subject), as the committee well knows, at some point in the history of this matter, before Dr. Cyril Wecht happened upon the discovery in 1972, person or persons unknown stole into the National Archives' security area in which these photos and x-rays and other classified pieces of physical evidence were stored and took away the president's brain and a set of microscope tissue slides that might have proved conclusively which way the fatal bullet came from. Blakey offered the public hearings the thought that Robert Kennedy himself might in some way have acquired this material in order to bury his brother's body properly. That would hardly explain the theft of the tissue slides as well, but even if it did, it is still no more than a convenient speculation on the committee's part, telling us nothing whatsoever as to who could have gotten into that vault (besides Robert Kennedy?) to take this material away.

Nor does it go to the question raised under the rules of evidence: if the brain could have been stolen, what else could have been done to this material? The chain of possession of the medical evidence has been obviously and yet mysteriously broken. There is a real question as to whether a law court would find such evidence admissible, tainted as it is.

Robert Groden has lately made public a claim to have found signs of forgery in this evidence. If truly the case, that could well explain the discrepancies between Humes' original notes, the Archived photos and x-rays, and the Z-film. We do not know if Groden will prevail in this point, but even without waiting for that outcome, we can still insist that this medical evidence be placed in suspense until the continuity of possession can be re-established, not deployed as the sole basis of the committee's chief conclusion.

To sum up. This report has serious shortcomings. It pulls its punches. It insinuates much about the Mob and JFK's death which it then says it doesn't really mean. It is alternately confused and dogmatic on the subject of Oswald's motive. It tells us it could not see all the way into the heart of CIA or FBI darkness, yet assures us that we are secure. Its treatment of the technical evidence in the crucial areas of shot sequencing and the medical evidence is shallow and unconvincing.

Yet still we say that this report, over-all, is strongly positive. It has moved the Dealey Plaza conspiracy question out of the shadows. It has boldly nailed the thesis of conspiracy to the

churchdoor of orthodox political opinion. It will educate a whole new broader public to the darker realities of high-power politics in America and to the immense impact on our political life of organized crime and our corruptible clandestine elite. Even in view of its flaws, this report reflects a serious effort to understand the assassinations of Kennedy and King. If the mass media and the intelligentsia do not ignore it, it could help to change profoundly for the better the way we Americans think about our political situation.

—C.O.

THE BLAHUT AFFAIR

On June 18th the *Washington Post's* George Lardner reported that the CIA's liaison officer to the HSCA, a man named Regis T. Blahut, had been caught, a year earlier, rifling a safe of the committee's most secret evidence and documents were housed. entry took place in a normally guarded inner-room where the committee's most secret evidence and document were housed. The safe contained physical evidence of the JFK assassination, including copies of autopsy photos and x-rays, and the "single bullet."

The entry was discovered sometime in July '78, two months before the committee's public hearings were to begin. Only a handful of top staff members and Chairman Stokes were informed of the break-in. At the time the *Post* ran its story a year later, other HSCA members, including JFK Subcommittee Chairman Preyer, had still not been told. Despite the secrecy, Stokes and Blakey apparently used the embarrassing incident to pressure the CIA into releasing more information to them. "There was a marked improvement," one former staffer recalled. "All of a sudden, they were giving us everything we wanted."

The committee has not been able to pin down the exact time or circumstances of the entry. Because the safe and its room were locked and guarded each night, the committee believes it unlikely that there was a late-night break-in. The best guess is that it took place sometime in the early morning, just after the safe was opened and when few people were around. A committee staffer had opened the safe with Blakey's permission, taken out what he needed, and left the room, leaving the safe unlocked and maybe ajar. According to Chairman Stokes, the materials "were to be used in another room by the committee's medical artist to prepare drawings of the President's wounds." When the staffer returned later that day, he found another book of Kennedy autopsy photos had been taken out of the safe and that a photo had been ripped out of the book. One committee source believes Blahut sneaked into the room, rifled the file, and then "fled when he heard a noise."

The committee began an investigation and found the only unauthorized fingerprints in the drawer were those of the CIA's liaison man with the committee, Regis Blahut. "His fingerprints were all over the place," one source reported to Lardner. "On the photos, inside the safe, and on all sorts of different packages."

The CIA was immediately notified and they began an investigation—the details of which have not been made public, but were made available to the committee. The CIA fired Blahut soon after and said it planned no further action. "We're satisfied that it was just a matter of curiosity," said CIA spokesman Herbert Hetu. Hetu called the incident "something dumb," but refused to give the CIA's version of what actually happened. He insisted that would serve "no purpose." The CIA added that it was not a matter of conscious CIA spying on the committee. CIA Director Turner has officially agreed with these statements, saying, "Blahut acted alone and out of curiosity."



Despite the fingerprint evidence, the Agency refuses even to admit that Blahut entered the safe where the files were kept. The committee's fingerprint check of the safe, conducted by D.C. police (and checked by the FBI), revealed Blahut's prints inside the door of the safe, on the plastic cases which held the photos, and on the autopsy photos themselves.

How then, asked the *Post* of the CIA, did Blahut's prints get inside the safe? Spokesman Hetu said this must have happened when Blahut put the book of photos back in the safe. Asked why Blahut would put them back if he hadn't taken them in the first place, the CIA spokesman, now backed into a corner, said, "I don't know. Ask Blahut."

Blahut isn't talking now, but earlier he denied any wrongdoing in a brief interview with the *Post*. Although he acknowledged his prints had been found on the photos, he insisted there was an innocent explanation but refused to say what that was. He would only make the cryptic remark, "There's other things that are involved that are detrimental to other things." He wouldn't explain.

Despite CIA denials, the matter is far from dead. The House Intelligence Committee, which oversees the CIA in the House, is secretly investigating the matter on the orders of its chairman, Rep. Edward Boland (D-MA). The Intelligence Committee may be most interested in the *Post's* discovery that Blahut's assignment with the HSCA was designated under a CIA "babysitting" program code-named "MH-CHILD," a CIA cryptonym for the project. "Babysitting" is apparently a mild CIA euphemism for surveillance, a.k.a. domestic spying.

Not much is known about Blahut, except that he worked out of the CIA's Office of Security, and his official job with the committee was to protect and sign out CIA documents that the committee needed during its investigation. These documents were kept in a separate CIA safe which was housed down the hall from the autopsy safe. Blahut was not authorized to be in the room where the JFK evidence was kept.

The key question is, did anyone order Blahut to go into the safe? CIA spokesman Hetu has said, "We fired him after we assured ourselves that he wasn't asked [to do what he did] by anyone either *inside* or *outside* the agency." Yet the *Post* reported that Blahut failed three CIA polygraph tests in several important respects. "He denied he did it, and he flunked that," one source told the *Post*. "They asked him whether anyone ordered him to do it. He said no one and he flunked that." But he reportedly *passed* the test when he denied that anyone *inside* the CIA told him to do it. The danger here is that Blahut may have acted on behalf of some outside "Sinister Force."

Faced with this conspiracy evidence, the CIA's spokesman is adamant, saying, "We did check outside and inside the agency."

But Blakey informed CIA Director Turner and Deputy Director Carlucci of what the committee regarded as shortcomings in the CIA inquiry. And sources close to the committee disputed the CIA's assertions, adding that committee staffers are not satisfied that Blahut's motive has been established. One called the CIA investigation superficial, saying, "They investigated it to get out of it themselves, not to find out whether somebody else was involved." This source said, "Circumstantial evidence is overwhelming that more than 'curiosity' was involved."

There is one leading theory, among committee staffers, as to a possible motive. Blakey is said to have always been very paranoid about the possible release of the autopsy photos. He was afraid that these photos, which have never been made public, would get out and be released to the press to destroy the HSCA's reputation. Chairman Stokes has told the House, "There are segments of the press that are so lacking in good taste that they might well have published them if they could have obtained access to them." One source told the *Post*, "The one thing that would have done us in would have been for those photos to be publicly released."

—J.G.

CARLOS MARCELLO

"The committee's extensive investigation led it to conclude that the most likely family bosses of organized crime to have participated in such a unilateral assassination plan were Carlos Marcello and Santos Trafficante. . . ."

"The committee found that Marcello had the motive, means and opportunity to have President John F. Kennedy assassinated, though it was unable to establish direct evidence of Marcello's complicity.

In its investigation of Marcello, the committee identified the presence of one critical evidentiary element that was lacking with the other organized crime figures examined by the committee: credible associations relating both Lee Harvey Oswald and Jack Ruby to figures having a relationship, albeit tenuous, with Marcello's crime family or organization."

