

skeptic

THE FORUM FOR CONTEMPORARY HISTORY

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Opposing views on the question that keeps coming back:

Should we reopen
the investigation?

Was the Warren
Commission right?

Are the "conspiracy"
theories plausible?

Is there any
new evidence?

Featuring:
Bernard Fensterwald
James J. Kilpatrick
Sylvia Meagher
David Belin
Robert Sam Anson
Skeptic Forum

SURVIVAL HANDBOOK

How the assassination
changed your life



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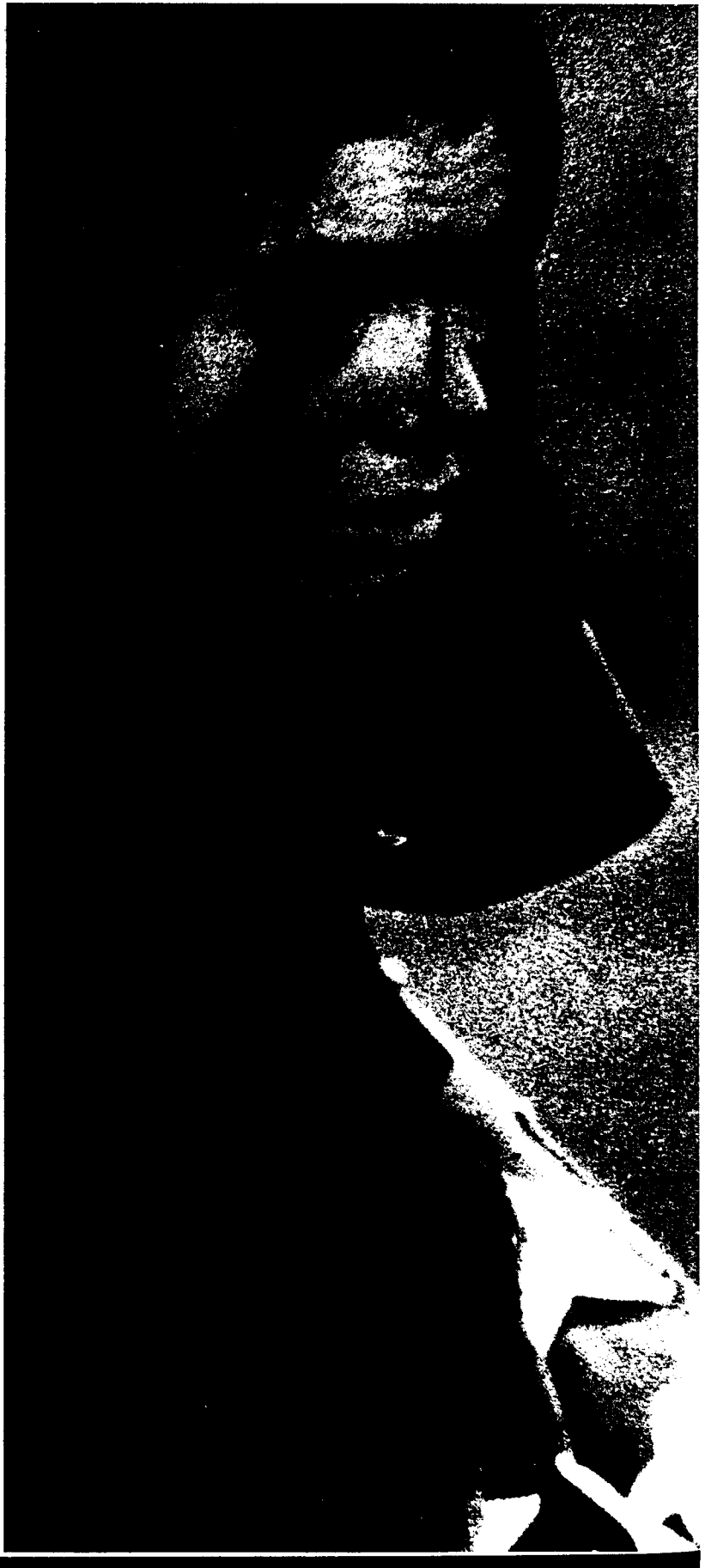
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WHO KILLED JFK?

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SKEPTIC is the journal of the Forum for Contemporary History, an independent, non-political, non-partisan organization formed to provide opportunities for the free expression of controversial and divergent points of view. Each issue of SKEPTIC examines a topic of current interest through articles and interviews which represent a broad spectrum of viewpoints. SKEPTIC exists to help clarify the most important issues of our time...to help readers understand the pros and cons, organize their thinking and develop their own opinions.

Is a breakthrough imminent? See page 8.

If Oswald wasn't alone, who helped him? The government knows, claims attorney Bernard Fensterwald in an interview with SKEPTIC, and what's more, the American people may soon learn the truth.



*When patient's
inclusion can
affect and see
two internal as
small points*



Doctored evidence: a new hypothesis. See page 25.

The Warren Commission never resolved serious conflicts between the reports of doctors in Dallas and those of the autopsy physicians at Bethesda. These conflicts suggest that *someone* altered the President's wounds.

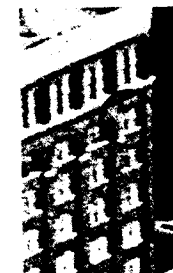
Should we reopen the inquiry? See page 34.

What do legislators think? How about presidential candidates? What is the consensus of those who served the Commission? How does the Kennedy family feel? What's the opinion of Arthur Schlesinger, Tom Hayden, Clare Boothe Luce, Melvin Belli, Sam Ervin, President Gerald Ford?



Agenda for a new investigation. See page 31.

The next investigation could pick up where the Warren Commission left off — by interviewing a number of potentially important witnesses the Commission never heard, and by following up several evidential leads that the Commission either ignored or overlooked.



Oswald did it. See page 12.

Critics notwithstanding, the fact remains that the evidence pointed to Lee Harvey Oswald and no one else — and eyewitness testimony provided more than enough corroboration. Oswald was guilty beyond a reasonable doubt.



THE QUESTION THAT KEEPS COMING BACK

Who killed John F. Kennedy? Nearly eleven years ago, the Warren Commission answered the question: Lee Harvey Oswald was the assassin, and he acted alone.

By and large, the news media accepted this verdict uncritically. Some Americans may have found it hard to believe that Oswald could have engineered the assassination by himself, but most were inclined not to challenge this conclusion. Who, after all, had a better answer?

For that matter, who has a better answer today? Although conspiracy theories abound, they remain theories; no conclusive evidence has been brought forward and no link between Oswald and any alleged conspirator has been established.

Why, then, does the question of who shot JFK keep coming back — if indeed it ever went away? Because most Americans don't believe the Warren Commission's answer.

Some attribute this to a change in the political climate: after Watergate, Vietnam and the CIA revelations, Americans are prepared not only to believe the worst about officialdom, but to reject out of hand officialdom's pronouncements. Moreover, we are in a mood to probe for the truth, consequences be damned.

Some say that we have always been hooked on conspiracies and conspiracy theories (we're still speculating about the Lincoln assassination). Some explain this tendency as a need to reassure ourselves by supplying rational explanations for what are random, irrational acts that mock our notions of an ordered world.

Others maintain that the credibility of the Commission's findings has been worn away over the years by critics — the "assassination buffs" who once were dismissed as cranks, crackpots and paranoids. Some no doubt deserved the labels, but it turns out that a good many of the critics are serious scholars who are responsible for much of what we know today about the contents of the Report and the Commission's methods and procedures.

Now the Zapruder film of the assassination has been shown on television and hawked on the lecture circuits. Public skepticism about the Commission's findings — for whatever reasons — has increased to the point where the Kennedy assassination has become a matter of public policy. At issue now: whether the investigation should be reopened.

Two resolutions to do so have been introduced in the House of Representatives. Reputable people have acknowledged doubts about the Commission's conclusions and called for a new inquiry. Candidates for national office in 1976 probably will find it difficult to avoid taking a position on the issue.

Even some former staff members of the Warren Commission have recommended reopening the investigation, not out of heresy but to put to rest widespread doubts about the Commission's performance.

The Commission is not without defenders. President Ford, who was a Commission member, reaffirmed recently that he stands behind the Warren Report. Senator Edward Kennedy and his family say they are satisfied with the official findings. David Belin, assistant counsel for the Warren Commission and executive director of the Rockefeller Commission, insists that the case against Oswald was proved beyond a reasonable doubt. In a recent television interview, Commission member John McCloy commented that he had "never seen a case more completely proven."

The case against Oswald is persuasive, if not airtight. And the problem that still confronts the critics is that there isn't a shred of evidence connecting anyone else to the crime. Only surmise, speculation, inference and hypothesis. The challenge flung down years ago by Commission member and former CIA director Allen Dulles — "If they've

found another assassin, let them name names and produce evidence" — has not been met.

To be against reopening the investigation does not, of course, require that one be a defender of the Warren Commission. Columnist James Kilpatrick, for example, admits that puzzling questions remain unanswered, but that given a choice between the conspiracy theories and the Warren Report, he'll stick with the latter.

Some say that a new investigation isn't warranted unless new evidence is turned up. Some believe that a new investigation cannot be justified because the chance is too remote that it can find out any more than the Warren Commission found out. Some think that the best thing for the country is to let the matter rest.

The critics contend that the Commission's function was more political than investigative, that its real purpose was to put an end to the rumors and speculation about conspiracies; that the Commission assumed that Oswald was the lone assassin, ignored evidence and testimony to the contrary, and constructed an improbable explanation of how Kennedy was killed in order to support what was, in fact, a foregone conclusion.

The Commission found that just three shots were fired, all from behind and above the President and all by Lee Harvey Oswald. Although the endless arguments about the number and origin of the shots may seem trivial and academic, they are right to the point. For if there had been *more* than three shots (or, of course, if any shots had come from a direction other than behind and above the presidential limousine), there must have been another gunman because Oswald's single shot rifle could not have been fired more than three times in the seconds between the first and last hits on the President (the timing has been determined from the Zapruder film). If there was another gunman, there was a conspiracy of some sort.

Doubts about the Commission's findings on the number and origin of the shots — and about numerous other areas of the Commission's inquiry, notably the autopsy — are far from frivolous. Responsible citizens, including legislators, attorneys, forensic pathologists and law enforcement officers, believe the Commission's findings are open to serious question.

Does this mean the investigation should be reopened? If one starts with the proposition that the purpose of the Commission, according to President Johnson, was to determine the truth "as far as it can be discovered," one might reasonably agree with Alexander Bickel that "...important legitimate



questions are asked that are answerable but are unanswered in the report..." and that a new inquiry is not only justified, but imperative.

What is at stake? Is the point of a new investigation to satisfy our need for the truth? How important is that need? Important enough to override other considerations, such as the reputations of valued public servants and the peace of mind of the Kennedy family? Is it enough to know that the democratic process was subverted by bullets — or must we spare no effort to ensure that we have found out *why*? Does democracy demand that of us? **E**

ASSASSINATIONS: FROM NIZAM AL-MULK TO ROBERT F. KENNEDY

A capsule history of assassinations, with special emphasis on the circumstances surrounding those in the United States.

It was the twelfth day of Ramadan in the year 1092. The Persian minister Nizam al-Mulk was being carried from the place where he granted audiences to the tent of his harem. Suddenly a man disguised as a mystic leaped from the crowd and plunged a golden dagger into the minister. The murderer belonged to a secret religious order, followers of Sheik Hasan ibn-al-Sabbah, who undertook murders of their political opponents as a sacred duty.

As an inducement for murder, these terrorists were given hashish (a concentrated form of marijuana) and thus came to be known as *hashshāshin*.¹ It is from this term, plural of the Arabic word for hashish user, that our word *assassin* is derived.

The hashshāshin gave their name to a crime that goes back at least to the ancient Greeks and Romans, who were said to have condoned assassination if it was against a tyrant. Similar justifications for assassination were offered up by certain Christian philosophers during the Middle Ages. In *Policraticus*, for example, John of Salisbury declared that tyrannicide was a "lawful and glorious act." In the modern world, however, attempts to justify assassination on moral grounds have come mainly from assassins themselves.

