

Congress and the JFK riddle

By Robert Sam Anson

"The Warren Commission is like a house of cards. It's going to collapse."

When he said that six months ago, Richard Schweiker sounded as if he meant it. The Republican senator from Pennsylvania looked tough, cool and confident at that press conference, even a little cocky. But, then, Schweiker could afford to be. According to the polls, disbelief in the Warren Commission Report was at an all-time high. Those who challenged the Commission's finding that a deranged lone assassin named Lee Harvey Oswald shot and killed the President of the United States could no longer be written off as paranoid fantasists. Not when members of the Commission staff itself were calling for a new investigation. Especially not when one of the Commission members joined them. That was Gerald R. Ford, the President of the United States.

So Dick Schweiker was confident, as he made the rounds of press conferences and talk shows, enjoying his new-found celebrity as the man who, after 12 years, would succeed where all the other investigators failed. After all, he had the tools: his own subcommittee, a staff, the power to subpoena and grant immunity for testimony, the run of all the classified information that had been locked away for so many years.

Those who talked to him in those early days came away impressed with his self-confidence, his determination, his guts. This was no Jim Garrison. Here was a no-nonsense, moderate conservative, a

man used to taking on tough issues, as he had taken on Nixon over Cambodia and Watergate. He was not afraid to stick his neck out. One Warren Commission critic, who had been working on the case virtually full-time since the beginning, and had been left cynical and despairing, talked with Schweiker, then started laying plans for a celebration champagne dinner. Schweiker urged them all on. The

Despite high hopes last fall, Senator Schweiker's almost completed probe of the JFK assassination is bound to disappoint both critics and supporters of the Warren Commission

life expectancy of the Warren Report, he predicted, could now be counted in months.

It hasn't worked out that way. There has been an investigation of sorts; witnesses have been called; new leads have been uncovered and pursued. At this moment, a report is being drafted, which—when it is released, probably in a couple of weeks—will, according to Schweiker, "confirm and extend a lot of what the critics have been saying." There may even be a call for a full investigation by a special congressional committee. But even that is not sure. The promised

public hearings have been forgotten. So has an additional two or three months of investigations. No major witnesses have been called. There have been no big surprises. And the Warren Report, that shakiest of constructions, is still standing, perhaps stronger now than ever.

There have been other failures, other disappointments, but, if only because of the people involved, this one is the most bitter. For if anyone should have gotten to the bottom of the Kennedy case it should have been Dick Schweiker. That he didn't says a lot about the assassination, and even more about the Congress of the United States.

There were problems from the beginning. To investigate at all, Schweiker had to get authorization from Frank Church, who heads up the Senate Select Committee on Intelligence Operations on which Schweiker sits. Church, however, was icy to the project, evidently fearing that the controversy it would arouse might jeopardize his presidential ambitions. At length, Church went along, provided that Schweiker meet the full committee's March 15 deadline.

The authorization for Schweiker to begin investigating came in late September. It was not until two months later that serious work began, and, even then, there was considerable wheel-spinning as his staff went through the routine of gaining access to classified CIA and FBI material. "Why we even wasted the time looking is a mystery to me," says one disgusted Senate staffer. "You can be sure



The two familiar photographs above, discovered by Dallas police on November 22, 1963, helped establish Oswald's guilt—although assassination researchers believe, as Oswald insisted, that they are fakes. Marina Oswald swore she had destroyed the only other similar photo. But congressional investigators have now discovered a third photo, below—which only adds to the mystery. See the box on page 27.



that if there was anything in those files that was relevant, it was put in a burn bag years ago."