—HSCA Final Report, page 169

Carlos Marcello, the New Orleans crime boss, has an empire that stretches through the Caribbean to the Southwest states, including Texas. Known as "The Little Man" in syndicate circles because of his 5'4" height, his income in Louisiana alone has been estimated to be over a *billion dollars a year*. According to federal crime authorities, he is surpassed in power only by Meyer Lansky and the New York Gambino family, and commands a unique position among U.S. Mob leaders. Because the New Orleans Mafia family is the oldest in the U.S. (it was established in the 1880's), Marcello, according to the HSCA Report, "has been endowed with special powers and privileges not accorded to any other La Cosa Nostra members. As the leader of 'the first family' of the Mafia in America, according to FBI information, Marcello has been the recipient of the extraordinary privilege of conducting syndicate operations without having to seek the approval of the national commission [the Mob's secret governing council]." One FBI expert on Marcello told the committee he "is probably the single most respected boss among all of the others" in La Cosa Nostra and "has been for years."

Although Marcello was not publicly questioned by the HSCA, he did testify in secret session on January 11, 1978. Marcello told the committee that his only business was selling and distributing tomatoes, and he submitted log sheets showing the latest deliveries he had made personally. Marcello is no small tomato salesman, for the committee learned that most of the tomatoes purchased by the U.S. Defense Department are bought from Marcello's Pelican Tomato Co.

The HSCA's Report says that Marcello is much more than just a tomato salesman. Much of their information on the Marcello family comes from Aaron Kohn, a lawyer, onetime FBI agent, and just-retired (1/1/79) Director of the Metropolitan Crime Commission of New Orleans. The Crime Commission is a private watchdog agency whose purpose is to ferret out and publicize public corruption and organized crime activities in New Orleans. Kohn has been called "the foremost Marcello authority in the country." Much of the information contained in this article has been excerpted from Mr. Kohn's previous Congressional testimony and from an interview he gave the AIB on July 9, 1979.

Carlos Marcello was born in Tunis, North Africa, on February 6, 1910. His parents, originally from Sicily, emigrated to the U.S. and settled in New Orleans when Carlos was eight months old. His first arrest came at age 19 on a charge of being an accessory in a bank robbery, for which he was acquitted. Six months later, however, he was convicted of his first felony, assault and armed



robbery in a grocery store holdup, for which he was sentenced to 9 to 14 years in state prison. He was paroled after serving less than five years, and somehow arranged to have the Louisiana Governor give him a full pardon. It was an early indication of his political clout.

Other arrests followed for assault, robbery, narcotics sale and Federal tax evasion, but none of them resulted in convictions, until he was caught selling 23 pounds of marijuana in 1938, as part of what Federal agents described as "the biggest marijuana ring in New Orleans history." He was sentenced to a year in the Atlanta State Prison.

After his release from prison he returned to New Orleans and joined up with Sylvestro Carollo, the Mob boss of Louisiana, and got involved in other traditional Mob rackets. In Congressional testimony in 1970 Aaron Kohn described Marcello's criminal and political operations during the 1940's: "Marcello and his growing organization developed their capital through extensive gambling, including casinos, slot machines, pinball, bankbooks, layoff, football pools, dice, card games, roulette and bingo; also narcotics, prostitution, extortion, clipjoint operations, B-drinking, marketing stolen goods, robberies, burglaries, and thefts. Their criminal enterprise required, and had, corrupt collusion of public officials at every level including police, sheriffs, justices of the peace, prosecutors, mayors, governors, judges, councilmen, licensing authorities, state legislators and at least one member of Congress."

The growth of Marcello's power during the 1940's was helped along by his association in the gambling rackets with such national underworld bosses as Frank Costello (NY Mob boss), "Dandy Phil" Kastel (Costello's aide), and Meyer Lansky. When Louisiana's Mob boss, Sylvestro Carollo, was deported to Italy in 1947, his successor to that dominant position was Carlos Marcello.

Town and Country Motel

Relatively uninterrupted criminal activities produced capital which enabled Marcello and his syndicate associates to begin adding so-called legitimate businesses to their continuing criminal ventures. The list of Marcello's "legitimate" businesses includes motels, restaurants, taverns, banks, truck dealerships, real estate, beer and liquor distributorships, shrimpboat fleets, shipbuilding, finance companies, taxi and bus firms, sightseeing lines, linen-supply companies, gas stations, souvenir shops, phonograph record distributorships, and electrical-appliance stores.

Since the early 1950's this expansion has proliferated, and most of the time the personal interests of the Marcello family principals have been concealed behind seemingly respectable fronts, including lawyers and accountants. Often they have used their legitimate businesses to further their criminal profits, and vice versa.

"You will find," explains Aaron Kohn, "that within the Marcello organization today, he and his brothers are more and more in what we have traditionally referred to as 'legitimate businesses.' He's going into land extensively. They've moved out of the risqué type of nightclub joints into more and more high-priced restaurants. And you don't find the core members involved as the key or identifiable people in the actual running of gambling operations, as they were when I first started looking at them. And you don't find him or his brothers directly involved in drugs anymore. People in their organization, yes, but he and his brothers are no longer directly involved."

The classic example, cited by Kohn, of Marcello's business ventures is the Town and Country Motel of Jefferson Parish, Louisiana, the first of Marcello's motel acquisitions. Since 1953 it has been a center for Marcello's activities. His headquarters is

there in a suite of offices situated in a one-story building behind the motel, which also serves as the mailing address for his various other business enterprises.

The Town and Country Motel was built on the main highway (Airline Highway) between New Orleans and the airport. Ownership was equally divided among Marcello, his youngest brother, Salvatore, and Roy and Frank Occhipinti, brothers. The Occhipinti brothers had previously operated a motel and restaurant housing considerable gambling, including Marcello-owned slot machines. Although the Motel was valued considerably in excess of one million dollars, in 1964 the Occhipinti brothers each sold his 25% interest for \$50,000 to Marcello's oldest children, who were the owners of a corporation formed for that purpose, Stevie Motel, Inc. In 1969, one of the three children, Joseph C. Marcello, testified in a Civil Court proceeding that his own personal net worth was \$3,000,000.

The Town and Country Restaurant and Lounge, and the motel, quickly became a meeting place for corrupt officials, top professional gamblers, and numerous other actors in the organized crime scene. In the Lounge, slot machines were operated and "B" girls hustled drinks and solicited for prostitution.

Furnishings for the Restaurant and Lounge had been installed by the contract department of a major New Orleans department store. Joseph Poretto, who ran the Town and Country for Marcello, adamantly refused to meet the financial terms of the contract. Aaron Kohn cites this story as an example of Marcello's influence and impunity. When an attorney for the department store threatened to secure judgment and have the sheriff seize the furnishings, Poretto ridiculed the idea, stating that they owned the sheriff.

Another story Kohn cites is that in the early 1950's Marcello decided to start a new business, Southern Sightseeing Tours, to operate out of the Town and Country. His brother, Anthony, was made one of the partners, along with the Occhipinti brothers and another man. Prior to 1953, the many motels from central New Orleans to the airport had been served by a number of competing sightseeing services. Southern Tours wiped out its competition and soon became the only sightseeing service for the major motels on this ten-mile roadway.

After the Town and Country was opened for business in 1953, a restaurant and lounge was established to serve it, in a separate nearby building. This was placed in the charge of Joseph Poretto and Nofio Pecora. In addition, Poretto continued to manage until 1964, as he had since 1946, the Nola News wireservice which provided race results to bookies throughout Louisiana and adjoining states and which tied into the Mafia owned national network. Other partners in the Nola News included Joseph Marcello, Jr. (brother of Carlos), Anthony Carollo (son of deported Mafia boss Sylvestro Carollo) and Ralph Emery alias Ammeratto (son of a prominent syndicate figure in the Chicago area). Part of Nola News' profits were regularly channeled to Italy for Sylvestro Carollo and Francesco Coppello, both deported after they had played major roles in organizing the Louisiana-based wireservice.

Nofio Pecora is an ex-convict, with extensive past history in heroin trafficking. From the Town and Country he and his wife, Francis Smith Pecora, directed a call-girl ring between Louisiana and Mississippi. In the late '50's Pecora and his wife took over operation of the Tropical Tourist Court and Trailer Camp, in New Orleans, where they became politically powerful in concert with a State Senator, City Councilman, and Tax Assessor. Mrs. Pecora, by appointment of Governor John J. McKeithen, since 1964 has been the number-two person in charge of the Louisiana Insurance Rating Commission and the Chairwoman of its Fire and Casualty Division.



Pecora, Ruby and Oswald

Nofio J. Pecora, alias Joseph O. Pecora, was, in 1963, and still is "one of Marcello's three most trusted aides," according to FBI, Justice Department, and New Orleans Crime Commission files. His wife, Francis Smith Pecora, was a secretary for Carlos Marcello in 1963. Her brother, D'Alton Smith, was also one of Marcello's closest advisers and front men. Says one source, "He's Marcello's number three man. The number one is underboss Joe Marcello, Carlos' younger brother. Next is top aide Joe Poretto, who is Pecora's best friend. Poretto is married to Francis and D'Alton Smith's sister, so he and Pecora are brother-in-laws. It's all in the family."

According to Aaron Kohn, "Pecora and Marcello used to be street thugs together a long time ago when they were both in the narcotics traffic. Both Mr. and Mrs. Pecora are still considered very active members of the Marcello organization."

