

copy to =  
4. WEISSBERG  
MARIN VOICE

# JFK's slaying: They put 'con' in 'conspiracy'

DON B. KATES

SOME PEOPLE BELIEVE that the government conspiratorially suppresses abductions of Americans by space aliens. Others believe that the LAPD framed O.J. And there are those who see conspiracy behind the assassination of John F. Kennedy, though they cannot even agree among themselves on who the conspirators were.

But any rational reader of Gerald Posner's 1993 book, "Case Closed," will conclude that Lee Harvey Oswald acted alone. He is condemned by the following summary of undisputed facts (adapted from the review Valerie Klein and I did for the American Journal of Legal History):

The night before the assassination on Nov. 22, 1963, in Dallas, Oswald made an unusual weekday trip to his wife's home, where his rifle was kept. The next morning, after leaving his wedding ring and \$170 on her dresser, he took a long paper bag to the Texas School Book Depository, telling a co-worker that it contained curtain rods. None was found.

But the empty bag found on the sixth floor bore his prints and fibers from the blanket in which he kept his rifle. The rifle was also there, bearing Oswald's palmprint and fibers from his shirt. Nearby lay his clipboard, none of his work orders having been filled.

Oswald's alibi for the shooting, eating lunch with a buddy, was contradicted by the supposed buddy, whose own story is corroborated by others who watched the presidential motorcade with him from the fifth floor. (They heard the shooter above them working the bolt and the shells hitting the floor).

Of the depository employees, only Oswald disappeared after the assassination. His erratic path took him to his roominghouse. He entered only long enough to retrieve his handgun and jacket.

Next, Dallas police officer J.D. Tippett was killed. The shells dropped from his murderer's gun match Oswald's to the exclusion of all others. Cornered in the Texas Theater, Oswald tried to shoot the arresting officer with that gun.

To dispel the overwhelming case against Oswald, conspiracy advocates must refute these facts and/or establish others. But their stock-in-trade is not facts, but questions — sinister, unanswerable and ultimately meaningless.

What was Oswald's motive? No one knows, but murderers are highly aberrant people whose motives are often unfathomable. Suppose John Hinckley Jr. had died in a shoot-out with the Secret Service: The fact that he was trying to kill President Reagan in order to impress Jodie Foster would have died with him.

Oswald exemplifies the aberrant "lone nut" assassin: bumbling, irrational, delusional, misfit; aimless wanderer; wife-bater; a miserable ne'er-do-well whose desire to be "somebody" was mocked by continual failures culminating in his dissolving marriage.

What was nightclub owner Jack Ruby's motive for killing Oswald two days later, thereby dooming himself for life imprisonment? Only fanatics could think postulating that Ruby was a Mafioso (or a CIA agent?) answers this more convincingly than Ruby's own explanation: Inspired by manic patriotism, he imagined he would be received as a national hero.

Outrage and grief engendered by prior assassinations have inspired similar deeds by similarly

# Opinion

Jeff Prugh,  
Editorial Page Editor  
Jane Fatcher,  
Editorial writer

Marin Independent Journal

"Dedicated to Marin's spirit,  
committed to Marin's future."

Phyllis K. Pfeiffer, Publisher  
Mike Townsend, Editor  
Jacquelyn M. Kerwin, Managing Editor



AP photo

NOV. 24, 1963: Lee Harvey Oswald is slain by nightclub owner Jack Ruby in Dallas, two days after police had arrested Oswald, accusing him of killing President John F. Kennedy with a rifle.

disturbed people: Garfield's assassin was shot at in his cell by a soldier who was later acquitted on grounds of insanity. John Wilkes Booth was killed against orders by a soldier who had castrated himself out of religious mania.

Without any evidence of other shooters, there is no basis for assuming guilt of anyone but (or beside) Oswald. He was too irresponsible for the Mafia, CIA, or whoever, to trust as a spy or assassin. Even as a "patsy," this erratic shirker could not be depended upon even to show up for work — much less be seen there right before and after

**Without any evidence of other shooters, there is no basis for assuming guilt of anyone but (or beside) Oswald.**

the shooting, yet accommodatingly disappear during the crucial moments!

