

## AFTERWORD

As it inevitably is with all formula assassination books like Newman's and Posner's there is never an end to what can be added to the criticisms of them and their intent because new information continues to come to light. Some is in new writing not available until after the formula books appear. Some is in what is not generally available and is come upon long after its publication. Some is in government information that was withheld and then its disclosure was compelled by the 1992 Act that requires supposedly full disclosure of all assassination information.

First the Bush then the Clinton administrations delayed compliance with the 1992 Act. Then, belatedly, the Clinton administration did appoint an Assassinations Records Review Board the was to implement the Act. It did not rush to staff itself and it did <sup>not</sup> overburden itself with work to see to the obligation undertaken with acceptance of appointment to the board. In fact, the board members spend about two days a month on their board responsibilities.

The board's members are John R. Tunheim, Chairman, Minnesota's Chief Deputy General; Henry P. Graff, Professor Emeritus of History at Columbia University; Kermit E. Hall, Dean of the College of Humanities and Professor of History at Ohio State University; Willian L. Joyce, Associate University Librarian for Rare Books and Special Collections at Princeton University; Dr. Anna K. Nelson, Adjunct Professor of History at American University. David H. Marwell is it's executive director. As we shall see, when after many months of diddling around the board finally got around to getting records disclosed it became, in effect, the Newman board.

None of the members knew a thing about the assassination or its investigations. So far as is known this is also true of most of the staff that over a period of time it has employed. They all began as subject-matter ignoramuses. Some of the staff did, conscientiously, seek to learn what they could about the existing facts. At least one staff member began to try to learn the basic facts

after he applied and before he was appointed. But the board members did not make that effort. Some even told a writer preparing a story on it that their ignorance was an asset. There is only one way in which this could be true, the beginning determination not to make any real effort to see that the actual and withheld assassination records were disclosed.

At least one member was quoted at the outset as making light of the whole thing, saying there was nothing but nonsense in the belief that records holding significant information had been withheld or that any disclosure would make a difference of any kind. at all - except to paranoids.

The board's initial successes, or at least they were treated by the media as successes, were a con job by the agencies, particularly by the CIA and FBI. These agencies, each having much to hide, took a different approach. The CIA, recognizing that some compliance could not be avoided, used a simple stratagem to be able to continue to withhold what it wanted to withhold within the documents it disclosed. It processed those records under its historical-records program rather than under the provisions of the 1992 Act, which prohibited most, if not all, of these withholdings. With an announced quarter of a million pages of those "voluntarily" disclosed records it had withheld for three decades, it had every reason to believe that it would not be compelled to reprocess all those quarter of a million pages to restore what it withheld improperly. It was neither asked to do that nor, with its powers the board had, compelled to do that.

These disclosed CIA records are from its rather large Oswald 201 or Personality Profile File. With that many pages in that single file there is no way of knowing how the CIA's withheld <sup>alternative</sup> assassination records really are. When it was reported in the papers that the FBI had turned many thousands of pages of assassination records over the National Archives I wrote the FBI for copies of them. It replied, literally, that what it had turned over included nothing

it had not already given me under court compulsion in many FOIA lawsuits against it.

Then, after quite some<sup>time</sup>, pressures were applied to get the board to compel some disclosure of what it had withheld. These were records of both the CIA and FBI. While there had been no announcement of who applied those pressures, what was disclosed serves Newman's interest and those of <sup>his</sup> the published book and of the one he is reportedly working on and is forecast in his published book. Responding to those demands the board did see to the disclosures asked of it. We'll come to them. For the moment it is enough to report that there were no real disclosures of any real assassination records in those added minor disclosures the board demanded to get.

My first suspicion about the board and what could be expected of it was when it asked nothing of me <sup>when</sup> went the extent of what I published and of my FOIA litigation was anything but secret. As of this writing it has not asked me a single thing about what I know about the existing and withheld assassination records. It was silent, making no responses to the suggestions I was making to it.

These suspicions were added to when the board failed to announce any desire to hear from those who believed they could indicate to it the existence of any withheld an relevant assassination records. Instead the board held a series of hearings to which it invited all those who expressed any interest in being heard to tell it what records it should be looking for.