According to telephone records, at 9:13 PM, October 30, 1963, three weeks before the assassination, Jack Ruby made a one-minute call to Pecora's Tropical Tourist Court. The call was placed to the phone listed as the business office of the trailer park. In early 1964, the FBI transmitted this phone record to the Warren Commission, including a notation indicating that Ruby's call went to N.J. Pecora. The Warren Commission did not interview or investigate Pecora and made no reference to him in its Report.

Pecora ran the trailer park from a one-man office located on the premises. The HSCA's computer phone project indicates that Marcello himself placed a call to Pecora on June 24, 1963 at the same phone number that Ruby had called four months later.

When questioned by the Committee in September, 1978, about the Ruby call, Pecora denied receiving any phone calls from Ruby and said he did not know Ruby or have any knowledge of him. He added he was the only person who had access to that telephone in 1963, and he denied he would have taken a message from Ruby for someone in the trailer camp.

Harold Tannenbaum, now deceased, who managed several New Orleans nightclubs controlled by Marcello interests, was an associate of Ruby's who lived at Pecora's trailer park in 1963. Tannenbaum was also a friend and associate of Pecora's. The HSCA computer phone search established that Ruby and Tannenbaum were in frequent contact from June-October 1963. The two men discussed going into business together. The phone records also establish that Tannenbaum placed a call to Ruby an hour after the October 30 call from Ruby to Pecora's office.

According to Aaron Kohn, "Ruby was in the strip business and he had girls working down on Bourbon Street. And the owners of these places were always in contact with each other about booking girls. Marcello's brother, Peter Marcello, ran one of the bigger places, known as the Show Bar, back then. Two other men close to the Marcello organization ran five of the biggest money making strip joints on Bourbon Street. And Ruby would know these men and Harold Tannenbaum managed for these men. So Ruby had plenty of reason to be in phone contact with them in connection with their mutual business operations. Ruby also used to come up here to New Orleans to visit."

The *Report* says that the committee is "dissatisfied with the explanation" of the Pecora call, and according to one source, it is "unresolved, unexplained, and sinister, although it is left that the committee can't prove anything one way or the other."

Besides Tannenbaum and Pecora, the committee established two other significant associations between Ruby and Marcello associates. "Ruby," says the *Report*, "was a personal acquaintance of Joseph Civello," the man who ran the Dallas Mafia for Marcello. Ruby also knew Joseph Campisi, a Dallas restaurant owner, who the committee says "acknowledged a longstanding business and personal relationship with Marcello." On the night before the assassination, Ruby was visited in jail by Campisi and his wife.

Pecora is also indirectly linked to Lee Oswald's release from a New Orleans jail in the summer of 1963. Oswald was arrested on August 10, 1963 after getting into a street scuffle with three Cuban exiles led by Carlos Bringuier. The fight developed while Oswald distributed pro-Castro literature. From jail Oswald called his uncle "Dutz" Murret's house for help. (According to the HSCA Charles "Dutz" Murret was a "minor New Orleans underworld figure," and an associate of "significant organized crime figures affiliated with the Marcello organization." Murret served as a "surrogate father" to Oswald throughout much of Oswald's life in New Orleans.)

Dutz's daughter Joyce was the only one home when Oswald called and he asked her to bring bail money—\$25. Joyce went down to the police station with the money, but refused to spring Oswald when she saw he had been handing out pro-Castro literature.

According to an FBI report (CD 75, 11/30/63), "Joyce then contacted a family friend, Emile Bruno [actually spelled Bruneau], who operates the B&W Package Liquor Store, 2712 Canal Street, and Mr. Bruno contacted someone else [unnamed] who had Oswald paroled."

Emile Bruneau, who is not named in the *Report*, was an associate of Nofio Pecora, as was Dutz Murret. Bruneau has been deposed by the committee and according to a source, "he admitted to the committee that he bailed Oswald out of jail."

"Bruneau," says Aaron Kohn, "was a big-time gambler when I first came to New Orleans back in 1953. Back then, he and a partner were running the biggest telephone booking service in town. Later he became an active member of the State Athletic Commission, and the World Boxing Association. His son, Emile Bruneau, Jr., is in the Louisiana State Legislature."

Marcello's Deportation Case

The federal government has been trying unsuccessfully to deport Carlos Marcello as an undesirable alien (based on the 1939 marijuana conviction) since December, 1952, when the Kefauver Committee started pushing for his ouster. The case has continued through a complicated and unbroken series of appeals for 25 years and is today still being fought in federal court in Washington.

Organized crime experts credit Marcello's Washington attorney, Jack Wasserman, as being the architect of his efforts to thwart the order. Wasserman is a former chief counsel of the Immigration and Naturalization Service, and according to Aaron Kohn, "he established a record there as being one of the most brilliant attorneys they ever had." He wrote the INS's deportation law, and according to one government source, "he knows the law better than anyone in the government. He can always run circles around the INS."

"Wasserman's work for Marcello goes back at least 25 years," says Kohn. "After he left INS he went into private practice [besides Marcello he has few other clients]. And he has been the one mainly responsible over the years for being able to render impotent the order of deportation against Marcello. It has been the very clever tactics and dedication of Jack Wasserman that has been responsible for Marcello being able to fight deportation through repeated processes in the court."

Although Wasserman keeps a very low profile, according to Kohn "he is officially referred to as Carlos Marcello's chief counsel, although Marcello has and has had numerous other attorneys. Wasserman has represented Marcello on other criminal matters in addition to the deportation."

In 1960, a month after JFK had won the election, Robert Kennedy gave an interview in New Orleans. He was asked what he was going to do about Marcello when he took office in a month. And he replied, "His ass will be out of the country in six months. I'll personally see to it."



A year later, as part of his growing attack on organized crime, Attorney General Robert Kennedy attempted to keep his promise by engineering the kidnapping and deportation of Marcello. It was the most publicized Mafia deportation since Lucky Luciano was sent to Sicily in the late 1940's. RFK issued an immediate deportation order for Marcello on April 4, 1961—two weeks before the Bay of Pigs invasion. He sent federal agents who arrested Marcello as he walked down a New Orleans street to the Immigration Office for his regular appointment to report as an alien. Driven to a nearby airport and put on a plane, Marcello was flown to Guatemala. Marcello is still furious over the incident. According to the *Report*, he "exhibited an intense dislike for Robert Kennedy" in his executive session testimony because he feels "he had been illegally kidnapped by government agents" during the 1961 deportation.

After two months Marcello arranged to be flown back to the U.S. on his own private plane piloted by David Ferrie, then his pilot. (The HSCA cites "an unconfirmed U.S. Border Patrol report" as the basis for this allegation that Ferrie piloted the plane; Marcello vigorously denies it.) It has been alleged that Ferrie, who died in 1967, had previously been a contract flyer for the CIA and had trained Cuban-exile pilots in Guatemala in preparation for the CIA's invasion at the Bay of Pigs.

Upon his return to the U.S., Marcello immediately began a fight to appeal his deportation. At the moment President Kennedy was struck down in Dealey Plaza, Marcello was in a New Orleans court accompanied by Ferrie and his attorney, Jack Wasserman. That afternoon a district court judge found him innocent of possessing a fraudulent Guatemalan birth certificate, which he was alleged to have used to avoid being deported to Italy. According to one source, "Some people say that if Marcello was found innocent that day then he wouldn't have had to have killed Kennedy. They don't understand that it was a separate case. Marcello was on trial for perjury relating to whether he bribed Guatemalan officials to falsify the birth records in that country, which investigators believe Ferrie flew to Guatemala and had planted—although that can't be proven." According to a source familiar with this aspect of the deportation, Jack Wasserman knew and worked with both David Ferrie and Guy Banister, and it was Wasserman who sent Ferrie to Guatemala to phony up the birth certificate. Allegedly Ferrie signed the 1910 certificate with a ball point pen—which didn't exist at that time.

"Marcello was acquitted of that charge," the source continues, "and a month later he was indicted for jury tampering [bribery of at least one juror] and threatening the chief prosecution witness with murder. The government subsequently dropped the tampering charges when the chief prosecution witness to that case also claimed that he had been threatened with murder. So the November 22nd appearance was related to the deportation order, but it was a separate trial having to do with the birth certificate. It in no way affected the final deportation order."

The deportation order is still pending, and Jack Wasserman is still directing the fight against it. Aaron Kohn estimates it has cost both Marcello and the government about \$1 million each to adjudicate and federal officials say it is the largest deportation case in American history.