A listing of prominent assassinations through the centuries could almost serve as an outline of world history. Among the victims during the Middle Ages were cleric Thomas à Becket (1170), Holy Roman Emperor Albert I (1308), King James I of Scotland (1437), and three kings of England — Edward II (1327), Henry VI (1471) and Edward V (1483). Among those assassinated during the 16th, 17th and 18th centuries were notables such as Alessandro de Medici, Duke of Florence (1537), William I of Orange (1584), two kings of France, Henry III (1589) and Henry IV (1610) and King Gustavus III of Sweden (1792).

¹See Bernard Lewis, *The Assassins: A Radical Sect in Islam* (Basic Books, 1968).

The three decades prior to World War I were a heyday for assassins.² Between 1881 and 1914 ten heads of state were murdered, including two American Presidents, James Garfield in 1881 and William McKinley in 1901. The other victims were Tsar Alexander II of Russia (1881), President Carnot of France (1894), Premier Canovas of Spain (1897), Empress Elizabeth of Austria (1898), King Umberto I of Italy (1900), King Carlos of Portugal (1908), Premier Canalejas of Spain (1912), and George I of Greece (1913).

The culmination of this deadly era was the assassination of Archduke Francis Ferdinand, heir to the throne of the Austro-Hungarian Empire, on June 28, 1914. The Archduke and his wife were fatally wounded in Sarajevo, capital of the recently annexed provinces of Bosnia and Herzegovina, by a Serbian nationalist, Gavrilo Princip. The crime, which triggered the outbreak of the First World War, was engineered by a secret terrorist society which hoped to loosen Bosnia's ties with the Empire and bring about its unification with Serbia.

A majority of assassinations were impelled explicitly by political motives. Julius Caesar, for example, was killed by a group of friends and Senators who feared the consequences of his dictatorial powers. Thomas a Becket was assassinated as a result of his resistance to the efforts of King Henry II to limit the power of church law. Jean Paul Marat, one of the leading figures of the French Revolution, was stabbed to death in his bath by a young follower of an opposing political faction, the Girondins, shortly after Marat had ordered the arrest of the Girondin leaders. Russian revolutionary Leon Trotsky was assassinated in 1940, while in exile in Mexico, to silence his criticisms of political rival Joseph Stalin.

Different Pattern in the U.S.

The pattern of assassinations in the United States has been somewhat different. In most cases, attacks against

(continued on page 44)

²John Williams, *Heyday for Assassins* (William Heinemann, Ltd., 1958).



who's who

THE WARREN COMMISSION

Earl Warren. Appointed head of the Commission by President Johnson. Former Governor of California, Warren served 16 years as Chief Justice of the Supreme Court before retiring in 1969. He died in 1974.

John Sherman Cooper. When he served on the Commission, Cooper was a Republican Senator from Kentucky. In 1974, he became the first U.S. Ambassador to East Germany.

Richard B. Russell. Democrat Russell served on the Commission while Senator from Georgia. In 1970, he expressed doubts that Oswald could have planned the assassination by himself. Russell died in 1971.

Hale Boggs. Congressman Boggs, a Louisiana Democrat and Majority Whip, had begun to express reservations about the Commission's conclusions before his death in a light plane crash in Alaska in 1972.

Gerald R. Ford. Then a Republican congressman from Michigan's 5th District, President Ford supports the Commission's findings.

Allen W. Dulles. Director of the CIA from 1953 to 1961, Dulles was instrumental in building the Agency to the powerful force it has become. He died in 1969.

Eisenberg is presently professor of law at Boalt Hall, University of California at Berkeley.

Burt W. Griffin. Assistant Counsel. Now judge at the Ohio Court of Common Pleas in Cleveland, Griffin has said that he wants "an appropriate public forum" to reassert what he believes to be the Commission's overwhelming case.



RANKIN



RUBY



BELIN



YARBOROUGH

J. D. Tippit was shot by Oswald, whom he had stopped for questioning less than three quarters of an hour after the assassination. **John B. Connally.** Then Governor of Texas, Connally was riding in the presidential limousine at the time of the assassination. He sustained serious injuries from wounds which, according to the Commission Report, came from the first bullet which passed through President Kennedy's neck. Connally, now a Houston attorney, claims that he was hit by a separate second bullet but endorses the findings of the Commission.

Jack Ruby. A nightclub owner, Ruby shot Oswald in the Dallas police station before a national television audience. Ruby was tried, found guilty and sentenced to death, but died of cancer before his sentence could be carried out.



MARGUERITE & MARINA OSWALD



THE WARREN COMMISSION: DULLES, BOGGS, COOPER, WARREN, RUSSELL, McCLOY, FORD.

John J. McCloy. McCloy had previously been U.S. Commissioner in postwar Germany, President of the World Bank and Chairman of the Board of Chase Manhattan Bank. He is now an attorney in New York.

STAFF OF THE WARREN COMMISSION

J. Lee Rankin. General Counsel of the Commission, Rankin was Solicitor General under President Eisenhower. He is now an attorney in New York.

David W. Belin. An Assistant Counsel, Belin has been one of the Commission's most vocal defenders. Earlier this year, he served as General Counsel of the Rockefeller Commission to Investigate CIA Activities. Belin is an attorney in Des Moines, Iowa.

Melvin A. Eisenberg. Assistant Counsel.



SPECTER



TIPPIT

Arlen Specter. Assistant Counsel. Specter has repeatedly defended the Commission's case against the critics. He now practices law in Philadelphia, where he was once District Attorney.

ASSASSINATION AND AFTERMATH

J. D. Tippit. According to the Warren Commission Report, Dallas Police Officer

Lyndon B. Johnson. As Vice President, Johnson rode two cars behind the President in the motorcade. It was President Johnson who convened the Warren Commission "to ascertain, evaluate and report upon the facts relating to the assassination. . . ." But in an interview shortly before his death, Johnson voiced his belief that the entire assassination story had not been told.

Ralph Yarborough. As a Democratic senator from Texas, Yarborough rode in the Johnson limousine during the motorcade. Never wholly satisfied with the Commission's findings, Yarborough, now practicing law in Austin, has called for a new investigation.

COMMISSION WITNESSES

Marguerite Oswald. Lee Harvey Oswald's mother. Mrs. Oswald maintained that her son was a government agent and has steadfastly proclaimed his innocence. The Warren Commission considered her a most "uncooperative" witness.

Marina Oswald. Oswald's Russian-born widow, now living in the Dallas area with her third husband. In its efforts to link Oswald with the rifle and establish a pattern of suspicious behavior, if not a motive, the Commission relied heavily on Marina Oswald's testimony.

BERNARD FENSTERWALD

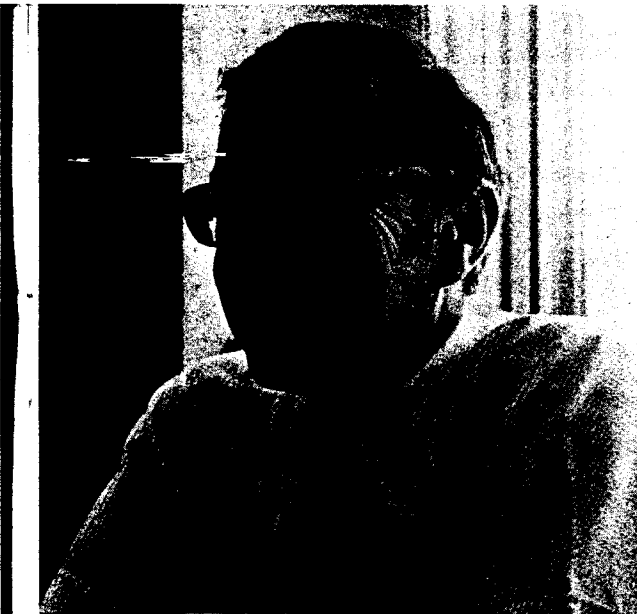
Who killed President Kennedy? The government knows, claims Warren Commission critic Bernard Fensterwald, and it probably won't be long before the American people find out

In a few months, a clutch of presidential candidates will hit the campaign trail accompanied by squads of Secret Service agents. But despite the elaborate precautions that will be taken to protect them, none will be safe from a determined assassin.

According to Bernard Fensterwald, one of the most respected critics of the Warren Commission, it is primarily for this reason — the threat that bullets may again decide who governs America — that we must reopen the investigation and solve the assassination of John F. Kennedy.

Fensterwald is convinced that there was a conspiracy, that the conspiracy was covered up to conceal the truth from the American people, that the government knows the truth and that the case shouldn't be particularly difficult to crack, even at this late date. He offers no opinion on the identity of the conspirators; he believes that the job of the critics "is simply to demonstrate clearly that the Warren Commission's solution is a fairy story..."

In the course of his 18 years in Washington, Fensterwald, 53, an attorney and specialist in international law, has worked for the State Department (in Washington and at the United Nations), defended the State Department's "old China hands" against the McCarthy committee and served as counsel and foreign policy advisor to



Senators Estes Kefauver, Edward Long and Thomas Hennings. He was James McCord's attorney in the Watergate investigations, and he currently represents James Earl Ray, the convicted assassin of Martin Luther King.

For reasons that go well beyond his personal stake in the case against James Earl Ray, Fensterwald believes that there should be new investigations of the murders of Martin Luther King and Robert F. Kennedy, and of the attempt on George Wallace's life.

To further this cause — and bring together many of the assassination critics — Fensterwald formed in 1969 the Committee to Investigate Assassinations, an organization devoted mainly to research, study and exchange of information.

Time and the relentless digging of the assassination critics have eroded the authority of the Warren Commission and its report. Today, less than one quarter of the population believes the Commission's findings. Even some of those involved in the Dallas trip and the investigation itself have expressed discontent with the official version. Jesse Curry, the former Dallas police chief who rode near the front of the motorcade that fateful day, acknowledged recently that "No one has been able to put (Oswald) in that building with the gun in his hand."

How likely is a new investigation? Interviewed by SKEPTIC Contributing Editor Ron Ridenour, Fensterwald is optimistic not only that the hearings will be reopened, but that this will happen before the coming election.

SKEPTIC: *Who do you think killed John F. Kennedy?*

FENSTERWALD: I haven't the faintest notion.

SKEPTIC: *Was Lee Harvey Oswald involved?*

FENSTERWALD: I don't think there's any question that Oswald played a role in it. But there's no clear evidence whether he did or did not fire a gun that day. One thing is clear — if he was one of the gunmen, he was aided by at least one other because of the number of shots that were fired.



"From statements made by President Johnson in the period after he left office until he died, it's quite clear that he feared a nuclear war, deliberately set about covering up what happened in Dallas and talked the Chief Justice into helping him."

SKEPTIC: *All the conspiracy theories are based, in part, on trying to refute the Warren Commission's finding that President Kennedy was shot from the back by Oswald. Could he have done it?*

FENSTERWALD: If he fired a gun at all, Oswald fired a Mannlicher-Carcano, which is a poor \$19.95 World War II Italian rifle. There are millions around the world. It's a single shot, bolt action rifle. So he would have had to reload and aim after every shot. The world's greatest experts have tried duplicating the feat within the 5.6-second time span prescribed by the Warren Commission. They have done it, although under much different conditions than Oswald supposedly did. But no one has been able to reload and fire a fourth shot within that length of time. We know that if the Warren Commission is correct, there had to be only three shots. In fact, there were at least four and probably more. One shot hit Kennedy in the back. In all likelihood, that is the shot that exited from his throat. Many people will argue that he was hit in the front of the throat. But in any event, there is an entry wound in his back. Another shot went through his head some seconds later. One shot, a third, hit the curb, splattered and injured a bystander. And at least one shot hit Governor Connally, went through his chest, broke a rib, went through his wrist and then into his thigh.

SKEPTIC: *Doesn't the Warren Commission claim Connally was hit by a bullet which went first through Kennedy?*

FENSTERWALD: If you look at a picture of the Kennedy automobile and if you look through the scope of a rifle from "Oswald's" window, it would have to be the shot that hit Kennedy in the back and exited his throat — coming downward and to the left — because the other bullet hit him in the head. Most of it is still there. The first bullet, if that was the one that went straight on through and exited the neck, either would have hit Mrs. Connally or the floor or the side of the car, depending on what the angle was. But it would not

have hit Governor Connally, who was sitting directly in front of Kennedy, in the right armpit. To do that, the bullet would have had to stop in midair, take a 90-degree turn to the right, stop two feet later, take a 90-degree turn to the left, and then go through the Governor. I'm sure the Commission regretted saying that, because there has not been one ballistics expert in the country who has said it was possible. Even those who have tried to defend the Commission say that they simply can't explain it and it just didn't happen that way. Furthermore, there's no lead missing from the "magic" bullet except the bit taken for testing. In other words, Commission exhibit number 399 is a phoney.