When there was a gathering of assassination conspiracy theorists in Washington in the fall of 1994 the chairmen addressed it, assuring it of the board's intent to do a diligent job and soliciting input. While all of those in the organization or at the assemblage are not assassination nuts, most of them are and from that effort the board took nothing but a good press.

From time to time thereafter it held other hearings around the country. As a single <sup>one</sup> of

many illustrations of the utter insanity of what it was engaged in as of what was dumped on it, I cited the Boston hearing and the board's own stenographic transcripts as well as what appeared in the papers.

As the Boston Globe reported on March 25, 1995, one of those who testified asked the board not to fail to locate what that "expert" insisted was the actual windshield of the presidential limousine. He insisted that the actual windshield, which had suffered a slight damage in the shooting, had been, with the most sinister of intention, replaced and that the windshield examined by the FBI and the subject of Commission testimony was hidden some place.

Another "expert" who gave the board the benefit of his profound wisdom that was untainted by any connection with established fact or reality had already published one book, in addition to many articles all of which, safely, naturally, assumed Oswald's guilt.

Richard Russell's first book, entitled The Man Who Knew Too Much, is about Richard Case Nagell. Nagell in fact knew nothing about the assassination. What he said is fiction. Such palpable fiction that despite many interviewers, including for Jim Garrison, nobody paid any real attention to him or what he said. Given what did get attention, that is a reasonable evaluation of the fact that what he said was nonsense or worse. The worthlessness of all Nagell said can be evaluated by the basis of his story. He was arrested for robbing a bank in Texas. He claimed that he had robbed the bank to establish an alibi, to be able to prove that he was not involved in the assassination. It is his claim that knowing about the assassination, he robbed that bank only to prove that he was not at the scene of the crime at the time of the crime.

Apparently it did not dawn on Russell or on his publisher that there were countless other non-criminal ways of establishing a tight alibi for the time of the crime, which Nagell claimed he knew. There were innumerable ways of doing that. These ranged from being with people who

could testify to his having been with them to even being at a police station at the time of the crime.

When Russell testified to the board in Boston he had contracted another fictional assassination book, *Mind Control and the Assassination of President Kennedy*. The Carroll & Graf catalogue for the Spring and Summer of 1995, published the winter before, devotes two pages to Russell's coming new masterpiece. The left-hand page is a picture of the book's cover. The right-hand page praises it and Russell. It encapsulates the book with this question, "Could Lee Harvey Oswald have been programmed by our government to play his part in the murder?" In recounting the praises for Russell's rubbish, the catalogue quotes The Washington Post as referring to it as "the Magus of assassination literature." Kirkus reviews said, "It bears on any final understanding of the JFK assassination." These are accurate reflections of the performances of the professional viewers of the junk that is claimed to be "assassination literature" and is usually incompetent mythologies invented for the commercialization and exploitation of that great tragedy.

That Carroll & Graf catalogue announced for this book, "Major National Advertising TV/Radio Apprentices Coop Available." Apparently that book had already been set in type because the catalogue says it is of 304 pages and was indexed. It was due to appear by the time of this writing. It has not appeared. I've been told that it was cancelled but have no confirmation of that.

It did not require this kind of claptrap for the Board Member Kermit Hall to say, as quoted in the Globe, "Basically, the conspiracy theorists will always be able to find questions to ask that cannot be immediately answered." Although responding to those "conspiracy theorists" was not the board's function -- nor is it by any means true that all the questions about the assassination and its investigations are "conspiracy theorists" -- that the board deliberately misconstrued its mandate to be the official debunker of questions that was spelled out by the board's chairman, John Tunheim. The Globe story begins:

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The head of the board set up to release government documents relating to the assassination of President John F. Kennedy said yesterday that the \$6 million fact-finding effort will debunk many conspiracy theories, but probably spawn some new ones" [sic]

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Not only was the board's intent to debunk criticism of the official mythology as Tunheim spelled it out in Boston, earlier board member Kermit Hall said, "that a great service would be done if the results confirmed that Oswald did it alone." This paraphrase of what Hall said on WSYX-TV, in Columbus, Ohio, with Carol Luper the host, was provided by my friend, the history teacher, Dave Keck the day of the broadcast, December 11, 1994. He also quotes Hall as saying (Dave's words), "Yes, there was a cover-up, but that was not to cover up the actual result, (meaning that Oswald did it) but for other reasons that had to do with security and protecting each agency and their interests." This, from the scholarly ignorance of which the board boasted, is a further manifestation of the prejudice of most of our professional historians, that fiction is nonfiction if it relates to what had the effect of a coup d'etat and that the protecting its imagined interests by each agency was much more to do with national interest than being truthful about the assassination in what they reported and in what they would ultimately let people know.