"Jack Wasserman," says Kohn, explaining the case's current status, "is now attempting, and he's tried repeatedly for this and been turned down repeatedly, to take advantage of an INS regulation which says that if a person who is under order of deportation is able to stay in this country for ten years and can establish that during those years he was in effect a model citizen, that he may apply for and have the order of deportation reversed. Wasserman has been in the process of getting that done. It was denied a few times, but he's still at it. But the government is using

the conviction following the 1966 trial [see below] as one of their prime reasons why he doesn't meet the standard necessary for that waiver. He's been trying repeatedly to get the Justice Department to release to Marcello all of the FBI and investigative reports which were part of the investigation which led to this conviction for assault on the FBI agent. They are claiming that they have evidence that there was an illegal process involved. And they are trying at this late date to bring about a pardon of that 1966 conviction on the basis of the fact that the conviction was based on illegal evidence or testimony. So this battle is still going on."

On September 30, 1966 Marcello assaulted FBI agent Patrick Collins at the New Orleans International Airport. Collins was posing as a newspaper photographer as Marcello deplaned and passed through the airport. Marcello took a few swings at him, but says he missed. He claims he didn't know Collins was an FBI man and that the charge was a set-up because he was who he was.

Trial in Laredo, Texas, resulted in a hung jury. Mob experts, such as Aaron Kohn, suspected jury tampering had occurred. Marcello was retried and convicted in Houston on August 9, 1968 and sentenced to a two-year prison term.

Over forty prestigious individuals interceded on Marcello's behalf seeking clemency for him and attesting to his "fine character." Included were: one bank president, two bank vice-presidents, one sheriff, one labor union president, one chief juvenile probation officer, one former assistant district attorney, one state legislator, two former state legislators, two former state police commanders, six clergymen, five physicians, and five realtors. According to Aaron Kohn, many of these men "had documentable records of corrupt collusion or mutual profit with the Marcello family." Last year in an interview with journalist Lester Velie, Marcello was asked how he had managed to get all of these letters of recommendation. Marcello reportedly smiled and said, "I have 200,000 friends. If I needed 4,000 letters like that I could get them."

Marcello fought the Texas conviction unsuccessfully up to the U.S. Supreme Court and went to prison in October, 1970, after losing the appeal. He was released in March of 1971. It stands as his only conviction since 1939. According to Aaron Kohn, "They claimed that he was ill so they sent him to the federal medical facility in Missouri. He was originally sentenced to two years, but it was reduced and he was out in about six months. He came out a lot healthier than they claimed he was when he went in. He hasn't served any time since then."

POLITICAL INFLUENCES

Although he admits to his own early background in racketeering, Marcello disavows the title "Mafia boss" and claims he has operated within the law for more than 20 years. In a rare interview he told writer Michael Dorman (*Pay-off*) in 1972, "The Mafia, I don't know a thing about it... I wouldn't know a Mafia or a Cosa Nostra from a Congolese tribesman."

Dorman asked Marcello, "What about Aaron Kohn's charges of your syndicate involvements?" Marcello replied, "That Aaron Kohn is the biggest phony I've ever known. He's made a career out of harassin' me. His crime commission is nothin' but a money-making proposition for him."

Marcello was arrested in 1966 while eating lunch with twelve other reputed Mafia leaders in the La Stella Restaurant in New York City. It is considered by organized crime experts to be the most important Mob meeting since the famous Appalachian meeting in 1957. Among those arrested with Marcello were Carlo Gambino and Joseph Colombo, New York bosses; Santos



Trafficante, Florida boss; and the top men in New York's Genovese family. Organized crime expert and HSCA consultant Ralph Salerno testified about this meeting during the committee's public hearings last September (see HSCA JFK Volume 5, pps. 418-21).

Michael Dorman asked Marcello how he had come to be in the company of such men. Marcello replied, "Sure, some of those fellows have been in the rackets, that's how I knew them from the old days. But, if they're in the Mafia, I don't know a damned thing about that. This was strictly a social gathering; that's all there was to it. . . . What's the matter with some old friends gettin' together for lunch? Who would you expect me to have lunch with in New York, Nelson Rockefeller? I don't even know the man."

Dorman also asked Marcello about his political connections. Marcello conceded that he had close associates in government who held high Federal, state and local offices, including leading figures in both houses of Congress. Marcello refused to name any of them, however, saying that he didn't want to embarrass them. "Sure," he told Dorman, "I've got plenty of political connections; I don't deny that. I've been helping put people in office for years. I've spent a whole lot of money on campaign contributions and I've spread the word to people to support my candidates. What's wrong with that? I thought it was everybody's duty to take part in politics. . . . You don't hear that it's terrible that the banks or the utilities or the oil companies are supporting so-and-so. Why shouldn't I have the same right as these big companies to try to elect my friends to office?"

—J.G.

BLAKEY ANSWERS BELIN

In recent months former Warren Commission staff attorney David Belin has reemerged as the leading lone-assassin buff and Warren Commission apologist. Belin, currently a Des Moines, Iowa attorney, was also executive director of the Rockefeller Commission which reported on domestic CIA activities in 1975. His views challenging the Committee's findings have been aired on NBC's *Meet the Press* in March, in the *New York Times Magazine* last month ("The Case Against Conspiracy", 7/15/79), and in the *National Review* in April ("The Second Gunman Syndrome", 4/27/79; reprinted in the *Washington Star*, 5/6/79).

In the *Review* article, Belin made the following charges. First, "there was no second gunman . . . the committee swallowed hook, line, and sinker, the erroneous testimony of the so-called acoustical experts." Secondly, the committee operated in "excessive secrecy" and "relied too heavily on its staff" which led it "to reach its erroneous second gunman conclusion." And finally, he wasn't allowed to testify in public even though he had "more first-hand contact with key witnesses and the physical evidence than anyone else in the world."

Following is the complete text of HSCA chief counsel Blakey's response to Belin. It was printed in part in the *Washington Star*, of May 16, 1979.

6 May 1979

Editor
National Review
150 East 35th Street
New York, New York 10016

Dear Sir:

David Belin's piece, "Kennedy 'Second Assassin' The \$6 Million Myth," (National Review 27 April 1979) is right out of Lewis Carroll. Like the Red Queen, he apparently believes in verdict before evidence. When he read a newspaper report on 29 December 1978 that the House Select Committee on Assassinations had concluded that there was a second gunman in Dealey Plaza shooting at the President, he knew "the truth (was) to the contrary. There was no second gunman."

I find it difficult to understand how Mr. Belin could be so certain of his facts if he had not reviewed the evidence on which the Committee based its judgment. And he could not have so reviewed it by then, or since, for it will not be finally published until the latter part of June, 1979. An unbiased verdict on the work of the Committee, therefore, is not yet possible.

When I accepted the position of Chief Counsel to the Select Committee in June of 1977, I restudied the 1964 Warren Commission Report and closely examined its 26 volumes of supporting documents (the Select Committee will publish, along with its final report, approximately 30 volumes of materials on the Kennedy and King cases), and I did not reach a personal judgment about the validity of the Warren Commission's work until the Committee had completed its investigation.

It is useful to review the irresponsibility of Belin's piece. First, Belin suggests the acoustical experts hired by the Committee are "so-called" or "purported" experts. Had he reviewed the Committee's record he would have found that the expertise of our acoustical witnesses had been repeatedly accepted in court, including in the Kent State prosecutions and the analysis of the Watergate tapes.

Second, Belin suggests only one gunman was "seen." Here he misleads his readers with a half truth. A variety of witnesses "heard" the sound of shots from the grassy knoll, including a Dallas Police Department officer and a Secret Service agent in the motorcade. In addition, a young couple on the knoll dropped to the ground at the time of the third shot from behind them, since they knew they were in the second gunman's line of fire. Other witnesses saw traces of smoke rise from the treed area, where the acoustical experts say the third shot was fired from behind a wooden fence.

The Warren Commission was unwilling to credit this testimony in 1964, since it could not then be corroborated. The Acoustical evidence developed by the Committee in 1978 provides that corroboration; it now calls for a new evaluation of the 1964 evidence.

Third, Belin points out that no cartridge case was found behind the fence. Why should it be when only one shot was fired?

When Oswald fired one shot at General Walker on 10 April, 1963, no cartridge case was found, yet the Warren Commission did not use that fact to doubt the reality of the Walker shooting.

Fourth, Belin questions if the tape recording records sounds from Dealey Plaza. Why are crowd noises not audible? The microphone was mechanically insensitive to them. Why are not sirens heard immediately after the assassination? H.B. McLain, the officer with the stuck mike, did not leave the Plaza with the motorcade, and the sirens do not appear on the tape until he catches up with it on the Freeway on the way to the hospital. Why are chimes heard on the tape? The officer's mike did not have exclusive control over the police receiver at headquarters. Other



mikes, if they had stronger signals, could also record sounds on the tape.

Having asked questions about the other sounds on the tape, Belin leaves his readers with the suggestion that the stuck mike may have been elsewhere, but he does not offer an explanation of how four shots were recorded over the mike. No one has suggested that someone was shooting somewhere else in Dallas that day. Moreover, the acoustical "fingerprint" (the echo structure of the supersonic bullet and the muzzle blast of the gun in the urban environment of the Plaza) of the four shots is unique, as "scientifically irrefutable" as handwriting analysis and the ballistics evidence he relies on in incriminating Oswald. For the sound recorded on the tape to have been recorded from somewhere other than Dealey Plaza, the other place would have to have looked exactly like Dealey Plaza. Two people don't have the same handwriting; two guns don't have the same ballistic characteristics. Two places do not have the same echo structure.