Another problem was deciding what was relevant and what was not. While Schweiker's mandate was narrowly drawn—he was to examine only the performance of the investigative agencies after the assassination; and what, if anything, they withheld from the Warren Commission—the sheer bulk of the evidence, some tens of thousands of pages, was enormous. Complicating matters was the fact that neither Schweiker's personal staff nor the half dozen researchers made available to him from the Church Committee had a thorough working knowledge of the intricacies of the Kennedy case. Indeed, until November, Paul Wallich, a Wall Street lawyer who was running the investigation, had not even read the Warren Commission Report, much less the 26 volumes of testimony and evidence, the more than 170 critical books or any of the material contained in the National Archives. To a considerable extent, Wallich and his colleagues had to rely on a few of the most responsible critics, notably West Coast physicist Paul Hoch and Sylvia Meagher, author of the seminal *Accessories After the Fact*, for guidance. Such guidance, however, was nearly always provided by mail or by phone. The investigators seemed leery of becoming too closely tied to any of the critics, whatever their expertise, and turned down offers from a number of volunteers for fear that classified material would be compromised.

Instead, the investigators spent much of their time working with the FBI and CIA, the very agencies that were suspect. The CIA was especially cooperative. "They were almost anxious to show us everything they had, just so they could prove that they had nothing," as one of the investigators puts it. Some help came from unlikely quarters. None other than James Jesus Angleton, the former director of operation CHAOS, had a lengthy chat with Schweiker during which he suggested that the investigators look into Yuri Nosenko, a KGB defector who provided Oswald's Soviet intelligence file to the Warren Commission. Angleton broadly hinted that the Russians might have had something to do with the assassination, which, considering the source, was a not altogether surprising suggestion. The CIA itself detailed Raymond Rocca to guide the Senate probers through the Agency's files. It was an interesting personnel assignment, for Mr. Rocca had performed the same chore for the Warren Commission. The results in both cases were identical: The Senate

investigators, as had the Warren Commission before them, found nothing amiss in the CIA's records.

Meanwhile, at the FBI, Bureau officials footdragged and delayed, and only reluctantly gave up their files for inspection. Even then, the investigators were forbidden to make copies of Bureau reports, or even to make written notes from them. The sensitivity of the Bureau was understandable. For, unlike the CIA, congressional investigators knew, going in, that the FBI had not only withheld information from key Warren Commission staffers—notably, a 1960 memorandum from J. Edgar Hoover to the State Department warning of the possibility of an Oswald impostor—but had actually destroyed evidence: a note that Oswald had left at the Bureau's Dallas office two weeks before the assassination.

The Senate did not investigate the note; the House, however, did. California Democrat Don Edwards, chairman of the FBI oversight subcommittee of the House Judiciary Committee and himself a former FBI agent, announced that his panel would, on a small scale, try "to set the record straight on just what went on."

Schweiker was looking for one startling revelation, the smoking gun. He never found it

As it turned out, the scale Edwards had in mind was much smaller than anyone imagined: three days of public hearings in October, devoted almost entirely to the Oswald note. One other substantive matter—Jack Ruby's having worked as a Bureau informer in 1959, a fact that was withheld from the Warren Commission Report—was, despite Edwards' initial assurances, ignored almost altogether.

As for the note, the House hearings failed to establish even what was in it. They did establish, though, that no one much wanted to talk about it. James Hosty, the agent to whom the note was addressed, swore that shortly after Oswald was shot to death by Ruby, he was ordered by Gordon Shanklin, the special agent in charge of the Dallas office, to destroy the note. This Hosty proceeded to do by tearing it into small pieces and flushing it down the toilet. Shanklin, however, swore under oath that the first he had ever heard of the note was when he read about it in the newspaper 12 years later, and vehemently denied ordering Hosty to do any such thing. Clearly, someone was lying. Edwards, however, has declined to investigate possible per-

jury—"It's a very tough charge to prove in any case," a staffer explains—while, in the meantime, the Justice Department has decided that what, in effect, is destruction of evidence does not merit criminal prosecution. "Maybe it would be different if Oswald were alive," says a committee man. "But he's not. The whole thing was probably innocent. The Bureau was just embarrassed. They get embarrassed very easily."