SKEPTIC: *What are your theories about the assassination?*

FENSTERWALD: I don't have any theories. I don't think it is the job of Warren Commission critics, particularly private citizens who don't have subpoena powers, to come up with answers about who is responsible. Our job is simply to demonstrate clearly that the Warren Commission's solution is a fairy story and that the case has to be reopened and properly investigated.

SKEPTIC: *What in your opinion was the Warren Commission's role?*

FENSTERWALD: Its role was to cover up. That's all it was supposed to do. The conclusion was reached immediately after Ruby shot Oswald, if not before. The story was to be that there was one lone nut killer, and the Commission was to gather evidence to support that. It took the evidence that supported the thesis and ignored everything that didn't fit: the magic bullet; the witnesses who saw Jack Ruby at various places



"I don't think it is the job of Warren Commission critics, particularly private citizens who don't have subpoena powers, to come up with answers about who is responsible. Our job is simply to demonstrate clearly that the Warren Commission's solution is a fairy story..."



where the Commission says he wasn't; the witnesses who heard more than three bullets, some coming from directions other than the Texas School Book Depository building.

SKEPTIC: *Wouldn't a number of people find it hard to accept the idea that the widely respected Supreme Court Chief Justice was a principal in a coverup?*

FENSTERWALD: He happened to be one of my idols, and I was very fond of him. I talked to him about the Commission, but he wouldn't discuss any of the details of its work.

SKEPTIC: *Why do you think Earl Warren played this role?*

FENSTERWALD: From statements made by President Johnson in the period after he left office until he died, it's quite clear that he feared a nuclear war, deliberately set about covering up what happened in Dallas and talked the Chief Justice into helping him. Johnson had strong suspicions that Oswald had foreign connections, and that if it had come out that he wasn't a lone nut — that Fidel Castro or the Russians were behind him — the thing could have escalated into World War III. I don't know if that's a logical conclusion, but Johnson did cut off a Senate investigation and the Texas investigation. He cut off every investigation except his own.

SKEPTIC: *Do you consider it possible that Johnson thought Oswald was working for an American government agency, such as the CIA or FBI?*

FENSTERWALD: There's a great deal of evidence that he had some connection with those agencies. Johnson was very fearful that the

"I think Hoover knew a great deal more about this murder than he ever said. The FBI did not operate in a normal fashion during the investigation, I guess, because the Bureau itself was one of the "defendants" in the case."

conspiracy was much wider. There were a number of unusual things that took place at the time. Nearly the whole cabinet was out of the country on a flight to Hawaii. Besides the President and the Vice President, who were in Dallas, only Robert Kennedy and one other cabinet member were here. After the murder, everyone in the U.S. armed forces throughout the world was put on immediate alert.

SKEPTIC: *Within three years of the assassination, 17 witnesses — all of whom had evidence contrary to the Commission's conclusions, were found dead in various circumstances. The actuarial odds against that happening apparently are 100 trillion to one. Isn't this something the government should look into?*

FENSTERWALD: If the government were to admit that any of these deaths were other than accidents, it would have to reopen the whole case. Whether the government had anything to do with the murders or not, there would be a clear admission that there was a conspiracy. A case in point is James Garrison's chief target, David Ferrie. Ferrie had known Oswald since he was about 15. Ferrie died in New Orleans of unknown causes in the middle of the night. On the same night about 1,500 miles away, in Miami, one of Ferrie's close friends, Eladio del Valle, also died. Valle owned a plane which Ferrie flew over Cuba on bombing and leafletting missions. He was shot through the heart and had his head cleaved open with a machete. And that has been an unsolved murder on the books of the Miami police ever since.

Ferrie was to have been arrested, arraigned and charged with conspiracy in the death of President Kennedy. He had been under investigation and strain. A week before he was due to be arrested he asked Garrison for protection. Garrison put him in a hotel with guards. Ferrie's nerves calmed down and he left the hotel. Soon after returning to his apartment, he was found dead. One of the strangest things about it was that a reporter from
(continued on page 48)

Assassination sensationalists
notwithstanding, Oswald was guilty
beyond a reasonable doubt

THE WARREN COMMISSION WAS RIGHT

David W. Belin

The assassination critics have successfully duped a large body of world opinion into questioning the validity and veracity of the Warren Commission's findings, claims David W. Belin. The evidence pointed to Lee Harvey Oswald and no one else, and eyewitness testimony provided more than enough corroboration.

As an assistant counsel to the Warren Commission, Belin contributed significantly to the part of the Report which deals with "determination of who was the assassin." He stands behind his work and word, and has become not only one of the most

vocal supporters of the Commission but the critics' number one bête noire. Belin, who practices law in Des Moines, served recently as executive director of the Rockefeller Commission. This article has been excerpted from his book November 1963: You Are the Jury, which was published on the tenth anniversary of the assassination and from which Belin has donated all royalties to charity. The book is written in the format of a jury trial in which Belin asks the reader to serve as a member of "the jury of world opinion."

The Rosetta Stone to the solution of President Kennedy's murder is the murder of Officer J. D. Tippit. To paraphrase Professor Hugh Trevor-Roper, once the "hypothesis is admitted" that Oswald killed Patrolman J. D. Tippit, there can be no doubt that the overall evidence shows that Lee Harvey Oswald was the assassin of John F. Kennedy.

The murder of J. D. Tippit is virtually an open-and-shut case because Oswald was apprehended with the murder weapon in hand. Johnny

Reprinted by permission of Quadrangle/The New York Times Book Company from November 1963: *You Are the Jury* by David W. Belin, Esq. © 1973 by David W. Belin.

Calvin Brewer testified that he saw Oswald duck into Brewer's storefront area as police sirens approached and then saw him leave and sneak into the Texas Theater. Brewer followed Oswald into the theater and had the cashier call the police. As a policeman approached, Oswald pulled out a revolver.

Carrying a concealed gun is a crime. The fact that Oswald had such a weapon in his possession and drew it is in itself highly suspicious. Irrefutable scientific evidence proved that this revolver to the exclusion of all other weapons in the world was the weapon that discharged the cartridge cases that





witnesses saw the murderer of Officer Tippit toss away as he left the scene of the murder.

Taxicab driver W. W. Scoggins testified that he saw the murder and hid by the side of his cab as Oswald trotted by within 12 feet of Scoggins. Ted Callaway testified that he gave chase to Oswald, and Sam Guinyard, along with Callaway and Scoggins, identified Oswald as the gunman in a police lineup. Helen Markham, who witnessed the murder from across the street, and Barbara Jeanette Davis and Virginia Davis, who saw Oswald cut across their lawn and toss cartridge cases in the bushes, also identified Oswald as the gunman.

The combination of Oswald's actions at Brewer's shoe store and in the theater and the scientific ballistics testimony linking this gun with the murder of Tippit would of itself be sufficient. When you add to all this the positive identification by six independent eyewitnesses, there can be no doubt that Oswald killed Officer Tippit.

With the knowledge that Oswald had the capacity to kill, and with the additional knowledge that the pistol used in the Tippit murder was purchased by mail order under the same alias and sent to the same post office box in Dallas as the Kennedy assassination rifle, No. C-2766, the evidence in the murder of John F. Kennedy is placed in clear perspective.

The starting point is the testimony of Howard Brennan, who saw the gunman take aim and fire the last shot. Brennan's testimony is reinforced by the newsmen in the motorcade, including Robert Jackson and Malcolm Couch, who saw the rifle being withdrawn. It is also reinforced by Amos Euins, who saw the rifle, and by the testimony of the three employees watching the motorcade on the fifth floor, below the assassination window. Harold Norman heard the cartridge cases hit the floor above him and also heard the bolt action of the rifle. His

testimony is reinforced by the testimony of Bonnie Ray Williams and James Jarman, Jr.

As Brennan and Euins reported their observations to the police, the Texas School Book Depository was searched. In the southeast corner of the sixth floor immediately above Harold Norman, three cartridge cases were found. In the northwest corner of the sixth floor near the stairway, a 6.5 mm. Mannlicher-Carcano rifle, serial No. C-2766, was found stuffed between boxes. In the presidential limousine, two bullet fragments of sufficient size to be ballistically identifiable were found. In Parkland Memorial Hospital, a nearly whole bullet rolled off a stretcher used to carry Governor Connally.

Scientific ballistic evidence proved that the cartridge cases found at the southeast corner of the sixth floor of the Depository, the two ballistically identifiable bullet fragments in the front seat of the presidential limousine, and the bullet found at Parkland Memorial Hospital all came from that rifle, No. C-2766, to the exclusion of all other weapons in the world.

Who was the owner of that weapon? Lee Harvey Oswald. Oswald had purchased the rifle through the mail from Klein's Sporting Goods in Chicago. He used the alias of A. J. Hidell, the same alias used to purchase the pistol. This same man, Oswald, closely met the physical description of Howard Brennan as Brennan saw the gunman fire the last shot. Oswald had ready access to the sixth floor of the Depository, and he was the only employee who was inside the building at the time of the assassination who had access to the sixth floor and who left the building shortly after the assassination.

Where did Oswald go? He boarded a bus. But instead of waiting for a bus to pass in front of the Depository, he walked seven blocks east to board one. The bus he boarded was not the one that went right by his rooming house. Rather, he took the first available bus,

which came no closer than seven blocks from the house. And when that vehicle became stalled in traffic, he got out and hailed a taxicab that took him near his rooming house in the Oak Cliff section of Dallas, where he undoubtedly picked up his pistol and then left hastily toward an unknown destination.

The absence of Oswald from the Depository was first noted by his fellow employees. They called this to the attention of the police officers searching the crime scene; the officers went to the police station, intending to

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send other officers to Oswald's residence to pick him up for questioning. When the officers got to the police station, they found him already there; he had been apprehended in connection with the murder of Officer Tippit.

Oswald's rifle had been stored, wrapped in a blanket, in a garage of the Ruth Paine residence in the Dallas suburb of Irving. Oswald's wife and children were staying with Ruth Paine and ordinarily Oswald would visit them on weekends. However, on Thursday night, Nov. 21, Oswald varied his regular pattern and rode home with Buell Frazier. Oswald said he wanted to pick up some curtain rods for the room in which he stayed during the week. The next day Oswald carried a long package wrapped in brown

paper into the Depository — a package that Frazier thought contained curtain rods. However, the room where Oswald was staying already contained both curtains and curtain rods.

At the assassination window at the southeast corner of the sixth floor of the Depository a large homemade paper bag was found. The paper was of the same type used to wrap books in the Depository. It was of sufficient size to carry the disassembled rifle and it contained a fingerprint and palmprint of Lee Harvey Oswald.

A number of days after the assassination, the clipboard that Oswald used to fill orders of books was found with some unfilled book orders dated Nov. 22. The clipboard was found in the northwest corner near the back stairway — only a few feet from where the rifle, No. C-2766, had been discovered.

President Kennedy was struck twice — the first shot striking him in the back of his neck and exiting from his throat and the second striking him in the back of his head. The fibers on the back of President Kennedy's coat were pointed inward and the fibers on the front of his shirt were pointed outward. The autopsy physicians traced the path of the bullet through the President's neck and the autopsy X-rays disclosed that there was no missile inside the President's body. Wound ballistics tests showed that the bullet that struck President Kennedy's neck had entered at a velocity of approximately 1,900 feet per second and exited at a velocity of nearly 1,800 feet per second. Where did that bullet go?

It did not hit the presidential limousine, because any missile of that velocity striking the limousine would have caused substantial damage. The only damage to the limousine was relatively minor and included damage to the inside of the front windshield, further evidence that the shots had come from behind.

At the time the first shot struck President Kennedy, the presidential limousine was approximately 180 feet

from the southeast corner window of the sixth floor of the Depository. The four-power scope on the rifle made the actual distance appear to be only 45 feet — 15 yards.

The autopsy showed that the second shot to hit President Kennedy came from the rear and above. At the time the fatal shot struck President Kennedy, the presidential limousine was 265.3 feet away from the southeast corner window of the sixth floor of the Depository, or approximately 88 yards. Through a four-power scope, this made him appear only 22 yards away. The trajectory was almost a perfect line shot as the limousine slowly headed down Elm Street toward the freeway at a speed of 11.2 miles per hour.