Fifth, Belin says there is no "positive corroborating physical evidence" that the motorcycle was in the right place at the right time. Wrong. Photographs of McLain in the right place at the right time appear in our hearings (Vol. V, pp. 704-20).

Sixth, Belin suggests that Oswald would not have fired, as he must have according to the acoustical evidence, at Kennedy at Z frame 195, since a large oak tree would have obstructed his view.

Several points need to be made. He misleads his readers when he speaks of a "tree." (Apparently, also, he has never seen a child run behind a picket fence. While the child is "obstructed", he can be clearly seen as he runs; the mind's eye fills in the details. Still pictures taken through the scope of a rifle mislead). In addition, the Committee's ballistics experts suggest the shot would probably have been easy to pull off using the open iron sight, a possibility not considered in 1964. In any event, the acoustical evidence, in fact, points to the area around Z frame 185-88, not 195, as the time of the trigger pull of the second shot. The Warren Commission Report (p. 101) prints a photo of a break in the foliage at Z frame 186. Belin is wrong again.

Seventh, Belin suggests that the two shots (numbers three and four) are really one shot and its echo. Here the question of expertise is relevant. When Belin qualifies in court as an acoustical expert, I will pay attention to his expert opinion. Common sense, however, provides an easy answer to his suggestion. What he is really saying is that the experts confused an echo with the primary sound. The only trouble with that suggestion is that shot number three from the grassy knoll can not be an echo of shot number four from the Depository, since even a four-year-old child (including my own) knows that primary sounds precede, not follow, their echoes.

Eighth, Belin complains that he was not permitted to testify before the Committee in public session. Several points need to be made. Belin was given an opportunity to appear in executive session or by deposition. If he had chosen to do so, he could have made his deposition public. Other Warren Commission counsel, including the general counsel and his principal assistant, saw nothing wrong with this procedure. In addition, all members of the Commission and the general counsel, in fact, appeared before the Committee in public session, something Belin knows full well, since he appeared with former President Ford, who was a member of the Commission. The Committee decided not to call Belin as a witness in a public session because it felt that he offered little to the Committee. He had already written a book, which he had forwarded to the Committee and the staff. (I read it.) He had nothing new to say. He did not play a particularly key role in the work of the Warren Commission. His testimony about the workings of the Commission would have been cumulative. The Committee had already heard from most of his fellow staff counsel. In addition, his testimony about the basic facts of the Kennedy assassination was second hand. The Committee preferred to get its facts first hand.

Ninth, Belin offers a theory as to why the Committee went

wrong; he blames it on the staff, and says that the Committee's work was conducted in secret. Several points need to be made.

I have been associated with the work of Congressional Committees for almost twenty years. No Committee that I have ever worked with was more democratic, knowledgeable, or more in control of its own processes than the Select Committee on Assassinations. Belin labels able men like Stokes and Devine of Ohio, Preyer of North Carolina, Dodd and McKinney of Connecticut, Fithian of Indiana, Sawyer of Michigan and Fautroy of the District of Columbia, who labored hard on both cases. Indeed, the Select Committee was more democratic, knowledgeable, and more in control of its processes than was the Warren Commission. I make that judgment based on a two year study of the Warren Commission and personal experience with the Select Committee. Belin's suggestions to the contrary cannot be similarly rooted in fact, since he had not made any study of the processes of the Select Committee. His theory is like so much of what he complains about on the part of Warren Commission critics; it is not based on fact.

Belin's secrecy comment is ironic. The Warren Commission held one day of public hearings. Belin, who was Executive Director of the Rockefeller Commission, was not able to persuade his own Commission to do much better. In fact, the Select Committee held almost forty days of public hearings on the evidence gathered in its two year investigation of the Kennedy and King cases, where the Committee's work was open to public scrutiny.

The Committee's investigation was not held in public for reasons that are only too obvious. The reputations of living and dead men were at stake. The Committee had a duty to evaluate its evidence before it was made public. Belin knows the character of many of the allegations in the Kennedy case. Even though they are irresponsible, they had to be checked out, at least confidentially. Would he have had the Committee do otherwise?

Moreover the area that Belin complains about most was, in fact, largely conducted in public. The tape and its preliminary evaluation became public in July 1978 at the time of the Committee's refunding. The acoustical reconstruction in Dallas in August 1978 was done with the media held back, but none the less present. The September public hearing that produced the 50-50 testimony was the first cut at analysis of the August acoustic evidence. The work was finished in October and November and the 95% plus data developed; it was made public in December. The Committee's processes were deliberate and largely public in the crucial area. What else could the Committee have done?

Lastly, Belin grumbles that the Committee "suddenly" made up its mind at the last minute. The Committee had the basic acoustical evidence in July. It knew *then* what it portended. It all depended on what the final verdict of the scientists was. That came in November. When should the Committee have made up its mind, except at the end when all the evidence was in?

When President Ford appeared before the Committee on 21 September 1978, accompanied by Mr. Belin, he was asked by Congressman Devine why the work of the Warren Commission had fallen on such hard times. The President identified three reasons. First, he said that its critics had "deliberately or negligently misled the American people by misstating facts and omitting crucial facts. . . ." Second, he suggested that many people were cynical. Third, he observed that people had not read the report.

I suggest that Mr. Belin should take the advice of his client. The Select Committee should be accorded, at least from former Warren Commission staff members, better treatment than they themselves received. Mr. Belin ought to do better in the future.

Sincerely,

G. Robert Blakey
Chief Counsel and
Staff Director



SCOTT ON MOLDEA

[Assassination researcher and AIB adviser Peter Dale Scott (co-editor, *The Assassinations: Dallas and Beyond*; author, *Crime and Coverup*) sent in this comment on Dan Moldea's book, *The Hoffa Wars* (see also "Moldea Interview," *CA*, April, 1979.)

Dear AIB,

Like that of Walter Sheridan seven years ago, Dan Moldea's new book on Hoffa's organized crime connections contains important new facts and insights bearing on the assassination of John F. Kennedy. By this I do not mean his hypothesis that Carlos Marcello, Santos Trafficante and Hoffa himself were involved in the crime. In this area, as he admits (p. 170) there is no solid evidence, and not much that is new either, though it is interesting to learn that Jack Ruby's old Chicago chum Dave Yaras (a long-time suspect) was a key go-between for Trafficante and the two others (pp. 131, 159, 179).

Much more valuable is his analysis of the mob's stage-by-stage disaffection with Hoffa and support for his successor, Frank Fitzsimmons, a falling-out which led to Hoffa's disappearance (one month after Giancana's murder) in July 1975. Moldea cites the theory of two secret government reports that Hoffa's murder was authorized by Pennsylvania mobster Russell Bufalino, who had given the contract to Teamster hoodlum Tony Provenzano, another Ruby associate (pp. 401, 163).

This suggests more than a simple mob killing. According to Moldea, Bufalino enjoyed the protection of having participated in the original CIA plots to assassinate Fidel Castro, and had apparently been contacted for the Agency by none other than Hoffa himself (pp. 130-31). Moldea credits the belief of one government informant (corroborated by another, who himself disappeared after voicing it) that both Giancana and Hoffa were killed because of underworld fears they might talk to the Church Committee about "the CIA-underworld plots to murder Castro" (p. 402).

This apparently anomalous fear (after all Roselli had already leaked the main essentials about the Castro plots in 1967, and he was not murdered until 1976) reminds us of Nixon's strange fear in 1972 that Howard Hunt might talk about "the Bay of Pigs thing." Suppose that both these fears were the same—a concern to conceal the *on-going* nature of the Bay of Pigs assassination plots? Hunt, after all, had recruited ex-CIA Cubans for assassination purposes; and Haldeman himself now believes that Nixon's "Bay of Pigs" references were a euphemism for the Kennedy assassination. Giancana's daughter insisted that the people responsible for killing both Kennedys also killed her father (Brashler, *The Don*, p. 387). Bufalino's cousin, Bill, told Moldea that the answer to the Hoffa murder—and with it those of Giancana and Roselli—lay somewhere between the FBI and the CIA (p. 421).

Moldea ends by observing that:

"The men implicated in Hoffa's murder were the same men whose names have appeared over and over again in the plots to kill Castro and Kennedy: Trafficante, Bufalino, Marcello, and Provenzano (p. 420)."

If true, this disturbing observation would seem to corroborate those of Haldeman and Bill Bufalino as well. The problem is that nothing in the book links Provenzano to the Castro plot, Bufalino to the Kennedy plot, or Marcello and Trafficante to the Hoffa murder, while the remaining "links" are much too weak to indict anyone.