Supporting the official assassination mythology was not the board's mandate although the board made "debunking" questions raised about its objective, as both Tunheim and Hall spelled it out and as it was spelled out on other occasions. In the AP's account of that Boston hearing as published by the Manchester (New Hampshire) Union Leader also on March 25, those assassination nuts are referred to as researchers who suggested everything from looking into the archives of the late Soviet Leader, Nikita Khrushchev, to finding out whether the President's autopsy at the Bethesda Naval Academy was captured on tape recording.

To the latter I add there is not been the wildest reason to suspect that it was taped and that none of those present reflected any reason to suspect it had been. This is also true of some of the number of observers in the gallery, including some close to the President.

And what fact would Khrushchev have had?

Absolute nuttiness, not any search for known and existing United States government records!

As the account continues it says that:

*P* 1 Among the witnesses testifying was <sup>Pr</sup>Priscilla Johnson McMillan, who interviewed Oswald when he was a defector in the Soviet Union in 1959 and later interviewed his widow and wrote a book about them.

*P* 1 He was stunningly young," she said, "he looked like a very young boy and I felt very sorry for him."

*P* 1 This was going to tell the board where to look for those withheld official records, the locating and disclosure of which is its sole function. Sole legislated function, that is.

No, that was not intended and it was not possible for such "testimony" to help the board meet its responsibilities. But it did contribute to the board's preparation for justifying its built-in intent to meet its obligations by listening to all who asked to be heard at those hearings it held around the country.

All the accounts of these hearings the board held reflect that assassination conspiracy nuts had a field day at them. The board gave these self-conceived Sherlock Holmes, <sup>es</sup> who are really apprentice Keystone Kops, wide attention and credibility, but not one of them gave the board any lead on any known and withheld assassination record. The board got only suspicions. But, of course, all this nuttiness dumped on it at its own invitation did give the board much more nonsense to debunk in its pretense of meeting its obligation, which is limited to bringing withheld official assassination information to light.

The last of those board hearings as I write this was in New Orleans on June 28, 1995. Chairman John Tunheim opened that hearing by stating, "We are on a search for records. Our mandate from the Congress of the United States is to find all the records associated with the assassination of President Kennedy, put them together in one collection...freely available to the American public..."

As Tunheim continued he said that:

"It is our responsibility to find the records and we have sufficient powers to be able to do that, as given by Congress."

Not only did he again assure the people that this is what they would do, he added:

"This is an issue of trust for the American public, an issue of trust in their government, and we hope through our work we can restore some of the trust that perhaps has been lost over the past 30 years with the veil of secrecy that has shrouded some of the records of that event."

One of the witnesses at the hearing was Louisiana history professor, Michael L. Kurtz. He wrote Crime of the Century, published by the University of Tennessee Press in 1982. He boasted of academic credentials, uttered a tirade against the Kennedy family, and flaunted his ignorance of what was testifying to. He even said that the late Robert Kennedy was a Senator from Massachusetts when he was a New York Senator only. Kurtz then testified that, "I know myself saw [Guy] Banister and Oswald together the summer of 1963 when Banister was debating President Kennedy's civil rights policy with a number of students, including myself. Oswald was in the company of Banister."

That, Kurtz said, was when he was an undergraduate, a senior. Banister is the subject of numerous assassination mythologies. He had been an FBI agent, then was a New Orleans police official who was fired for misconduct and in 1963 had both a private detective agency and an

assortment of extremist beliefs and organizations that exceeded the normal extreme of the political right.

It did not occur to the board to ask Kurtz why, if he had seen Oswald and Banister together, he never told the FBI about it when it was supposedly investigating the crime with the assumption that Oswald was the assassin.