The single-bullet theory (endorsed by all ballistics experts) eliminates the need to postulate other shooters. Despite Oliver Stone's filmmaking antics, computer simulations show that JFK and Texas Gov. John Connally were perfectly aligned for a single bullet. (Those who are interested should access Emmy-winning Dale Myers' website <http://www.rust.net/~dmyers/jfk/>)

Fanatics of the right and left happily join hands in conspiracy theories. The racist Liberty Lobby

preaches that there was no Holocaust; it says it's an invention of "the International Jews" to cover their evil-doing — including JFK's assassination, which was carried out by their minions, the CIA, Trilateral Commission and/or Israeli secret agents.

Although conspiracy fanatics Mark Lane and Oliver Stone purport to be liberals, Lane is the Liberty Lobby's legal mouthpiece; he and Stone contribute to its bizarre, racist publications. The technical adviser for Stone's 1991 film, "JFK" (and model for its Donald Sutherland character, "Colonel X"), Fletcher Prouty, sits on LL's board along with the former Grand Dragon of the Mississippi KKK.

Bigotry is a natural correlate of conspiracism. Many 19th century Americans believed that Lincoln, an economic protectionist, was assassinated by "the international Jew Bankers," led by the Rothschilds, seeking to seize control of the American economy. Other deranged bigots contended that the Catholic Church assassinated Lincoln, having secretly sponsored secession out of its alleged hostility to free institutions and thus to the United States. Then, as now, such views were buttressed by a plethora of falsehoods, e.g. that all the conspirators were Catholics.

People who believe in space aliens, O.J. Simpson's innocence or a JFK conspiracy cannot be dissuaded. But anyone interested in serious, rational answers will find them in "Case Closed."

Don B. Kates, who lives in Novato, is a San Francisco-based constitutional lawyer and criminologist.



MARIN VOICE  
Now that files  
are open, the  
case *isn't* closed

GARY L. AGUILAR, M.D.

**D**ON KATES' SPIRITED defense (Opinion, March 7) of the official version of John F. Kennedy's death — that Lee Harvey Oswald alone caused it — is uninformed as to the exciting new revelations from the Assassinations Records Review Board.

This Clinton-appointed, civilian panel of historians was established in response to Oliver Stone's 1991 film, "JFK," and is working to gather and release long lost documents, as well as review for release those currently suppressed. That so many documents are still suppressed after 33 years has fanned conspiracists' flames, and while Kates is right about the craziness of a few extremists, proof of past conspiracies abounds.

Did not our own government, overreacting to the threat of communism, repeatedly lie about the secret wars it conducted in Laos and Cambodia during the Vietnam era? Did it not perform dangerous, and wildly illegal, radiation, syphilis and LSD experiments in secret on unwitting and non-volunteer Americans? Were not illegal wiretaps, break ins and mail-openings against law-abiding citizens conducted? Did not Richard Nixon conspire with high government officials to cover up the Watergate burglary? These conspiracies were not the inventions of crazies or Warren Commission critics Oliver Stone or Mark Lane, but the conclusions of official investigations.

As one who has served as a consultant to the records review board and who has seen JFK's still restricted autopsy evidence, I'm persuaded that recent revelations from suppressed JFK files will force a reappraisal by the few in our country who still have total faith in the Warren Commission's conclusion that Oswald acted alone.

Mr. Kates mentioned that the bag found at the supposed sniper's nest ties Oswald to the crime. But two contradictory FBI lab reports on the analysis of the same paper bag have emerged — one, given by the FBI to the Warren Commission in 1964 "proving" the bag matched paper from the schoolbook depository where Oswald worked; a second, which appeared 12 years later, saying that it did not match.

Warren Commission witnesses Nelson Delgado and Wilbryn Litchfield testified under oath that the FBI and federal agents encouraged them to alter their testimonies to implicate Oswald. FBI agent James Hosty received a note from Oswald, a note he destroyed under orders from superiors. The FBI withheld the existence of Oswald's note from the Warren Commission, and, recently, Hosty said that even his own FBI personnel files on the JFK investigation were falsified. Today, we know that the FBI mishandled much more than just Oswald's note.

The FBI reported, and the Warren Commission published, the "fact" that the first two witnesses who discovered the so-called "magic bullet" — the crux of the wobbly "single-bullet theory" necessary to the official version — believed that the bullet apparently now in evidence looked like the bullet they found the day JFK was shot in Dallas, Nov. 22, 1963.