At one point, there was some thought of probing the source of that embarrassment. The Edwards committee was especially intrigued by the possible existence of a teletype that supposedly went to the New Orleans office of the FBI shortly before the assassination, warning that there might be some sort of violent attempt against the President during his Texas trip. The authenticity of the cable has always been questioned (the FBI flatly says it never existed), but the Edwards committee decided not to go further, after a phone call came in from Hugh Aynesworth, a reporter for the *Dallas Times-Herald*. Aynesworth, according to a committee staffer, advised that there was "nothing to the story, and asked why we were wasting our time going into it." What made the advice noteworthy is that Aynesworth is not just any reporter. Through the years, he has been one of the most vociferous defenders of the Warren Commission. He has also been a source of considerable disinformation. It was Aynesworth, for instance, who, in 1963, planted the phony story that Oswald was a paid informer for the FBI. All the same, Edwards' staff took Aynesworth at his word.

By contrast, Schweiker's investigators were willing to pursue obscure leads. It was not a lack of will that bogged them down, but time. The briefness of the investigation meant that many intriguing areas of inquiry had to be abandoned. Inevitably, this led to disputes among the investigators themselves over what was important and what was not. Schweiker's personal staff, which was beefed up with the addition of a prominent investigative reporter, tended to be more "hawkish" than the investigators from the Church Committee, though how much more hawkish they could not be sure, since the committee staff, which had become almost neurotically insecure about leaks, kept them in the dark most of the time. On several occasions, though, memos from Schweiker's office to the committee staff, suggesting areas of inquiry, went unanswered and apparently ignored. The committee staff was being cautious; careful to go through channels. "To some extent," the commit-

The incriminating photos: a deepening mystery

Of all the inconsistencies uncovered by Richard Schweiker's investigation of the Kennedy assassination, none is more startling than the new photograph of Oswald (see preceding spread). In appearance, this photograph of Oswald, socialist literature in one hand, the fateful Mannlicher-Carcano in the other, does not differ significantly from the two by-now familiar pictures, which were official Commission exhibits. The trouble is that the third picture, officially at least, is not supposed to exist.

Marina Oswald, Lee's widow, testified under oath that she took the two exhibit pictures on March 31, 1963, in the backyard of the Oswalds' home in Irving, Texas. She also said that there was one additional picture, which she burned shortly after the assassination on the advice of Marguerite Oswald, Lee's mother. The two exhibit pictures were discovered by the police the afternoon of November 22 during a search of Oswald's possessions. They were reproduced widely (one graced the cover of *Life*) and played an important part in establishing Oswald's guilt. The police officers who discovered the photos swore that there were two, and only two, poses of Oswald. Obviously, someone is lying.

What makes the lie the more intriguing are the circumstances under which the third picture, shown here for the first time, came to light. The picture was among some 40 other photographs collected, apparently as souvenirs, by a Dallas police officer. He subsequently left the police force and was later killed in an industrial accident. Before he died, though, he gave the pictures to his wife and told her to keep them in safekeeping. They were "sensational," he said, and could provide the family with a fortune.

Some months ago, the widow surrendered the pictures to a pair of would-be con artists. Schweiker's staff

was tipped to the case by a Texas law enforcement official and managed to track the con men—and the pictures—down. The entire packet of photos was forwarded to the National Archives, which identified all but one of them as duplicates of photos in the Archives' possession. Only the third Oswald pose was new.

The existence of the third Oswald photograph casts further doubt on the authenticity of the other two photographs, which some critics have long regarded as fakes. Oswald himself, when confronted with one of the photographs during his interrogation, said that it was a phony, that while the head on the picture was his, the body was not, and that, given time, he could prove it.