Sitting directly in front of President Kennedy was Governor Connally. At the time the shots were fired Governor Connally was in the same trajectory line as President Kennedy, with relation to the southeast corner window of the sixth floor of the Depository. All of Governor Connally's physicians agreed that he was struck by one shot fired from above and behind. Governor Connally's physicians, as well as the wound ballistics experts at Edgewood Arsenal, agreed that Governor Connally's wrist had not been struck by a pristine bullet. The trajectory line of the shot, coupled with the medical testimony, the autopsy testimony and the wound ballistics experiments, and the fact that Governor Connally was sitting directly in front of President Kennedy led to the obvious conclusion: The bullet that exited from the front of President Kennedy's neck at a velocity of nearly 1,800 feet per second struck Governor Connally.

The bullet that hit Governor Connally was the nearly whole bullet found at Parkland Memorial Hospital. The total amount of material from the bullet that remained in Governor Connally was measured in micrograms — less than one grain in total, according to the reports of physicians

who operated on Governor Connally's wrist and thigh.

Some witnesses at the scene of the assassination thought they saw a puff of smoke near the grassy knoll. However, no one saw a rifle, except in the upper floor of the Depository; no one found any cartridge cases, except on the sixth floor of the Depository; and the only bullet or bullet fragments found came from that rifle, to the exclusion of all other weapons in the world.

When the Dallas police came to the Irving residence and asked about the

There never was any question in my mind that the seven Commissioners, as well as all the lawyers working with the Commission, had absolute integrity in seeking the truth.

location of a rifle, Marina Oswald pointed out a blanket roll in the garage. When the blanket was opened, the rifle was gone. Also found were two photographs and a negative of a picture taken of Oswald holding the rifle and having a pistol at his side. Scientific evidence showed that the picture negative was taken from Oswald's camera, to the exclusion of all other cameras in the world.

When Oswald was interrogated, he denied owning a rifle; he denied having purchased the rifle from Klein's Sporting Goods; he denied that the picture of him with the rifle and pistol was a true picture but rather said it was a composite; he denied having carried a long package into the Depository on the morning of Nov. 22; and he said that at the time of the assassination he was having lunch with "Junior." The

only employee known as "Junior" was James Jarman, Jr., who was watching the motorcade from the fifth floor.

Despite Oswald's denials that he shot Officer Tippit and President Kennedy, when you put all of these facts together and couple these facts with the evidence showing Oswald murdered J. D. Tippit, there can be no reasonable doubt that Lee Harvey Oswald murdered John F. Kennedy.

We found no evidence of any conspiracy involving any third party, particularly Jack Ruby. We found that Ruby was truthful in his testimony and in his polygraph examination when he said that he had shot Oswald to save Jacqueline Kennedy the hardship of going to Dallas and testifying at a trial of Oswald. We found innumerable instances of "happenstance," all of which reinforced our conclusion that there was no conspiracy.

But what about the assassination sensationalists who say there was a rifleman shooting a rifle that no one sees and that leaves no cartridge cases and leaves no bullets? This is the heart of the claims of assassination sensationalists typified by the film producers Lane and deAntonio. I was contacted by these producers in a letter dated July 7, 1966:

Dear Mr. Belin,

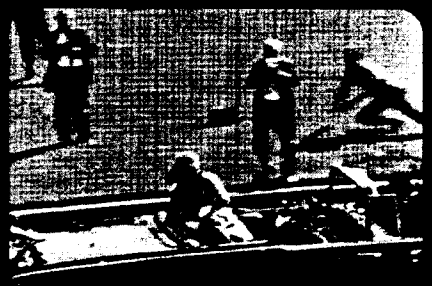
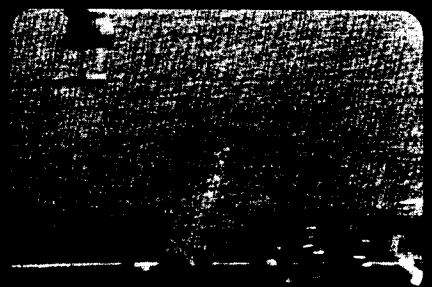
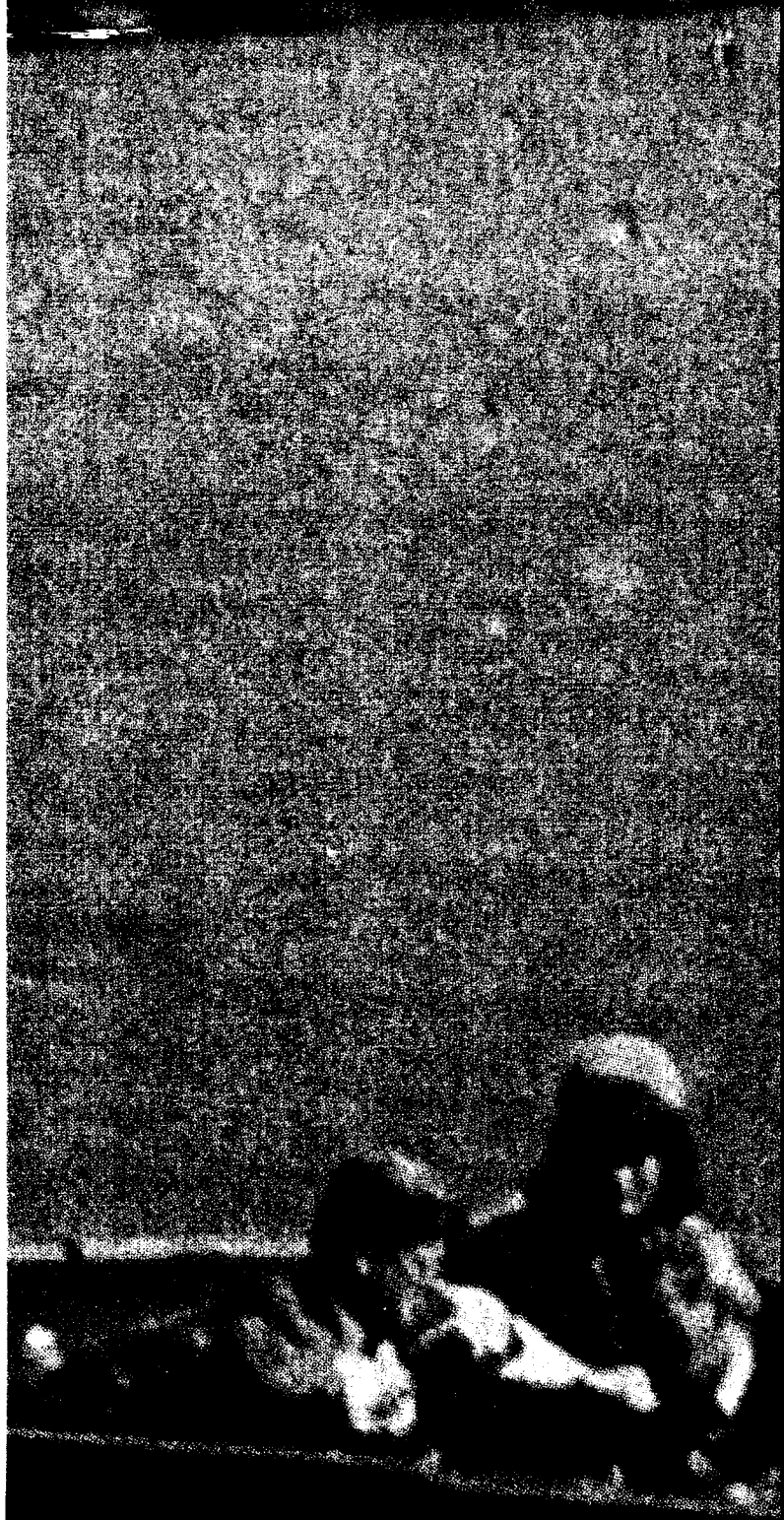
We are completing a film on the assassination of President Kennedy, its aftermath, and "The President's Commission on the Assassination of President John F. Kennedy." The film, which is composed of interviews with witnesses in Dallas as well as stock footage, attacks both the methods and conclusions of the Commission.

We offer to screen a pre-release version of the film for you, and also offer you the opportunity to rebut the film on camera — with the understanding that anything you say on camera will be used intact without any cuts, additions or deletions on our part.

Sincerely,

/s/ Mark Lane; /s/ Emile deAntonio

Because all of us who served with the Warren Commission were familiar
(continued on page 51)



Why the Warren Commission
deserves to be disbelieved

THE GREATEST COVER-UP OF ALL

Robert Sam Anson

What the Warren Commission had going for it, in the opinion of Robert Sam Anson, was not what it said but the distinguished members who said it. That kind of authority doesn't carry much weight with most Americans these days, not after Watergate and Vietnam. But all the authority in the world may not have saved the Commission, whose contentions have tended to disintegrate under the

pressure of inspired scrutiny.

In this article, condensed from the April 18, 1975 issue of New Times, Anson reviews and sums up the case against the Warren Commission. Now at work on a book of his own about the Kennedy assassination, Anson is Executive Producer of Special Events for WNET Public Television in New York and a contributing editor for New Times.

It was one of those coincidences. No one could have known that the bus would be stopping in front of Jacqueline Kennedy's apartment at precisely the moment she would be walking through the front door on her way to yet another funeral, but there bizarrely, macabrely, it was: the bus with the big ad spread across its side, announcing in two-foot-high letters that "Lee Harvey Oswald Was Innocent." For a moment, there was an embarrassed silence. All that indicated recognition was a slight widening of the eyes and an almost imperceptible tightening of the muscles of her face. And then she was gone, disappearing in her limousine.

Even now, 11½ years since that sunny day in Dallas, it is the murder no one will ever forget. Two Presidents have come and gone, a war, rebellions, changes without number. And still the image persists. A young President, pledged "to do better," riding in an open limousine, waving to cheering crowds. A turn, then another turn, and the car is heading past a tall building,

slowly gliding toward the tunnel that lies just beyond a grassy knoll. The wife of the governor turns toward him and smiles. "You can't say the people of Dallas don't love you, Mr. President." There is no answer, only a sharp, popping noise, a sound like firecrackers. In that moment everything changes.

The furies that were released with the assassination of John Fitzgerald Kennedy have never gone away. Nor have the doubts that have surrounded the circumstances of his killing. The Warren Commission's verdict that a "deranged" young man named Lee Harvey Oswald, acting alone, murdered President Kennedy and seriously wounded Governor John Connally, only to be killed himself two days later by another deranged, lone assassin named Jack Ruby, raised as many questions as it answered. Two years after the publication of the Commission's findings — a report and 26 volumes of documents and testimony, based on 25,000 interviews — the Gallup and Harris polls found that nearly two-thirds of the American

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people disbelieved its conclusions.

They were not the only doubters. Lyndon Johnson, who had appointed the Commission, went to his grave believing that his predecessor had been the victim of a "communist" conspiracy. John Connally loudly proclaimed his objections to the Commission's finding that he had been wounded by the same bullet that had allegedly passed through the President's throat. The Commission's version of Connally's wounding was crucial, since, as one Commission lawyer put it, "more shots means more assassins." Several members of the Commission itself were less than convinced of the accuracy of the report they signed. Representative Hale Boggs of Louisiana, a Commission member, was particularly upset by many of the findings and wanted to issue a minority report, until the Commission agreed to insert "probables" in front of many items that had been marked certainties. Similarly, the late Senator Richard Russell, who had been placed on the Commission in deference to his power as chairman of the Armed Services Committee, made slight secret of his disenchantment with the Commission's report and encouraged private investigators to challenge its findings. "I never believed that he [Oswald] did it without any consultation or encouragement whatsoever," Russell said in 1970. "Too many things caused me to doubt that he planned it all by himself." And then there were the witnesses to the assassination itself. Fifty-two of them insisted that at least some of the shots that killed President Kennedy came from in front of him, from the direction of the infamous grassy knoll. The Commission discounted all of them.