At the end of Kurtz' prepared remarks he was asked by board member, Kermit Hall, reflecting Hall's wisdom and understanding, *of* not preconceptions too, to address "the question of relationship of Mexico to Cuba and where Mexico stood in the light of the New Orleans and Louisiana political community in 1963?" *1/*

That, one presumes, was somehow connected with the existence of withheld assassination records.

After much rambling that also had nothing to do with the existing and withheld government assassination records, at the end of Kurtz's testimony Chairman Tunheim added this praise for Kurtz's book:

I just want to add that I found the introduction that you wrote to your book, Crime of the Century, to be particularly good at putting together a lot of different theories that are out there. I found that very useful and I just wanted you to know that.

Thus it would appear that the different "theories that are out there" are a means of locating the withheld government assassination records.

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In this we have more than a reflection to the value of the ignorance of the subject matter *is* said was so useful to it. We have this indication of the preservation of that ignorance so far into its life, and all but one of the members, other than Tunheim, being professional historians, of them as professional historians and historians in general when confronted by the major political event of their lives, personal and professional.

It ought not to be too much of a presumption to believe that professional historians read The Journal of American History. That respected journal asked my friend, FOIA lawyer, Jim Lesar, to review Kurtz's book. Jim had completed work for his master's degree in history when he decided to become a lawyer. His review of a single page comes also from the considerable knowledge he acquired in all of that assassination litigation:

1 In Crime of the Century Michael L. Kurtz laments that "professional scholars" have neglected the assassination of President John F. Kennedy; he also disparages the works of Warren Commission critics for their "obvious bias" and lack of "the careful analysis of objective evidence that characterizes the scholar." Having set the stage for his own entry, Kurtz announces "an original interpretation based on carefully calculated scrutiny of the most reliable and convincing sources" and promises "much new evidence." He vows to avoid speculation because it "is not within the realm of the historian."

Kurtz concludes from his examination of the evidence that there clearly was a conspiracy to kill Kennedy and that the probes of the Warren Commission and the House Select Committee on Assassinations were seriously flawed. Although these conclusions cannot be faulted, there is virtually nothing of any consequence in this book that is new. With minor exceptions, its valid points derive from the very critics Kurtz deprecates. For example, Kurtz relies heavily on the work of Harold Weisberg and offers little information that Weisberg has not previously revealed.

This book lacks scholarship. The author makes blatant factual mistakes and important errors of omission: Mark Lane's Rush to Judgement (1966) is not the first book on the subject; the wounding of James Tague is totally ignored. There are falsehoods: the Warren Commission was not "[u]naware of the FBI's real attitude toward it"; to the contrary, its members stated in their secret sessions that the FBI "would like to have us fold up and quit," and they also asserted that the FBI had concluded that Oswald was the lone assassin without having "run out all kinds of leads." Kurtz relies on commission testimony by an FBI agent contradicted by FBI records and on the results of tests performed for the House committee on evidentiary items inexplicably different in size, shape and weight from the original FBI specimens without evincing any awareness of the discrepancies. The book's footnotes retard rather than advance scholarship: they generally do not support the assertions made in the text nor do they identify with requisite specificity the materials cited.

In his last chapter Kurtz forgoes his vow against speculation - already broken - and reconstructs the assassination. He hypothesizes that a shot that hit Kennedy in the back - he asserts at an upward angle - was fired from the second floor of the Texas School Book Depository Building. Here he whooshes across the line separating speculation from fantasy. His assertion that "the first two floors of the Depository were lower than the limousine at the time of the shots" requires a feat of levitation that is neither recorded on any film of the assassination nor testified

to by any eyewitness.

Kurtz rightly calls attention to the need for professional historians to appraise the assassination of President Kennedy and the official investigations into the crime. Unfortunately, this book does not measure up to the demands of that gargantuan task.

There is no nuttier assassination "theory" than Kurtz's, that a bullet wounded the President was fired from the second floor of that building when the second floor was below street level.

What magic that required--being aimed and then fired through the combination of concrete, blacktop and earth, and still hitting its target!

This is but a peek at what was "particularly good" and "very useful" to this board. It is fair and typical but it is far from all of the same character that is its own record. This board of the eminences made this farce of their efforts to meet the obligations they all assumed. It is enough for a faithful indication of their attitudes and how their minds worked. Along with their valued subject-matter, ignorance and its value to them in meeting their obligations, as stated above by the chairmen.