But Moldea's evidence and hypothesis do force us to look more closely at Ruby's pre-assassination phone calls to Teamster hoodlum Barney Baker, and Baker's (on November 21, 1963) to Ruby's friend Dave Yaras. In 1958-59, Baker and Yaras (who like Ruby had connections to gambling in Cuba) had both helped

organize a corrupt Teamster local in Miami, with the help of James Plumeri, who thereupon became involved in the *first* U.S. intelligence-mob alliance against Castro (via Hoffa and R. Bufalino). This is the anti-Castro plot which the Church Committee never mentioned, even after its disclosure in *Time Magazine*—perhaps because Plumeri and his nephew Frank Dioguardi, another organizer for the Miami local, were American contacts for the Marseille-Corsican heroin connection with which the CIA had been collaborating for the previous decade.

This first anti-Castro plot, as much as the well-publicized CIA-Maheu-Trafficante connection, sits at the center of gravity of Moldea's book. It will be interesting to see what the House Select Committee Report has to say about all this.

Sincerely,

Peter Dale Scott

THE DESTRUCTION OF FBI FILES

The FBI has begun a campaign to implement a policy destroying field office files that are more than five years old. In addition, FBI Director Webster has recently proposed a seven-year ban on the release of FBI investigative files. Should these policies be carried out, many historically important documents will be destroyed before they are ever released.

Critics of the FBI's plan are arguing that it is an attempt to destroy the impact of the Freedom of Information Act by destroying the documents that are subject to release.

Long-time JFK assassination scholar Paul Hoch (co-editor, *The Assassinations: Dallas and Beyond*; see also his interview in *CA*, 12/1/78) who has previously filed numerous FOI requests over the last 12 years, wrote the following letter to Congressman Don Edwards (D-CA) urging that he oppose the destruction of FBI field office files. Rep. Edwards is chairman of the House Judiciary's Subcommittee on Civil and Constitutional Rights.

Hon. Don Edwards
House of Representatives
Washington, DC 20515

Dear Mr. Edwards:

There is a possibility that historically important FBI files will soon be routinely destroyed. This problem has been brought to my attention by several articles in *The Nation* (10/22/77, 2/4/78, 6/3/78 and 3/3/79), and by the enclosed letter to Senator Kennedy. The letter has been signed by my colleague Jeff Goldberg of the Assassination Information Bureau, and I agree with its arguments against the purging of FBI files.

A compelling argument against the destruction of field office files is that they are not, in fact, substantially duplicated in the FBI Headquarters files. Because of your interest in the assassination of President Kennedy, about which we corresponded a few years ago, I thought you might like to see a few examples drawn from that case.



When your Subcommittee on Civil and Constitutional Rights was investigating the destruction of Lee Harvey Oswald's note to FBI agent James Hosty, allegations were made that serials in the Dallas field office had actually been renumbered to remove relevant material. I don't recall if these allegations were ever resolved, but it is clear that examination of the field office files themselves is essential when there are such charges of wrongdoing.

The Warren Commission apparently had no access at all to the pre-assassination field office files on Oswald. Junior counsel Sam Stern did draft a comprehensive request for all FBI records relating to Oswald, but senior staffers (presumably well aware of the FBI's hostility to even innocuous requests from the Commission) evidently intervened. The draft was shelved, and the Commission did not even get to keep the main FBI HQ file on Oswald. A short descriptive list was provided, and Stern was permitted a quick runthrough of the file. The Commission had, and could study, only a small fraction of the FBI-originated documents in that one file. The staff was startled to find that the State Department had copies of FBI Oswald reports which were only in other HQ files.

Concerning the field office files, Assistant to the Director Alan Belmont testified that "since the information is maintained in a standard and uniform filing system in both our field offices and our headquarters so that there is complete uniformity in the handling of information, our main filing system is at headquarters. Consequently, we need here all pertinent information in any case. Consequently, the reports and information developed during a case are sent to our headquarters for filing." [5H3] As you know, HQ does not get a copy of each document generated in a field office. The formal reports are supposed to contain all relevant information.

It does not imply malfeasance in the field office to point out that historically important information may have seemed irrelevant to the investigation. The Warren Commission wanted to understand who Oswald was; the FBI's pre-assassination investigation was limited. The Commission also felt obliged to evaluate the adequacy of the FBI's pre-assassination Oswald investigation, which they could not do properly lacking complete access to everything in the field office files.

Some years ago, I got confirmation that one important piece of information was not forwarded to FBI HQ before the assassination. The Warren Report noted that Oswald had handed out pro-Castro pamphlets on which he had stamped the address of the Fair Play for Cuba Committee as "544 Camp St., New Orleans." That building had previously housed the office of the anti-Castro (and CIA-backed) Cuban Revolutionary Council; at the time of the pamphlet distribution, Guy Banister, an ex-FBI agent who ran a private detective agency, had an office there. (I expect that the forthcoming report of the House Select Committee on Assassinations will go into the possible significance of the "544 Camp St. connection" in great detail.)

None of the FBI's pre-assassination reports mentioned this address. I noted that Oswald had shown a copy of the pamphlet to the FBI agent who interviewed him in New Orleans in August 1963. I filed a FOIA request in 1968, and learned that the FBI had in fact retained this copy of the pamphlet, and that it too bore the 544 Camp address. (I recently found out that when the FBI finally decided they had no basis for withholding this pamphlet—they stalled for twenty months—J. Edgar Hoover personally okayed the release, but with the comment that "I dislike the humoring of a character like Hoch, who is obviously a 'smear' artist.")

I found the FBI's failure to check out that address suspicious, since all offices had been told to be alert for FPCC activity, and similar leads in the Oswald case were checked out and reported to HQ. It could have been a simple error, but another possible

explanation is that someone in the New Orleans office believed that Oswald's FPCC activities were not authentic, and that he was in fact connected with the right-wing activists at 544 Camp Street.

Whether or not the handling of this matter by the New Orleans office turns out to be proper, it is clear that the New Orleans file itself is an essential historical record.

Certain sensitive material appears to have been sent from one field office directly to another—for the specific purpose, I suspect, of keeping references to an illegal or improper operation out of Headquarters files. For example, in June 1963, a source of the New York FBI office photographed a letter from Oswald to the Communist Party newspaper, *The Worker*. A copy was sent to the FBI in New Orleans, where Oswald lived, but there is no copy in the Oswald file at FBI HQ. (Apparently, not even a copy of the covering memo was retained in New York.)

In 1971, I changed a few words in Sam Stern's draft, and submitted it to the FBI as my own FOIA request. Needless to say, it was turned down. At one point, the Justice Department proposed a review of the file I had asked for, but the FBI objected. As a result of additional FOIA actions, by Harold Weisberg and others, most of the FBI files on the JFK case have been released—but not all.

When Oswald went to Russia in 1959, FBI HQ corresponded with the FBI's Legal Attache in Paris (primarily about Oswald's still puzzling stated plan to attend Albert Schweitzer College in Switzerland). The Legal Attache in Bern also had an Oswald file, which may have included pre-assassination documents. I was told in November 1978 that the Paris and Bern files were routinely purged because of space limitations. Thus, significant information may have been destroyed.

A draft letter from the Warren Commission asking for all FBI records on Jack Ruby was toned down—the same thing that happened with the Oswald case. The Commission got only retyped summaries. Documents in the Dallas field office which clearly stated that Ruby had been a Potential Criminal Informant were suppressed from the Commission. Hoover maintained that Ruby had never been paid and was in fact not an FBI informant.

The final summary report of the House Select Committee on Assassinations singled out one new piece of evidence for Justice Department consideration—a film, taken by Charles Bronson, possibly showing people on the sixth floor of the Texas School Book Depository minutes before the assassination. This possibly crucial evidence was located by a reporter and private researchers, after one of us saw an internal memo of the Dallas office about this film. A Dallas agent saw the film and apparently rejected it as insignificant; as far as I know, it was not mentioned to FBI Headquarters.

I hope you will oppose the destruction of closed FBI files of possible historic importance, and particularly the field office files, which are not redundant. If you would like the documentation for any of the examples I have presented, I would be glad to provide copies.

Sincerely,

Paul L. Hoch



THE PAISLEY CASE

[The violent death of John Paisley is a mystery becoming more puzzling and complex with each new revelation. It is a case full of tantalizing suggestions, misdirections, and double/triple meaning—and it just won't go away. Currently, investigations by the Maryland State Police, Senate Intelligence Committee, insurance companies, and Bernard Fensterwald, the attorney representing Mrs. Paisley, continue slowly, mostly in secret. What follows is a review of the case to date compiled mainly from published news accounts in the *Baltimore Sun*, *Wilmington News Journal*, *Washington Post*, and *Washington Star* (the *Sun* and *News Journal* have provided the most regular and extensive coverage of new developments). In addition, interviews have been conducted with Bernard Fensterwald and Ken Smith, the attorney and investigator working for Mr. Paisley's widow, Maryann.]

"This is the mystery story of the decade. You and I will probably both be dead and gone long before they close the files on this one."