Close examination of the photographs shows what Oswald was talking about. There are a number of problems with the pictures—the shadows under the nose, Oswald's stance, the broadness of his chin, the fact that the head size in the pictures is identical while the body is not—but the most damning is Oswald's height. By calculating Oswald's known height (5'9") against the length of the rifle (40.2"), two interesting possibilities emerge: either the rifle in the picture is two inches longer than the weapon found in the School Book Depository, or the man in the picture is five inches shorter than Lee Harvey Oswald.

Of course, if the pictures are fakes, they constitute evidence of an artfully constructed frame.

That possibility is all the greater with the sudden appearance of this third picture. Like so much else with the assassination, it poses more questions than it answers. How could the police have been mistaken about the number of pictures they found? Where did this third picture come from? And finally, what other evidence in the Kennedy case was lost, planted or stolen? — **RSA**

tee source explained, "you have to rely on the good faith of the people at the agencies." It was precisely that good faith, of course, that was in question.

Blinded or not, Schweiker's investigation uncovered nothing sinister in the behavior of the FBI and CIA, before or after the assassination. What has been assembled is a catalogue of missed opportunities, of interesting leads and bits of in-

formation that, with benefit of 12 years hindsight, clearly should have been followed up but, for some reason, weren't. "You can see how this whole thing might have gone a different way, how they might have come up with very different conclusions if they had followed some of this material up," says Schweiker. "Of course, we're only evaluating the evidence that is in the files, the

stuff that ended up in the vacuum cleaner. You wonder, looking at it, what didn't end up in the vacuum cleaner."

To try and get an answer, the investigators interviewed a number of men who operated the "vacuum cleaner." In all, more than two dozen witnesses have been questioned, nearly all of them past or present members of investigative agencies. None of them had to be served with subpoenas or granted immunity, which perhaps explains why their testimony has been so unremarkable. As far as anyone can tell, the mistakes they made in investigating John Kennedy's murder were human ones, the natural consequences of working in a bureaucracy. With few exceptions, people who actually knew Lee Harvey Oswald have not been interviewed, including, unaccountably, the person who knew him best and who herself has been the object of intense suspicion, his widow, Marina. Says one frustrated investigator: "It's maddening. The more you get into it, the more you know that something is there. You just feel it in your gut that the answer is there, but you can't get your hand on it."

The one place where Schweiker wanted to break new ground was Cuba. It is a natural place to look. Oswald himself was some sort of Cuban partisan, whether pro- or anti-Castro has never been determined. If, as has long been suspected, his chairmanship of a fictitious chapter of the Fair Play for Cuba Committee was actually a cover for intelligence work, it would, of course, throw Oswald and the assassination into an entirely different light. The trouble is that sorting out whether a man is a double agent is, as agents themselves told Schweiker, perhaps the most difficult task in intelligence work. As Schweiker himself puts it: "When you get into this stuff, you're really walking down a hall of mirrors."

The hall of mirrors turned out to be just that. Schweiker kept pursuing leads, and they kept going nowhere. There was a tale told by Clare Boothe Luce, for instance. During the early Sixties, Mrs. Luce, along with other wealthy, conservative Americans, financed an exile gunboat to raid Cuba—this at a time when Kennedy had ordered the CIA to halt all raids against Cuba. Thanks to people like Mrs. Luce, the CIA was able to get around this inconvenient prohibition. The night of the assassination, Clare and Henry were at home, watching the television reports from Dallas, when the phone rang. It was a member of the boat crew, calling to say that he knew Oswald, that he had tried to infiltrate the anti-Castro movement, had talked of killing Kennedy and was, in fact, part of a team

of hit men dispatched from Havana. Mrs. Luce's story checked out. There was indeed a boat, and one of the men who manned it was a prominent exile adventurer in Miami. There was no way, however, to prove his story. The same was also true of a story that had come to the attention of the Warren Commission 12 years before, this one told by a Cuban woman active in exile politics in Dallas. She told of meeting Oswald and two other men not long before the assassination. They had come to seek her aid in some unspecified plot, though Oswald was quoted as saying how easy it would be to kill the President. The Warren Commission, which publicly wrote off the story, was privately bothered by it, and never succeeded in explaining what seemed to be proof of a plot. Schweiker, too, was bothered. The woman was tracked down and reinterviewed. The investigators came away impressed with her credibility as a witness. She was utterly certain that the man she had met in Dallas was Oswald. Who were the other men? That was a mystery. And so there the trail ended.