Small wonder, then, that the Commission's report proved a breeding ground for skeptics. In the years immediately following the assassination, 26 books and dozens of articles, some of them serious, some simply scurrilous, challenged the finding that Oswald acted alone or, in the opinion of many of the doubters — including

Mark Lane and Sylvia Meagher, author of the seminal *Accessories After the Fact* — at all. By 1967, the holes in the Warren Commission Report had become so numerous and obvious, and the public furor about them so great, that several congressmen were demanding a new investigation. Then, another one of those coincidences. In New Orleans a district attorney named Jim Garrison, a figure of large ambition and unsavory reputation, indicted Clay Shaw, director of the New Orleans Trade Mart, for conspiracy to murder John Kennedy.

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Garrison claimed that Shaw was the ringleader of a CIA cabal. He proved only that Clay was a devotee of kinky homosexuality. After a ludicrous trial, in which Garrison made almost no attempt to produce evidence, Shaw was acquitted. Subsequently, Shaw died and Garrison was driven from office. The Warren Commission's critics were scattered in disarray.

Now the critics have returned, stronger than before. Armed with sophisticated new technology and a raft of Freedom of Information lawsuits, they have uncovered additional evidence pointing to the existence of a conspiracy — a conspiracy in which Lee Harvey Oswald was not involved, if indeed there ever was a Lee Harvey Oswald. Within the last few months, Congressman Henry Gonzalez, a Democrat from San Antonio, has introduced a resolution calling for a congressional investigation of the

assassination. A petition backing it has collected more than 250,000 signatures on the West Coast alone. A bootlegged copy of the long-suppressed Zapruder film, showing President Kennedy being driven violently backward by a shot that rips off the top of his head, has been shown on national television twice. Perhaps most significant of all, the Justice Department, according to reliable sources, has very quietly begun a high-level, internal review of Oswald's background. In the past, rumors have circulated that Oswald was an agent of one or more intelligence agencies, perhaps including the FBI. Now, the rumors are taking on some substance.

Much of the evidence that is being gone over today is precisely the same ground that the critics went over a decade ago. What has changed is belief. The strongest selling point of the Warren Commission is not what it said but the people who said it: some of the most respected men in the land, among them the chief justice of the United States, a director of the CIA and a man who a decade later would assume the presidency, Gerald R. Ford. If a senior public figure stated something in 1964, there was a tendency to take him at his word. In the aftermath of Watergate and Vietnam, few people are prepared to believe anything that comes out of Washington.

The proposition that Oswald *wasn't* acting alone has always seemed a little crazy. Because, if he wasn't, then there must have been a *conspiracy*, a word that does not go down easily among many Americans. And, if there was a conspiracy, then there must have been an effort to cover it up, an effort so monumental that it would have had to include the Dallas police, the CIA, the Secret Service, the FBI and, yes, possibly the President of the United States. Ten years ago, that was a little hard to swallow. Even now, it is a story one would rather not believe. But there are the questions that won't go away. And there is Watergate: a conspiracy

involving the CIA, the FBI, the Department of Justice and, yes, the President of the United States. Suddenly, it becomes possible.

The Commission and the Critics

Impossible, said the Commission, from the moment it began its work. Conspiracy was the one thing the Commission did not want to hear, much less discover. Earl Warren, who had accepted the chairmanship of the Commission only after considerable arm-twisting from President Johnson, made it clear at the first, secret staff meeting of the Commission that his mission and theirs was more political than investigatory. He had taken the job, Warren told the Commission, because the President had convinced him that if rumors about a conspiracy were not squelched, it could conceivably lead the country into war.

Thus, under extreme political pressures, the Commission set about its task. With no investigative staff of its own, it relied on the FBI and CIA to do its field work for it. At times, the reliance proved embarrassing, as when the FBI report came in stating that President Kennedy and Governor Connally had been wounded by separate shots. The FBI version of the President's wounds also differed sharply from the Commission's version, which later was condemned by the American Academy of Forensic Pathologists as being so incomplete and sloppy as to be no autopsy at all. The FBI's placement of the President's wounds — one in the head, another some six inches below the neck — made the Commission's scenario of events untenable. Secret Service men who witnessed both the shooting and the autopsy also placed the back wound well below the neck, as did the autopsy doctors' own diagram. The President's jacket and shirt also showed a bullet hole just beneath the shoulder. Faced with such evidence, the Commission chose the only practicable course: it ignored it.

Instead, the Commission's junior lawyers came up with their own theory of the assassination, one contradicted by ballistics findings, autopsy results and the testimony of every witness to the actual event. In time, it came to be called "the magic bullet theory."

Simply stated, the Commission found that three bullets were fired that day in Dealey Plaza, all from the rear. The final, fatal shot hit the President in the back of the head. The second shot missed completely and struck the pavement, wounding a bystander. The

The most serious investigators of the assassination are reluctant to point a finger anywhere. They are also the most pessimistic that the real murderers of John Kennedy will ever be found.

first, the "magic" bullet, struck President Kennedy in the back just below the neck, passed through his neck into the back of Governor Connally's rib and out his chest below his right nipple, and continued on to strike his wrist, finally winding up in Connally's thigh. In short, one shot, seven holes.

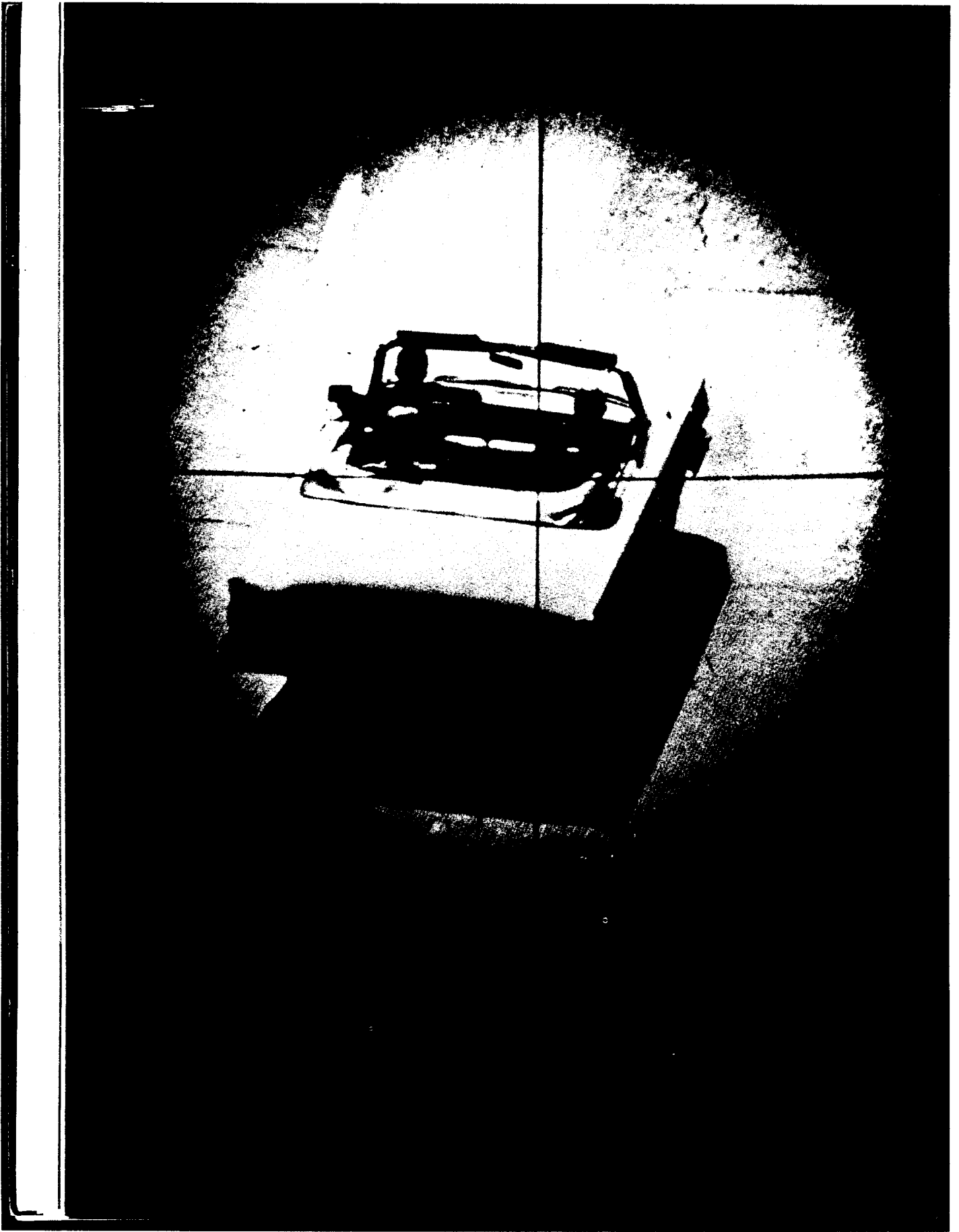
If there were only one assassin, firing from the sixth floor of the School Book Depository, the Commission's theory made sense. Indeed, it was the only theory that could account for a lone assassin, since the alleged murder weapon, a 1940 vintage Italian-made Mannlicher-Carcano, was a clumsy, single shot, difficult-to-operate weapon. Tests conducted by the Commission determined that it was physically impossible to shoot and load the Carcano more than three

times in the 5.6 seconds between the first time the President was hit and the final, fatal shot.

The trouble began when the Commission attempted to duplicate Oswald's alleged marksmanship. First, they found that the rifle was fitted with a left-handed scope; Oswald was right-handed. Then, too, shims had to be inserted to make the scope accurate. Ignoring the fact that Oswald's Marine records showed him to be a poor shot, the Commission had three master marksmen from the National Rifle Association recreate the events in Dallas by hitting a level, stationary target. None of them could. Of course, Oswald could have been lucky. As for the one and a half seconds that elapse between the time the Zapruder film shows the President to be hit and Governor Connally bunching up and slumping over, the Commission suggested that Connally was merely experiencing a "delayed reaction" to having his chest torn open by a high-powered rifle bullet.

Totally inexplicable is how the bullet that purportedly did all this damage (and was later conveniently discovered on the governor's stretcher in a corridor of Parkland Hospital) emerged so miraculously intact, virtually undeformed, with only 2.5 grains missing from its normal weight. The Commission itself had a similar bullet fired into the wrist bone of a cadaver and found that the bullet was mangled.

The most damning evidence, though, comes from the most unlikely source: J. Edgar Hoover. In a letter to the Commission not included in the original 26 volumes of evidence and testimony, Hoover reveals that the magic bullet and bullet fragments were subsequently subjected to spectrographic analysis. That test, Hoover reports, was inconclusive. However, there was an additional test, a neutron activation analysis, a highly sophisticated technique that measures the differences in material that has been bombarded with radiation down to
(continued on page 53)



Despite the deluge
of conspiracy theories, the case
against Oswald is still totally convincing

DISCOUNTING THE CRITICS

W. David Slawson and Richard M. Mosk

Understandable as the renewed speculation on the Kennedy assassination may be in the light of recent revelations about the CIA, the fact remains that the case against Lee Harvey Oswald was thoroughly convincing. In this article condensed from the Los Angeles Times, May 11, 1975, W. David Slawson and Richard M. Mosk, who were attorneys on the

Warren Commission staff, review the evidence and conclude that the critics have produced nothing which lends credence to any conspiracy theory, or which should warrant reopening the investigation.

Slawson is now a professor of law at the University of Southern California and Mosk practices law in Los Angeles.

There were always those who believed there was a conspiracy to assassinate President Kennedy, and many of these persons brushed aside the report of the Warren Commission, which found no evidence to support the conspiracy theory and concluded that Lee Harvey Oswald acted alone.

Recently, talk of plots to assassinate foreign leaders and investigations into what role, if any, the American CIA may have had in such plots, has revived speculation over the Kennedy assassination.

The conspiracy theory persists partly because some persons find it difficult to believe that such a momentous act could be done so capriciously, and by such an insignificant, hapless man as Lee Harvey Oswald.

Few persons not familiar with the Warren Report realize the large number of chance occurrences underlying the assassination. It is very unlikely that Oswald would ever have killed Kennedy had the President not

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gone to Dallas when he did and passed the building in which Oswald was working. At the time Oswald took his job, there was no way of knowing that the presidential parade route would go right by the building in which he worked, or that there would be a presidential parade at all in the foreseeable future in Dallas.