—a Maryland State Police investigator to a reporter after the preliminary investigation was completed.

John A. Paisley, 55, was a 24-year veteran of the CIA and a top U.S. expert in Soviet affairs. He was the former deputy director of the CIA's Office of Strategic Research. Since his "official" retirement in 1974, he had continued to work on top-secret projects as a \$200-a-day consultant until he disappeared.

Ten months ago, on October 1, 1978, a bloated, badly decomposed body was pulled from the Chesapeake Bay. It was identified by authorities as that of the former CIA analyst. A few weeks later the Maryland State Police ruled the death an "apparent suicide."

Paisley's abandoned 31-foot sloop *Brillig* (a name from Lewis Carroll's "Through The Looking Glass") was discovered by the Coast Guard after a crab boat reported almost being hit by it on Monday, September 25. One week later, the body turned up several miles from where the abandoned boat had been found. The victim, shot once behind the left ear with a 9 millimeter pistol, was found with two belts containing 39 pounds of diving weights attached to the waist. The State Police immediately entered the case upon discovery of the body and gave it a very high priority by assigning seven investigators to it.

The next day, Maryland's Chief Medical Examiner, Dr. Russell S. Fisher, identified the body as Paisley's and ruled the cause of death as a gunshot to the head.

For many months afterwards, Maryann Paisley, John's estranged wife and also a former CIA employee, doubted that the body found floating in the bay was her husband's. She hired Washington attorney Bernard Fensterwald (also director of the Committee to Investigate Assassinations; author of *Coincidence or Conspiracy?*) to investigate her husband's disappearance. In April, Fensterwald told reporters he was "pretty well convinced" the body found was not Paisley's. He and Mrs. Paisley alleged discrepancies in the height, weight, and waist size of the body found and Mr. Paisley.

Despite Dr. Fisher's report, the State Police could not make a satisfactory identification of the body for 17 days, because the FBI and CIA were inexplicably unable to locate a set of Paisley's fingerprints for more than a week after discovery of the body. They said the prints had been "lost." Normally, anyone receiving any new clearance for classified information, which Paisley had gotten, has his prints taken each time. Eventually the FBI said the prints had been misfiled, but they were able to come up with a set that had been taken when Paisley was 17 years old. With these 38-year-old prints, filed under the name "Jack" Paisley, they made the identification.

But it is still unclear how Dr. Fisher made his immediate identification, since at that time he had no fingerprints or dental records, no family member or friend on hand to examine the body, and a body so decomposed that all of the hair was gone, including the beard. In addition, the body was empty of any blood to type. Dr. Fisher thought the body so grotesque that it would be "out of the question" for family members to make a visual identification.

After his quick identification, Dr. Fisher, with Mrs. Paisley's consent, had the body cremated in a CIA-approved funeral home. No one who had known John Paisley in life was allowed to see the body before it was cremated. According to one account, Mrs. Paisley was called and told that a close friend of her husband, Col. Norman Wilson, had made the identification. Col. Wilson was called and told Mrs. Paisley had already made the identification. In fact no one had. (Col. Wilson is a former Defense Intelligence agent who is strongly suspected of still having intelligence ties. Paisley moored his boat at Wilson's private dock.)

Finally, after strenuous objections, Mrs. Paisley and her daughter were allowed to see the photos taken at the autopsy. After viewing these morgue photos, Mrs. Paisley was unable to make an identification and was not satisfied that the body was her husband's.

Before the cremation, Dr. Fisher had taken the step of amputating the hands from the body and removing the upper dental plate from the mouth. When he tried to fingerprint the hands of the cadaver, the skin came off. So he sent the severed hands to the FBI for identification. The FBI has not made a public statement as to the disposition of these hands or explained why the procedure was necessary if the body had already been properly identified by Dr. Fisher.

Privately, the FBI lab man in charge of matching the prints says that he made a definite match of the prints lifted off the severed hands. He adds that the hands were returned to the State Police. When asked if he accepts the FBI's match, investigator Ken Smith says, "We're stuck with it. The hands are gone, and to dispute the FBI on this would be an exercise in futility."

Five days after the autopsy, Dr. Albert F. Brendes, a dentist who hadn't treated Paisley in several years, identified the upper plate as his dental work. Brendes' match was based on eyeballing the plate and comparing it to an old dental chart of Paisley's. Brendes did not use x-rays, and he later told a reporter that the plate "could have belonged to many other people." Perplexingly, in a development similar to the FBI's missing fingerprints, all of Paisley's dental records turned out to have recently been destroyed by Dr. Brendes in an "office reorganization."

Dr. McKinnon, who was Paisley's dentist at the time of his disappearance, was later shown by the police the same charts that Dr. Brendes has seen. McKinnon said there was no way he could make an identification in the absence of x-rays from the body. He had been treating Paisley regularly (once or twice a week for several weeks prior to his disappearance) for a gum disorder.

Nine months later, this past June 27, two men who saw the recovered body when it was first brought ashore by the Coast Guard came forward to question the suicide finding. They said they had seen distinct markings around the throat of the body indicating "foul play." Dr. George Weems, the coroner of Calvert County for 20 years, and Harry Lee Langley, the owner of Langley Point Marina, Solomons, Maryland, where Paisley often gassed up his boat, spoke to reporters at a press conference arranged by attorney Fensterwald on behalf of Mrs. Paisley.

Weems, the first doctor to see the body, said he noticed markings on the neck indicating it had "been squeezed or had a rope around it. . . . They were the type of things you see when people are strangled." He said that the marks appeared to have been made *before* Paisley was killed, and not afterwards when the body was in the water.

Langley said, "It was either a helluva ropeburn or his throat had been cut (from ear to ear)." Langley said he had seen Paisley



around the marina and was fairly certain that the body he had seen was that of Paisley. But he said he was told to keep quiet about what he had witnessed. "They told me Mr. Paisley was CIA," he said. Despite repeated questioning by reporters, he said he could not remember who had told him to keep quiet.

Dr. Weems, according to normal procedure, did not perform the autopsy. He said it was not his job to make a thorough examination. After conducting only a preliminary 20-minute observation of the body he sent it and a report on to Dr. Fisher, the State Medical Examiner, who performed the autopsy the next day in Baltimore. (Dr. Fisher was a member of the 1968 panel appointed by then Attorney General Ramsey Clark which examined the JFK autopsy materials.) Dr. Fisher's autopsy report does not mention any markings on Paisley's throat.

Weems said he thought the neck wound was so obvious that Dr. Fisher would have seen it and he didn't know why Fisher failed to note it in his report. Weems refused to call what he saw murder, saying only, "I call it foul play."

Dr. Fisher, reached by reporters later, denounced Weems' comments, saying that one of his subordinates should not be talking about matters that did not concern him. Fisher steadfastly denied the body had neck markings on it and adamantly stuck to the State Police finding that Paisley committed suicide.

Why had Weems and Langley waited so long—9 months after the autopsy—to come forward? Langley said he finally contacted Mrs. Paisley in June after hearing news reports that she might not be able to collect on her husband's life insurance policies. The insurance companies, conducting their own investigations, questioned the identification of the body and the cause of death. (One company, Mutual of Omaha, has a special suicide clause in the policy—they don't pay off on a suicide. Another company, Mutual of New York was not sure the body was Paisley's.) Langley told Mrs. Paisley what he had seen and then urged Dr. Weems to also come forward. Weems told reporters, he hadn't said anything until then because, as he said, "I wasn't asked to."

Because Langley had known Paisley previously, the family and attorney Fensterwald revised their opinion as to the identity of the found body. With Langley's positive identification of Paisley, they are now forced to concede that it was his body.

Soon afterward, Mutual of New York (with no suicide clause) agreed to made good on its \$95,000 claim, which means they too concede it was Paisley's body. Mutual Of Omaha (with the special clause) will not honor their policy and Fensterwald expects to sue them. If the company still refuses to pay after the suit is filed, a jury trial would follow later this year. To win, Mutual of Omaha would have to prove suicide, a difficult task with no witnesses, no suicide note, and the lack of evidence. If Mutual were to lose, Mrs. Paisley and her attorney would have a legal verdict of murder, which would overturn the official police ruling, and maybe prompt a new investigation.

Was Paisley murdered? Paisley's family thinks he was, and so does their attorney, Bernard Fensterwald. As he said at the Weems/Langley press conference, "Jumping off a boat with gun in hand, pulling the trigger while in the water, is, to be charitable about the matter, a weird way to commit suicide." He goes on to cite the following factors which argue against suicide:

1. There was no indication of shooting aboard the *Brillig*. No traces of blood or brain tissue were found on the boat. Thus, a suicide verdict requires one to believe that Paisley either shot himself while standing on the edge of the boat, so that the shell casing, pistol, blood, and brain fragments all fell overboard with him, or that he shot himself in the water while wearing 39 pounds of diving weights.

One Coast Guardsman, Wayne Ward, who boarded the *Brillig* the morning after it was found, said, "I don't see how it [the shooting] could have been done on board. To me, there would have to have been some sort of evidence—no matter how slight. If it did happen there, it got cleaned up by itself. It didn't rain that night."