On the surface, there was reason to suspect that Castro may have had something to do with the assassination. The United States, after all, was doing its best to get rid of him during the Kennedy Administration, with or without the President's permission. Indeed, five days before the assassination, Castro delivered a speech, saying that he knew of the assassination attempts against him and warning that assassinations could work both ways. At the time, few people took him seriously. Certainly, the Warren Commission, which knew nothing of the CIA's assassination plots, did not put any stock in Castro's allegations. Not until three years after the Commission completed its work, according to a report made available to the Senate Select Committee on Intelligence Operations and thus to Schweiker, was Warren told by the Secret Service of the assassination plots. By then, it was too late to do anything about it.

It was apparently that report which prompted Hank Greenspun, the publisher of the *Las Vegas Sun*, to write a recent copyrighted article alleging that Castro was behind the assassination not only of the President but probably of Robert Kennedy, too. What made the story suspicious—and easily discounted by the investigators—was Greenspun's close ties with Robert Maheu, the former boss of Howard Hughes' Nevada empire and the man who assembled the team of Mafia hit men to kill Castro.

What impressed the investigators

more was the opposite possibility: that Oswald might have been an anti-Castro agent. Their curiosity was piqued by William C. Gaudet, a man who had stood in line immediately ahead of Oswald the day he received a travel permit to go to Mexico, where Oswald hoped to obtain a visa for travel to Cuba. Gaudet's name had originally been censored from the list of names, and for good reason. For, by his own admission, he had been an employee of the Central Intelligence Agency. He also knew of Oswald and his alleged pro-Castro activities, which, in one interview, he branded as "nothing but a front." That was Gaudet's opinion. It was shared by some of the investigators. The problem, as always, was proof. Schweiker could not find it.



Senator Richard Schweiker announcing his JFK assassination probe last September.

So much was suspicious. Fair Play for Cuba itself was a puzzle, especially after investigators discovered that another one of its leading members had a background remarkably similar to Oswald's: Russian-speaker, Texas resident, supposed leftist convert who, in fact, had served in Air Force intelligence and, like Oswald, had crypto-clearance. There was one more interesting fact: in November 1963, he was in Havana, Cuba. What did it mean? Who knew.

Like an image now in focus, now out, everything seemed just beyond reach.

Schweiker came across many odd and troubling coincidences, as critics of the Warren Commission have been doing for years. What he was looking for, he

says, was something more: "One startling revelation so incredible that there would have to be a new investigation." He never found it. But, then, few people expected him to. Those who know the Kennedy case best, who have been working with it and tormented by it for years, long ago concluded that they would never find a smoking gun, that one piece of incontrovertible evidence that would finally shake the Warren Report down. The case does not work that way. It is a puzzle, an intricate mosaic of small, seemingly insignificant bits of odd detail which, when fitted together, form an image only half-complete. The rest would never be found in the National Archives, or the files of the FBI or CIA. It would take the national will to ferret them out. And, after

12 years, it is the will that is lacking.

There will be more attempts. Two House resolutions seeking a new investigation have collected more than 125 cosponsors. The final Church Committee report may stir enough interest to bring a new Senate probe. But Richard Schweiker has had his day. He does not look confident anymore. In fact, he seems drained, physically exhausted. The mail, which once ran heavily in his favor, has turned against him, as it has turned against the entire investigation of the CIA. These days there are only explanations. "He is a very direct, honest guy," one of Schweiker's friends says of him. "He thinks that if you are direct and honest, you can find the truth. Maybe he's naive. Maybe we all are." ●