The board got more theories and suspicions dumped on it in New Orleans but learned nothing from that hearing that it required any hearing to learn. It got no evidence at all telling it where the withheld official assassination records were.

Predictably, however, as could be predicted with any forage into New Orleans, that adventure made possible still another attempt to validate the official mythology by debunking criticism of it by Jim Garrison. Gerald Posner, who sought out fame and fortune with the designably dishonest and mistitled Case Closed had the opportunity to continue his quest for fame and fortune through assassination commercialization and exploitation. The New York Times, which raved about his dishonest book and refused to mention published refutation of it, gave him two pages in the August 13, Sunday magazine section for new criticism of Garrison.

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In advance that article was promoted by the newspaper wire services and newspapers that also refused to publish anything exposing Posner. Especially did none mention the documented criticism in my Case Open of Posner's commercialization and exploitation.

On the other side, this board not only steadfastly refused to seek actual assassination records certified as existing in sworn testimony and missing the National Archive files in which they existed, as I reported in detail both in Post Mortem, published in 1975, and in NEVER AGAIN!, published in April, 1995 ~~and which informed the board's staff a month earlier -- it failed~~ to respond to any of my letters relating to that and to other existing and suppressed evidence. Without going into all the records of which I informed the board, this particular reference is to the notes made during the autopsy performed on the President at Bethesda, Maryland Navy Hospital the night he was assassinated.

What I published also proves that there was determined official perjury about what the chief autopsy prosecutor swore he had destroyed, for all the world as though destroying any autopsy record was not strictly prohibited and not very, very wrong.

The actual records of the autopsy examination to this board are not "assassination records" but whether Oswald was under government's mind control is. This is also true of "the question of the relationship of Mexico and Cuba and where Mexico stood on the light of the New Orleans and Louisiana political community in 1963."

When the board finally got around to defining what is an "assassination record," which was several months before this New Orleans testimony and those board questions and observations it was careful to exclude by defining out what the government agencies did to those critical of the official assassination mythology. They violated the constitutional rights of writers about the assassination to interfere with their publication - even extending this to intercepting their mail to

prevent their publication - and to using "intelligence assets" for that and in criticism of published writing no in accord with the official assassination mythology.

Theses official improprieties that extended int illegalities, all related to the assassination, are not to this board so determined to restore "public trust", assassination records. But imagined mind-control of Oswald and "the relationship of Mexico and Cuba and where Mexico stood in the light of the New Orleans and Louisiana political community in 1963" are, apparently, assassination records - officially.

This could be continued at greater length with many quotations from what that board sought by inviting all the assassination nuts to tell them, giving them all that publicity and stature, but these examples, I believe, suffice for the board to have defined itself and its intentions as it sought to bring all that was "secret" to light and to restore "public trust" in government.

I am not suggesting that the members are dopes with Ph.D. degrees. They know what they are doing and they know very well what they are refusing to do. But they did find time to do Newman several favors. They did that in their first two known efforts to bring out what was supposedly assassination information to light and did it again later.

The board was so proud of both of these accomplishments it boasted about them to the media. At the same time, in the same releases, it praised the FBI and the CIA for their openness in making those disclosures.

Its March 30, 1995 release is headed, "JFK ASSASSINATION RECORDS BOARD PRAISESS  
FBI RELEASE OF RECORDS OF OSWALD INVOLVEMENT WITH CUBAN OR SOVIET  
GOVERNMENTS."

This "information" was so important, so definitive, the board did not know which government! In fact it was neither.

The text of the release is a bit more specific. Instead of stating that Oswald was "involved" with one of those governments it says instead that of the "released" documents merely that they "explored the question whether or not Lee Harvey Oswald was involved" with either of them. And that also those records do not do.

The board, through Tunheim, then boasted of its accomplishment as "another important step towards fulfilling the mandate of the 1992 law which requires the opening of the government's JFK assassination files." These are Tunheim's proud words. He adds that this release "will certainly enhance, enrich, and broaden the historical record of the assassination." Tunheim does not say how that is done. It was wise of Tunheim not to try and spell it out because it just is not so, as we see.

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