2. There were no powder burns around the bullet entrance hole, indicating the shot came from a greater distance than arm's length. However, Dr. Fisher claims the decomposed body would not retain the powder burns and that from the pattern of the wound, the gun barrel was pressed against Paisley's head when it was fired.

3. There were some signs of struggle aboard the boat. According to Mrs. Paisley, "a table had been pulled away from the wall. Several screws had been pulled loose, and it was tilted at an angle which would have made it impossible to use." Paisley was working on a highly classified CIA report during his sailing trip and the table was the only writing surface aboard.

4. Paisley was eating (or about to begin) just before he departed the boat. An unnamed Coast Guardsman, one of two guardsmen who were the first to board the boat, told a reporter he saw an opened package of lunch meat, a container of mustard, and a knife smeared with mustard lying on a sink-top counter in the *Brillig*. "It looked to me like he had been interrupted in the middle of lunch," said the guardsman. "It looked like he had filled in part of the [sailing] chart and then had decided to get something to eat. So he took off his life preserver and went below, down to the galley." In addition, the boat was found with its wheel unlocked and the ship-to-shore radio still on.

5. Witnesses (Langley and Weems, and a Coast Guard officer under orders from his superiors) were warned to keep quiet. Additional support for this contention surfaced a week after the Langley/Weems press conference. Two former state prosecutors who had investigated the Paisley case said that their work was hampered by the CIA's refusal to cooperate with the state police. The two men, Naji P. Maloof (the county attorney when the body was found) and Lawrence Lampson (Malooof's successor and now a District Court Judge) said that the case was never properly investigated and that it should be reopened. "Some people just don't want the truth about this case out," said Maloof.

From the beginning the CIA's public position on the Paisley case, on orders from Director Stansfield Turner, has been that there is "no evidence whatsoever" of foul play, that Paisley was not working on any "sensitive" matters at the time of his disappearance, and that his only remaining link to the CIA was as a part-time consultant on "routine administrative matters with a very limited access to classified information." News reports, containing leaks from all over Washington and the intelligence community, completely contradict these statements.

The *Baltimore Sun* reported that a former high-level staffer on the President's Foreign Intelligence Advisory Board, someone who had worked with Paisley on top-secret projects, called this initial CIA statement "shocking." "In fact," the source said, "I was surprised that the agency would even try to pander that sort of information. There is no question that Paisley, at the time of his death, had access to highly classified intelligence information." Another source told the *Sun*, "The Agency is flat-out lying. Paisley never was not involved in something big." The *Sun* also reported that Paisley had several meetings—as late as last August, a month before he disappeared—with CIA Director Turner, who has consistently minimized Paisley's role within the CIA.



Apparently Paisley's biggest job in recent years was serving as liaison between the CIA and Team B, a secret task force of U.S. experts who assessed Soviet military strengths. Team B, created in 1976 by then CIA Director George Bush, consisted of national defense experts outside of the CIA who were given access to all US-Soviet intelligence secrets, weapons, and systems information. It was formed after White House experts on the intelligence advisory board convinced CIA officials that the agency's yearly evaluations of Soviet military capability (Team A) should be tested by comparing them with outside evaluations (Team B).

According to the *Wilmington News-Journal*, other Team B members have now accused Paisley, the Team B executive director, of leaking information about their super-secret evaluations. When he disappeared last year, Paisley was working on a Team B report for the CIA. A draft of that report was on his boat when it was found.

A great many other top-secret documents were found on the boat and in Paisley's apartment. Some were whisked away by the CIA and some shouldn't have been there at all. Other documents said to have been in Paisley's possession are still missing.

After the body was found, CIA representatives searched both Paisley's boat and apartment before the State Police arrived on the scene, thus contaminating the original evidence. Among the items taken away were a Rolodex telephone book from the apartment and a briefcase full of papers from aboard the boat. (These steps were taken before Mrs. Paisley was notified the boat had been found. She was not contacted for 12 hours.) William Clark, a spokesman for the State Police investigators, said that Paisley's apartment had been "cleared out" before they could go over it for clues. "We had to play catch-up ball during the entire investigation," he said.

A CIA "red-line" telephone notebook—containing top-secret telephone numbers of American spies—was found in a briefcase full of papers on the *Brillig*. It should not have been there. The book bore a strip of red tape along its outside left edge, a CIA marking which indicates that it must never leave agency headquarters and must be kept in a safe. Among the names contained in the book was that of the current London CIA station chief.

The Maryland State Police confirmed that they saw the book, but they do not rule out the possibility that it was planted in the briefcase, because it had already been handled by Coast Guard and CIA personnel by the time the State Police arrived on the scene.

When Mrs. Paisley learned of the discovery of her husband's empty sailboat, she asked her son Eddie, 22, to check out his father's DC apartment. Eddie Paisley found that someone had broken into the apartment. He discovered papers strewn about and that a camera, tape recorder, and several hours of recordings detailing the Paisley family history were missing. In addition, several 9-millimeter bullets were strewn on the floor of a closet.

Mrs. Paisley was quite upset by the news of the break-in and didn't know what to do because the building was under surveillance, because several Russian Embassy employees lived on the same floor. She went to the CIA with the information.

Quoting unidentified Senate Intelligence Committee sources, the *Wilmington News-Journal* reported that Paisley had some important CIA documents which have never been recovered, including defriending reports on Arkady Shevchenko. Shevchenko is the former UN official who is the highest Soviet official ever to defect to the U.S. He defected in April, 1978, and later acquired, at CIA expense, a high-priced Washington mistress named Judy Chavez.

One theory of Paisley's death is that he was murdered by the Russians because he was about to discover their "mole" in the CIA (or already had) or because the Soviets wanted to teach the

CIA a lesson. This theory suggests that Paisley was being offered to the Soviets as a double-agent, when he was actually still loyal to the CIA. Fluent in Russian language and culture, having a top-level clearance, depressed, separated from his wife, living in an apartment building with Soviet Embassy employees—he appeared to be a tailor-made defector. But the Soviets figured out it was too good to be true—a set up. So, the theory goes, they killed him to show the U.S. they were serious.

In January, at the request of Sen. Birch Bayh (D-Ind.), Chairman of the Senate Intelligence Committee, the FBI began an analysis of the case. Bayh said, "A number of troubling questions remain."

In April, the intelligence committee reported that both the FBI and Justice Department had concluded that the facts of the case do not warrant a counterintelligence investigation.

But committee sources told the *Post*, "additional limited inquiries" would be made. The committee was still "troubled" by evidence indicating Paisley was a friend of Soviet defector Yuri Nosenko and a possible relationship between his death and the Team B study.

Paisley regularly interrogated both Soviet dissidents and political defectors, including former KGB agent Col. Yuri Nosenko (who defected on January 20, 1964) and Capt. Nicholas Shadrin (who defected from the Soviet Navy in 1959). Paisley's job was to determine if dissident emigres were Soviet intelligence operatives or if defectors were double agents. Sources confirmed to the *Baltimore Sun* that Paisley questioned and analyzed the responses of Nosenko and Shadrin. (Shadrin disappeared in 1975 while walking through a public square in Vienna—no trace of him has been found since.)

Two other facts appear to have contributed to Senate concern. First, during the early stages of the second round of SALT talks in Helsinki, Paisley was approached by KGB agents and asked to become a double agent on the subject of the US negotiating position at the talks. Paisley immediately reported the contact to his CIA superiors and was advised to take the offer.

Paisley fed information to the KGB with CIA knowledge, although it is not known whether it was accurate information or disinformation.

Secondly, five years ago, Paisley was involved in the CIA's agency-wide search (1972-74) for a Soviet "mole" who was suspected of having penetrated the highest level of the CIA command.

A report on the project was given to then CIA Director William Colby. Soon after, Captain Shadrin disappeared in Vienna. One intelligence source theorized to the *Sun*, "Paisley may have gotten caught in the middle. Maybe he learned who the mole was. Or maybe he stumbled across some piece of information which might have led to the mole—and which made him an instant liability."

—J.G.



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RECOMMENDED READING

1. Peter Dale Scott, "Kennedy Assassination Cover-up," *Inquiry*, May 14, 1979.
2. Bob Katz, "Mark Lane: The Left's Leading Hearse-Chaser," *Mother Jones*, August 1979.

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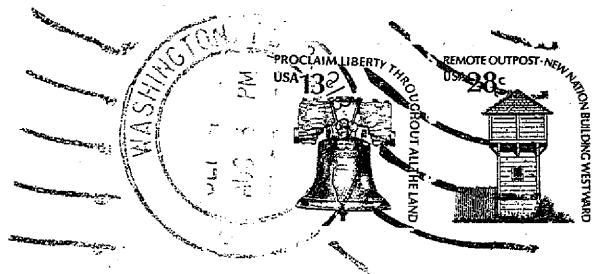
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