The night before the assassination, Oswald hitched a ride with a friend out to a suburb to see his wife, Marina, from whom he was then separated. He begged her to come back and live with him. He offered to rent an apartment in Dallas for the two of them *the next day*. She refused. The next morning Oswald left his wedding ring and almost all his money on the dresser, and departed with the same friend for work, with the rifle dismantled and concealed in a package. Kennedy might be alive today had Marina relented.

Allegations concerning CIA activities in the late 1950's and the 1960's have created added doubts, because the CIA assisted the Commission in its

View from the sixth floor window of the Texas School Book Depository as seen through a 35 mm camera mounted in front of a four power telescopic gun sight, the kind found on Oswald's rifle. The car and passengers are at approximately the same position on Elm St. as was the President's car when the fatal shot was fired. UPI

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investigation. However, the CIA was only one such outside source of assistance, and it was not the most important one. (The most important was the FBI.) Moreover, the Commission double-checked and cross-checked all significant information among a variety of sources — governmental and private.

The principal reason for the criticisms and conspiracy theories, however, is the breadth of the Warren Report. The published materials comprise 27 volumes. The National Archives contain additional material, which has for the most part been made public. Critics of the report, by selective and inaccurate citations, have turned this vast amount of material against the Commission.

The Commission took testimony from over 500 people. Thousands more were interviewed or gave affidavits. The FBI alone conducted approximately 25,000 interviews. As is true with even the simplest accident case, some people's reactions, memories, observations and actions were imperfect.

For example, critics have claimed that one of the doctors who worked to save the President's life said the wound on the President's throat was an entry wound, which if true would prove that there was a second gunman since Oswald was behind the President.

What these critics fail to disclose is that the doctor, at a raucous news conference right after the President died, said that it was possible that a bullet had entered the throat. He later testified that at the time he made the remark, he had not seen the wounds on the back of the President. Although the throat wound could not thereafter be definitely analyzed, because of the tracheotomy which this doctor, among others, had performed, other doctors later said the wound probably was an exit wound.

The Commission, on the basis of this and other expert testimony, fiber analysis of the clothes, the location of bullets and other evidence concluded

that the hole in the throat was an exit wound, which would demonstrate that the bullet came from the rear where Oswald was located.

Quite apart from eyewitnesses, the evidence supporting Oswald's guilt is overwhelming. Ballistics evidence demonstrated that Oswald's rifle was the murder weapon; Oswald's prints were on the rifle; hand-writing analysis of order forms and pictures of Oswald with the rifle demonstrated that the rifle was his; the rifle was found in the building where Oswald worked and where Oswald was seen shortly before the shooting; his prints were located in

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the part of the room where the rifle and spent cartridges were found and from which witnesses saw the rifle protruding at the time of the assassination; X-rays, photographs and the autopsy show that the bullet came from the area where Oswald was located; after the shooting, Oswald promptly left the premises and resisted apprehension by killing a policeman. Finally, he lied about a number of facts during his interrogation.

Thus, the claims that the rifle was inaccurate, that the shot was difficult, that Oswald was a poor shot and that stress analysis tests of Oswald's voice allegedly show him to have been telling the truth when he denied his guilt are all unpersuasive in light of so much uncontroverted evidence. These claims, even in isolation, are misleading:

Oswald was a former Marine and hunter. He practiced with the rifle when he was a civilian. Tests showed that his rifle was sufficiently accurate. The shot was not particularly difficult. It was from a stable, prepared position at a target moving 11 m.p.h. almost straight away at a range of 177 to 266 feet. The rifle had a telescopic sight. The voice stress analysis has not achieved general acceptance as a reliable lie detector test.

Most critical commentaries focus on suggestions that there had to be at least two gunmen.

One of the oldest claims is that Oswald could not have fired three shots in the time he had and have two of them hit the President. The Commission utilized the film of the event by Abraham Zapruder to determine that the interval between the two hits was between 4.8 and 5.6 seconds (the exact time is not determinable since the first shot hit the President while a road sign was between him and Zapruder's camera).

Some have said that 4.8 to 5.6 seconds is too short a time for three shots to be fired and two of them to hit. But the time interval is between two shots — the two that hit — not three. The Commission found the evidence inconclusive as to whether, of the three shots fired, it was the first, second or third that missed. Since the time interval is that *between* the two shots which hit, Oswald had all the time he needed to fire the first shot. A period of 4.8 to 5.6 seconds is ample time for aiming and firing one shot — the second one that hit.

The evidence concerning the wounds conclusively dispels the idea of shots from the front, another part of the conspiracy theory. The wounds both slanted *downward* from Kennedy's back. This is clear beyond doubt from the autopsy and from the photographs and X-rays of the body. The photographs and X-rays are still not open to public view, because of Jacqueline Kennedy Onassis' wishes, but to doubt the evidence of the

wounds is to label as liars the doctors who examined the body, the pictures and the X-rays for the Commission. The inward pointing of the threads of the back of Kennedy's clothing and the outward pointing of the threads in the front of his clothing demonstrate that the bullet which first hit him entered from the rear and exited from the front. Since the car was approaching a low underpass, a bullet from any direction would in all probability have been going downward, and would have hit the car after leaving Kennedy. All the bullet damage to the car was in front of Kennedy, which is consistent with a bullet entering from the rear.

A great deal of publicity has been given recently to the claim that Kennedy must have been hit from the front because the Zapruder film shows his head jerking back.

A careful analysis of the film, frame by frame, demonstrates that, in fact, the head jerks back not when the bullet hits it but slightly later. Actually, at the time of the hit, the President's head appears to move slightly forward and the sprayed flesh also moves forward. The jerk, therefore, cannot have been a momentum reaction. It must have been a neural or muscular reaction caused by either bullet or by a reaction to some other stimulus.

Many critics have pointed to a rough sketch of the location of the neck wound and to the location of the bullet hole in the President's shirt and suit jacket as proving that the rear wound was lower on the President's body than the wound in front. From this it follows, supposedly, that some other gunman must have been firing in a downward direction from the front.

But the best evidence of the wound's location is the autopsy records and the photos and X-rays of the body itself. These unambiguously show the rear wounds higher than the wound at the front. The rough sketch was just that: rough. The holes in the shirt and jacket seem to indicate a low wound on the body only because the clothing, when photographed, was laid flat and

because, presumably, when the President was sitting in the car his clothing was slightly bunched up his back.

Critics have criticized the "single-bullet theory," which is the Commission's conclusion that the first bullet passed through the President and also hit and eventually came to a stop in Governor Connally. Why anyone should think it unlikely that a rifle bullet should go through one man and hit another, when the men were sitting close together, escapes us.

Of course, it was difficult for the Commission to reconstruct exactly

The fact
that the recovered bullet
that apparently went through
both Kennedy and Connally
was not greatly distorted
itself actually supports
the single-bullet theory.

what the path through both men was, but a reconstruction proved possible, and the conclusion that it was a single bullet which hit both men makes, by far, the most sense in the context of all the other evidence. No bullet was left inside the President; the nature of the President's wound shows that the bullet that made it was hardly slowed down and so must have been stopped by something else, but there was no appreciable damage to the car in front of the President; the films show Connally to have been hit at or near the same time as the President; the nature of Connally's wounds show that he, too, was hit from the rear.

The fact that the recovered bullet that apparently went through both Kennedy and Connally was not greatly distorted itself actually supports the single-bullet theory. In order that a

bullet be recovered without being greatly distorted, it must be brought to a slow and gentle stop. By going through two men, and by tumbling end over end through flesh and muscle and by glancing off, rather than penetrating, large bones, the bullet was brought to a slow and gentle stop and so was able to emerge in a relatively unscathed condition.

The photographs supposedly showing shadowy outlines of gunmen in the bushes or trees actually show this only to someone with a wild imagination. What they really show are only shadows such as can be seen on almost any photograph taken from a distance of trees or shrubbery.

* * *

The time has come for everything on the assassination in the National Archives to be made available to the public, unless its disclosure can be shown to be definitely detrimental to the national security. However, out of deference to the Kennedy family and common decency, no one should be permitted to make duplicates of the X-rays or photographs of the President's body.

We do not believe that a reopening of the inquiry, in the sense of establishing a new commission to carry on its own investigation or to hear argument from private investigators, would serve any useful purpose.

The legitimate interest of the American people in knowing as surely as possible that they have found out the whole truth can be served, we think, by the creation of special limited new investigations if and when a need for one of them arises. For example, investigations have ensued into the question as to whether the CIA may have failed to disclose fully all relevant information to the Warren Commission in an effort to cover up its own involvement with an assassination attempt on Castro. ■

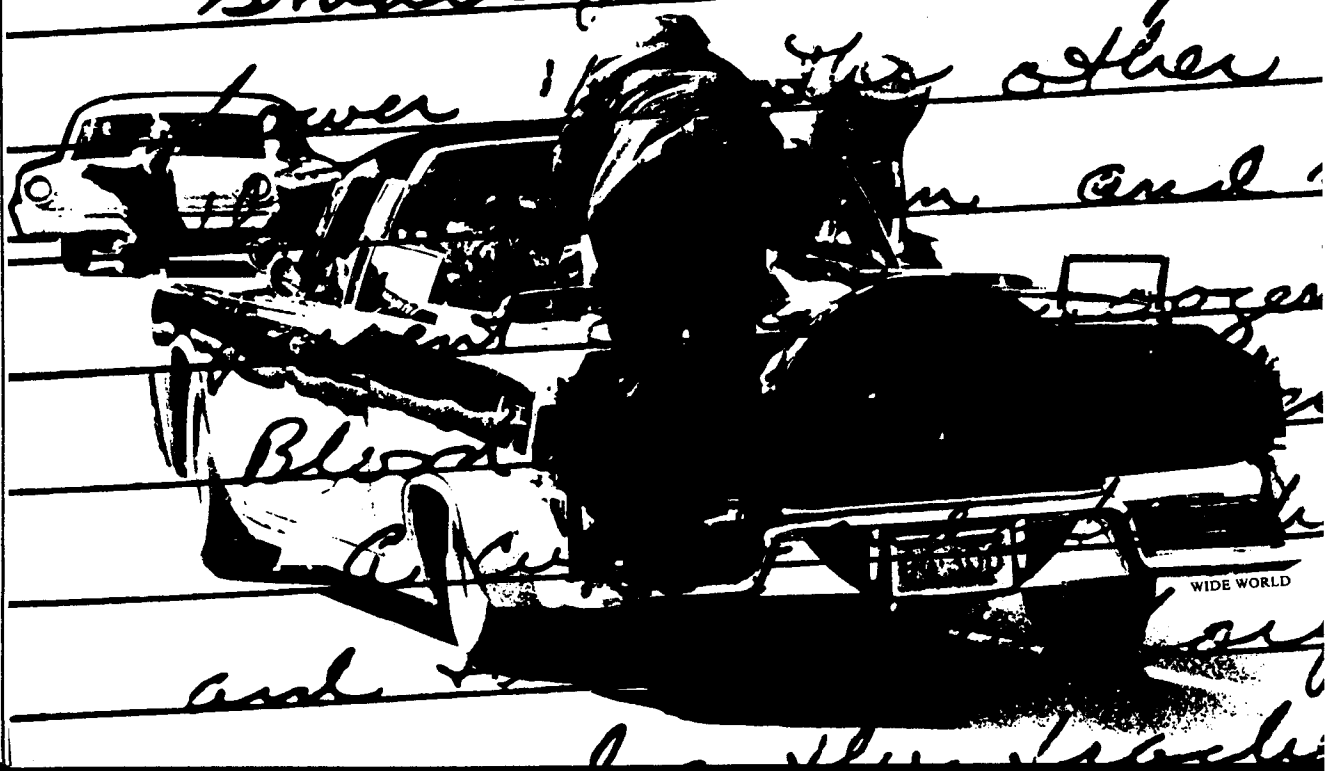
BERKLAND MEMORIAL HOSPITAL

ADMISSION NOTE

J. F. KENNEDY

DATE AND HOUR: 11/22/63 1620

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The Warren Commission's
most serious error . . . and a hypothesis
that can be tested

DID SOMEONE ALTER THE MEDICAL EVIDENCE?

Fred T. Newcomb and Perry Adams

When Warren Commission members relied on the Bethesda autopsy report and testimony of the autopsy physicians instead of examining the evidence themselves, they made what may be their most serious mistake. In doing so, they failed to resolve dramatic conflicts between the doctors at Parkland Hospital in Dallas and those at Bethesda Naval Hospital. These contradictions either discredit or implicate some of the doctors, or point to a conspiracy by others to alter President Kennedy's wounds, thus eliminating evidence which could have

led to the assassination conspirators themselves.