A suppressed memo from the FBI reveals that not only could neither Darrell Tomlinson nor O.P. Wright, the Parkland Hospital employees who found the bullet, identify the one currently in evidence as the one they found, neither could Secret Service agent Richard Johnson or the chief of the Secret Service, James Rowley, the next two men in the bullet's chain of possession. Given recent accusations that the FBI has falsified evidence to support criminal convictions, and documented examples suggesting just that in the JFK case, what evidence are we to trust?

Kates is quite wrong to contend that all ballistics experts have endorsed the single-bullet theory. But he could not have known — the evidence was suppressed until Oliver Stone came along. In fact, at least two experts demurred. The House Select Committee on Assassinations' trajectory-analysis expert,



# Opinion

Jeff Prugh,  
Editorial Page Editor  
Jane Fletcher,  
Editorial writer

*Marin Independent Journal*

"Dedicated to Marin's spirit,  
committed to Marin's future."

Phyllis K. Pfeiffer, Publisher  
Mike Townsend, Editor  
Jacquelynn M. Kerwin, Managing Editor



NOV. 22, 1963: On their final journey together, John and Jacqueline Kennedy arrive in Dallas. AP photo

**Amazingly ... JFK author Gerald Posner ... , even before the assassinations records board had released a single suppressed document, declared the case "closed."**

Thomas Canning of NASA, wrote: "... I did not anticipate that study of the photographic record of itself would reveal major discrepancies in the Warren Commission findings. Such has turned out to be the case ..."

If Kates is right that "only fanatics" would reject the Warren Commission's denial of a "significant link between [Jack] Ruby [Oswald's killer] and organized crime," then Notre Dame law professor G. Robert Blakey, a noted authority on the Mafia and former head of the House assassinations committee; historian Michael R. Beschloss, Reader's Digest Editor Henry Hurt, UC professor Peter Dale Scott, and respected, published authors David Scheim, Ph.D., John H. Davis, Curt Gentry, Mark North and others are certifiable. Each has argued persuasively that Ruby was indeed linked to the Mafia, which, they further persuade, the FBI never adequately investigated for the crime because J. Edgar Hoover, who had a reputation for softness on the Mafia, excluded the FBI's own experts on the Mafia from the probe.

Amazingly, Kates recommended JFK author Gerald Posner, who even before the assassinations records board had released a single suppressed document, declared the case "closed," and Oswald guilty. But there's no denying that Posner was the temporary media darling of Warren loyalists. By contrast, many published, respected authorities have cited Posner's 1993 book, "Case Closed," as one of the

least reliable books on the subject.

The autopsy report's placement of JFK's fatal entrance wound — low in the rear of JFK's head — is incompatible with someone firing into the presidential motorcade from Oswald's supposed position on the sixth floor of the Texas School Book Depository. Posner testified to Rep. John Conyer's congressional committee that he had spoken with two of JFK's pathologists. Posner informed Congress that the pathologists admitted to him they had changed their minds — JFK's fatal wound was not low, but high — a location compatible with Oswald's possible guilt.

I telephoned both of JFK's pathologists to ask them about this blockbuster news. In recorded conversations, both told me that they had not changed their minds about the low wound, and one told me twice that he had never spoken with Posner. I submitted my recordings to the assassinations records board, and I asked Posner, who has told others he, too, has recordings, to do the same. The board also has asked Posner for his proof. It has been more than a year now, and the board has received nothing.

What is important now is whether we can trust the evidence the Warren Commission relied upon, which is overwhelmingly FBI evidence — the same FBI that investigated Watergate and "proved" that the White House was innocent of any wrongdoing after what one senior Justice Department official described as "the most exhaustive FBI investigation since the assassination of President Kennedy."

It is also important, if embarrassing to our just pride as Americans, that it took an Oliver Stone film to force the U.S. government to do what it should have done without Stone — be open and accountable to us citizens.

Gary L. Aguilar, M.D., who lives in Kentfield, is chairman of the Department of Surgery at St. Francis Memorial Hospital in San Francisco and assistant professor of ophthalmology at Stanford University Medical Center and UC San Francisco.