Perry Adams, editor of Probe, an investigative newspaper in Santa Barbara, and Fred T. Newcomb of Van Nuys, California, an advertising art director, have devoted nine years of independent study to their theory, which they explain and document in their manuscript, Murder from Within (1974). In this article, they discuss the core of their theory — the evidence that the President's wounds were altered — and show how their conclusions can be put to a simple test.

President John F. Kennedy once said, "Before my term has ended, we shall have tested anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain. The answers are by no means clear."

He was far more prophetic than he imagined. The nation was tested severely in Dallas on November 22, 1963, and in the years that followed. The outcome is by no means certain, not as long as the threat remains that our government can be changed by bullets and the truth concealed from the public. And the myriad questions posed by the events of that day have never been satisfactorily answered.

The Warren Commission was supposed to have settled the matter. It concluded that Lee Harvey Oswald shot the President and that there was no evidence of a conspiracy. But after years of intensive study and investigation, innumerable critics and independent researchers contend that there must have been at least one other gunman and therefore a conspiracy of some sort to assassinate the President. Such theories usually have resulted from closely reasoned challenges to the Commission's findings that there were just three shots, all from Oswald's rifle.

Our research indicates that the Commission's findings are vulnerable in another important respect, and that by inference, the presumption of a

conspiracy to assassinate is even more compelling. It is possible to follow a trail of evidence and testimony which leads inescapably to the conclusion that there must have been a conspiracy to alter the most important single piece of evidence — the President's body — and thus disguise the nature and origin of his wounds.

Support for this conclusion comes from the Warren Commission's hearings and exhibits. Verification lies in the National Archives; it is necessary only for the right people to see certain evidence.

about the throat wound as an entrance wound resulting from a pistol shot at close range. Dr. Malcolm O. Perry of Parkland said that the wound was only "a few millimeters in diameter" (a millimeter is equal to 4/100ths of an inch). Dr. Perry made a cut of a few millimeters across the throat and into the windpipe in order to insert a tracheotomy tube. But even after the tracheotomy, the wound in the neck was recognizable as a gunshot wound (Figure 2).

Rear Admiral George G. Burkley, President Kennedy's physician, veri-

"Dr. Perry said the entrance wound — which is the medical description — the entrance wound was in the front of the head." The Secret Service was supposed to furnish the Warren Commission with media recordings of the press conference, but apparently it never did. Furthermore, according to the National Archives, "No tape recordings or transcripts of the interviews with doctors at Parkland Memorial Hospital, Dallas, Texas, have been found in the Commission's records."

The Bethesda autopsy report mentions no wound in the front of the head

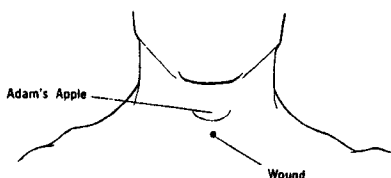


Figure 1. Neck wound as it appeared before tracheotomy at Parkland Hospital; referred to as an "entrance" wound by Dr. Akin and Dr. Perry.



Figure 2. Neck wound after tracheotomy cut by Dr. Perry at Parkland Hospital.

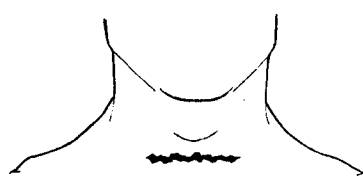


Figure 3. Neck wound described by doctors at Bethesda Naval Hospital. Warren Commission concluded that it was an "exit" wound.

Conflicting Medical Reports

One of the Warren Commission's most serious errors is that it failed, as the *Journal of Forensic Sciences* put it, to "... attempt to establish a chain of evidence to discover whether or not the body arrived at the Bethesda Naval Hospital in largely the same condition as it left Dallas (as any court would be required to do)..."

Had the Commission done so, it could scarcely have failed to note the numerous and dramatic conflicts between the observations and medical reports of doctors at Parkland Hospital and those of doctors who performed the autopsy at Bethesda.*

Throat Wound

At Parkland, doctors found a small wound in the front of the President's neck, centered below the Adam's apple (Figure 1). Dr. Gene C. Akin talked

fied the President's death but failed to mention the throat wound in the Certificate of Death he signed.

At Bethesda, autopsy physicians described the same wound as nearly *three inches long*, "... with widely gaping irregular edges" (Figure 3). They recognized that a tracheotomy had been done, but one of the three autopsy physicians, James J. Humes, had to telephone Dr. Perry at Parkland to find out if the neck wound was caused by a bullet.

Wound in Left Temple

Dr. Robert N. McClelland of Parkland, in his medical report, stated that "the cause of death..." was from "... a gunshot wound of the left temple." Dr. Marion T. Jenkins testified that he saw blood in the hairline of the left temple. The priest who administered the last rites to the President, Oscar L. Huber, also saw the wound over the left eye.

Regarding the news conference at Parkland on the afternoon of November 22, the Associated Press reported,

at all, let alone a wound of the left temple — even though a chart of the President's skull sketched by autopsy physician J. Thornton Boswell (Figure 4) may indicate not only its presence, but also the fact that it was enlarged to three centimeters (about an inch).

Wound in Right Rear of Head

According to Dr. Charles J. Carrico at Parkland, the bullet exited on the right rear side of the head, taking away scalp and skull some *two inches* in diameter. At Bethesda, Dr. Humes observed that the diameter of this wound was *five inches*. No doctor reported performing any surgery on the head. But two FBI agents who were assigned to attend the autopsy reported that "... surgery of the head area, namely, in the top of the skull" had been performed. So much of the skull was missing that the brain could be lifted out *without further surgery*.

Back Wound

The Warren Commission concluded that the back wound was the entrance wound and that it aligned with the

*If the new President and the Secret Service had followed Texas law (the only law which then applied), the autopsy would have been performed at the morgue in Parkland Hospital. The Secret Service was reminded of this by the Dallas coroner, but nevertheless seized the President's body and removed it to Bethesda Naval Hospital.

throat wound. The Parkland doctors found no back wound. But a very shallow hole, penetrating the back at a depth of about a finger length, was reported in Bethesda. It lacked any metallic fragments. According to Admiral Burkley, Dr. Boswell and the FBI agents, the location of the hole was at the third thoracic vertebra — about a fourth of the way down the back — and matched the holes in the President's shirt and coat.

Dr. Humes was skeptical about this back wound. When he talked by telephone with Dr. Perry about the throat wound, he asked if Parkland doctors "... had made any wounds in the back."

Later, the position of the wound changed. Rear Admiral Calvin B. Galloway, commanding officer of the Bethesda autopsy physicians, located it four inches higher (which aligned it with the throat wound). Admiral Burkley and Dr. Humes concurred with Admiral Galloway. The autopsy pictures — ostensibly of the President, but not identifiable as such or technically authenticated — which were viewed by a panel of doctors in 1968 reflect Admiral Galloway's positioning of the back wound.

How Truthful Were the Doctors?

There are other conflicts, too numerous to explore here, between what the doctors at Parkland and those at Bethesda saw. What seems clear is that the reports of the Parkland doctors would not have sustained the conclusion that the President was shot from the back — the conclusion which lies, of course, at the very heart of the Warren Commission's contention that the assassination was the work of Lee Harvey Oswald alone.

On the other hand, after the alleged alterations were made, the nature of the wounds (i.e., whether they were entrance or exit wounds) became sufficiently ambiguous to allow for a case to be made that the President was

shot from behind.

The autopsy report supported the latter conclusion (though visual evidence of the assassination — the Zapruder film — failed to confirm it). The autopsy doctors submitted their individual reports and charts to Admiral Burkley, who was by then President Johnson's physician. Bur-

equally possible — and somewhat more plausible — to assume that the doctors in each group were telling the truth about what they observed? And that the President's body was altered after it left the view of the Parkland doctors and before it reached the autopsy doctors at Bethesda?

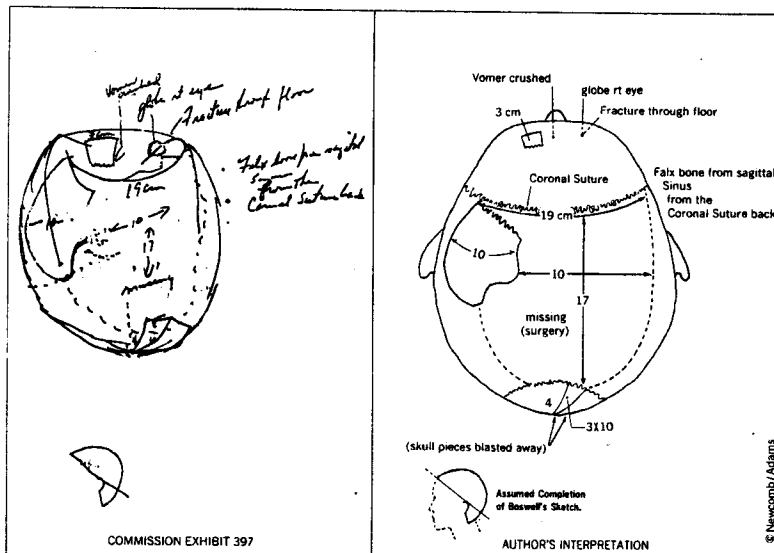


Figure 4. Top view of President's skull drawn by Dr. J. Thornton Boswell, one of the three autopsy physicians at Bethesda, showing three-centimeter wound in left forehead. No mention of this wound appears in the autopsy report.

key authorized changes and approved revisions of these documents. How many rewrites were necessary before an acceptable report was produced is unknown. We do know that Admiral Burkley "accepted and approved" Dr. Humes' destruction of "... certain preliminary draft notes..." Unaccountably, Burkley's handwritten authorization was removed from the published documents although it remains on the original which is on file at the National Archives. The Warren Commission failed to take testimony from Admiral Burkley and never asked Dr. Humes why he burned his notes or what they contained.

To some, the foregoing may suggest that one of the groups of doctors either lied, tampered with the evidence or was grossly incompetent. But isn't it

How This Theory Can Be Tested

The Secret Service had custody of the body during this period. But who had access to it? If, as it appears, the wounds were altered to disguise the origin of the shots, whose interests would have been protected or served? Find those beneficiaries and you find the conspirators.

Had the Warren Commission been struck by the contradictions among the medical observations and alert to the implications, it might logically have asked the same questions. But the Commission, apparently, either failed to note the discrepancies or discounted them. In any case, although the Commission could have examined the autopsy materials and pictures first (continued on page 61)

JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

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ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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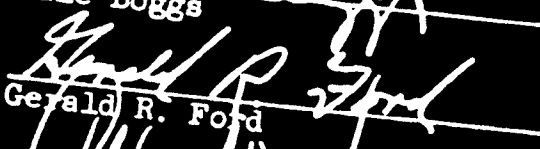


September 24, 1964

The President
The White House
Washington, D. C.

Dear Mr. President:

Your Commission to investigate the assassination of President Kennedy on November 22, 1963, having completed its assignment in accordance with Executive Order No. 11130 of November 29, 1963, herewith submits its final report.

Respectfully,


Earl Warren, Chairman

Richard B. Russell

John Sherman Cooper

Hale Boggs

Gerald R. Ford

Allen W. Dulles

John J. McCloy

Are the conspiracy theories really any more believable than the Warren Report?

THE DISSENTERS ASK TOO MUCH

James J. Kilpatrick

Important questions about John F. Kennedy's assassination remain unanswered, but in view of what the conspiracy theorists ask us to believe, syndicated columnist James J. Kilpatrick is inclined "to stick with the Warren Report." Besides, he asks in his May 27, 1975 column, if a new inquiry were to be made, where would we find an investigative body objective enough to satisfy both the defenders and the critics?

John F. Kennedy, had he lived, would have been 58 on May 29. He died, as we know, nearly 12 years ago, the victim of assassination. The anniversary of his birth offers an opportunity for a few observations on the burgeoning demands for a new investigation of his death.

These demands are cropping up everywhere — in Congress, on college campuses, in popular magazines. Watergate left a fertile soil behind: it is just right for the growing of cover-up theories. These have taken root, and they are flowering.

Kennedy died of bullet wounds suffered at 12:30 p.m. on Nov. 22, 1963, as he was riding in a motorcade in Dallas. Shortly before 2 p.m., following the fatal shooting of police officer J. D. Tippit, police arrested Lee Harvey Oswald and charged him with both crimes. Less than 48 hours later, Oswald himself was slain by Jack Ruby, a night club operator.

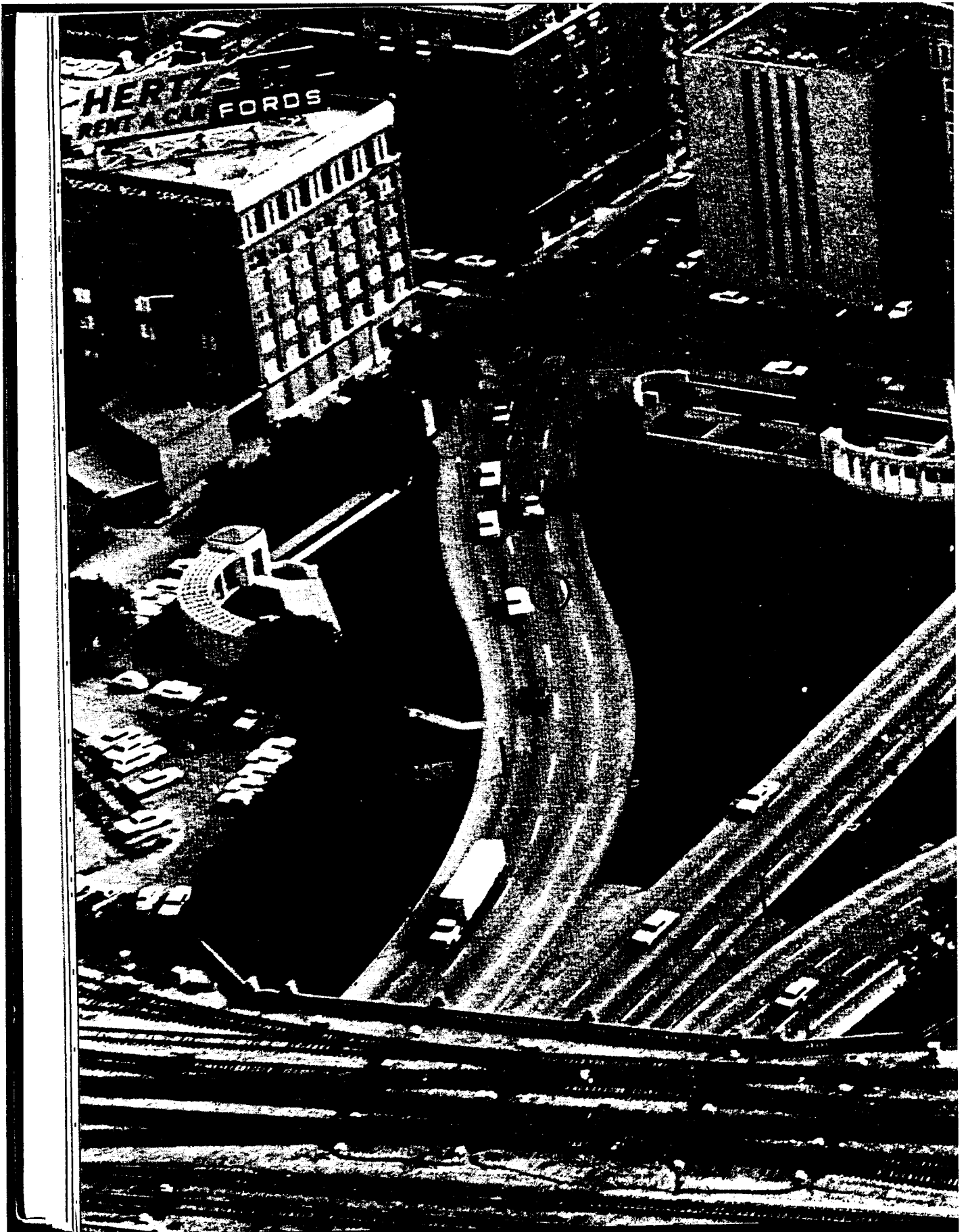
One week after the assassination, President Johnson named a seven-man investigating commission, headed by Chief Justice Earl Warren. The Commission made its report in September of 1964. The report advanced these conclusions:

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"There is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository. The shots . . . were fired by Lee Harvey Oswald The Commission has found no evidence that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy."

These conclusions were strongly attacked when the Warren Report first appeared. After a few years of quiescence, the controversy now has been revived. Non-believers contend that Kennedy was slain by a conspiracy; that Oswald did not act alone; that the ultimately fatal shot was not fired from a building behind the President, but from a point in front of his limousine; that the Warren Commission collaborated in a massive cover-up to prevent the truth from coming out. They want the investigation reopened.

Some of the critics' arguments strike me as persuasive. Some purported ballistics evidence, if credible, would appear to provide convincing proof that another rifleman was involved. Many puzzling questions remain
(continued on page 61)



A new investigation should start with the most important uncalled witnesses, unfollowed-up leads and unasked questions

FINISHING THE COMMISSION'S UNFINISHED BUSINESS

Sylvia Meagher

Investigators, researchers, critics, scholars, assassination buffs — and future historians — will forever be in Sylvia Meagher's debt. She indexed the Warren Commission Report and the entire 26 volumes of Hearings and Exhibits, an awesome accomplishment that helped to earn her a reputation as the best scholar among assassination researchers.

Probably better than anyone (including members of the Commission), Mrs. Meagher knows what those volumes contain. Her research convinced her that the official version of the assassination is "a deliberate, outright, demonstrable fraud" and that the hearings ought to be reopened

within the framework of an adversary proceeding.

She proposes a list of witnesses (not heard by the Warren Commission) who should be called by any new investigation and a list of evidential leads (ignored or overlooked by the Commission) which should be followed up.

*Mrs. Meagher is a researcher at an international health agency in New York. This article has been condensed — with her consent and updating — from her book *Accessories After the Fact: The Warren Commission, the Authorities & the Report (1967)* and her article in the December 1966 issue of *Esquire*.*

Discrepancies, distortions and misrepresentations of crucial points of evidence are sufficient, even on a selective rather than a comprehensive basis, to condemn the Warren Report. The Commission has issued a false indictment. It has accused Lee Harvey Oswald, after first denying posthumous defense and then systematically manipulating the evidence to build the case against him. Even so, the Warren

Commission's Report leaves the case against Oswald wide open.

Although the evidence showed that Oswald had no motive, no means (marksmanship of the highest order), and no opportunity (his presence on the second floor of the Book Depository little more than a minute after the shooting, which to the men who encountered him at that time eliminated him from suspicion, constitutes an alibi), there is no indication in the vast collection of documentation that the Commission at any time seriously

DEALEY PLAZA, DALLAS. Circles show the position of the alleged assassin in the Texas School Book Depository and of the presidential limousine at the time of the assassination. The "grassy knoll" is at center left.

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considered the possibility that Oswald was not guilty, or that he had not acted alone.

No more time need be devoted to denouncing those who are responsible for this frustration of justice. What must now be done is to set about finding the assassins. Such a new investigation, if it is undertaken, must be performed by a competent and impartial body, and in the light of the bitter lesson learned from the Warren Report, the new investigation must be in the framework of an adversary proceeding.

The new investigative body should first attack the evidence against Oswald presented in the Warren Report and the Hearings and Exhibits, and present an objective and scientific evaluation of that evidence so that the ambiguity about his role in the assassination will, if possible, be dispelled. The new body must also be given access to the suppressed documents of the Warren Commission. The 75-year time vault must be opened and its contents must be put before the new body — and, at the appropriate moment, before the public, *within* our lifetime. The leads and clues which were not followed up by the Warren Commission, or which were incompletely investigated, now must be pursued with vigor, by *independent investigators* and not by the governmental agencies compromised by their role in the protection of the murdered President.

RE STUDY THE EVIDENCE, STAGE NEW TESTS

The Commission's failure to follow up leads, its dependence on unrealistic tests and its omission of vital evidence necessitate further research, such as:

1. A conclusive reevaluation of the autopsy photographs and X-rays, which have been reviewed by successive panels appointed by the government and by a urologist-apologist for the Warren Report. (A forensic pathologist and critic of the Warren

Report who examined the photographs and X-rays in 1972 found them inconsistent with the official conclusions.) Such a reevaluation must take into account the fact that the Warren Commission, at its executive session of Jan. 27, 1964, discussed an autopsy report completely inconsistent with the undated autopsy report subsequently published as an appendix to the Warren Report.

2. Rifle and marksmanship tests on the basis of a reenactment of the shots from the Depository, using dragged car and dummies, and riflemen whose

There is no indication in the vast collection of documentation at any time seriously considered the possibility that Oswald was not guilty, or that he had not acted alone.

capabilities correspond with Oswald's level of skill. (The Warren Commission used experts.)

3. Tracing of the rifle obtained by Robert Adrian Taylor to determine whether the weapon was ever in the possession of Oswald or persons associated with him. Taylor claimed that Oswald had given him a rifle in lieu of payment for car repairs in the spring of 1963.

4. Tracing of laundry tag on the jacket discarded near the Tippit scene (number "B 9738") to determine whether Oswald or someone else had it cleaned.

5. Reenactment of Oswald's taxi ride, in a metered vehicle, to determine the actual time. In reenactments performed for the Warren Commission the estimate was progressively reduced from eleven to nine to six

minutes.

6. Re-auditing of the police radio log to make an authoritative transcript which would resolve the conflicts among the three transcripts made for the Warren Commission.

7. Auditing of tapes of statements to the press by Parkland Hospital doctors describing the President's wounds (tape of the first press conference is said to be "lost").

8. Tracing of Tippit's clipboard, never requested by the Warren Commission although it is visible in a photograph of his car before it was removed from the scene of the shooting.

9. Scrutiny of all test bullets fired in the wound-ballistics experiments with human cadavers, goats, and gelatin blocks (260 rounds of ammunition were obtained for use in those tests but only two of the test bullets are shown by the Warren Commission for comparison with the stretcher bullet).

10. Examination of all unpublished films and photographs of the assassination (i.e., the missing Zapruder frames; the Moorman photograph encompassing the Depository; the Betzner photos showing the fence area on the grassy knoll; the Robert Hughes film showing the sixth floor window).

11. Investigation of the repositioning and ultimate disappearance of the Stemmons Freeway sign which obscured the President from Zapruder's camera for some fifteen frames of the film.

12. Tests of authenticity of the palm print lifted from the rifle barrel.

13. Examination of all withheld FBI and Secret Service reports of interviews with witnesses, including Parkland Hospital personnel (some 30 interviews with the doctors and others, none of which is published in the Exhibits).

14. Examination of all transcripts of off-the-record passages of testimony.

15. Conclusive evaluation of the neutron activation analysis of the bullet and bullet fragments which was

carried out at the request of the Warren Commission but was completely suppressed from the published Report and from the Hearings and Exhibits. This will determine once and for all whether the stretcher bullet actually caused Connally's wounds (as the Warren Report says), and thus whether the single bullet, lone assassin thesis is tenable.

CALL THE IMPORTANT WITNESSES NOT HEARD BY THE COMMISSION

Oswald's Activities

Pierce Allman, television newsman: Oswald had said that someone had approached him outside the Depository after the shooting and had asked to be directed to the nearest phone. Oswald's account corresponds with the actual experience of Pierce Allman, and this conflicts with the Commission's reconstruction of Oswald's "escape."

Mary Dowling, waitress at Dobbs House: She told the FBI that Oswald and Tippit were in the restaurant at the same time, two days before the assassination, and that Tippit especially noticed Oswald when he complained about his food. The Warren Report says that the two men were not acquainted and had never even seen one another.

John Rene Heindel, ex-Marine acquaintance of Oswald's: Heindel was known by the nickname "Hidell" to Oswald and to other Marines. The Warren Report says that there is no real "Hidell" and that it was only an alias invented by Oswald for his own purposes.

Alonzo Hudkins, reporter for *The Houston Post*: He gave the Secret Service information suggesting that Oswald was being paid \$200 a month by the FBI as an informant holding assigned number "S172."*

Milton Jones, bus passenger: He told the FBI that Dallas policemen had boarded the bus and searched the

*Later reported as "179."

passengers just after Oswald had debarked, which was before anyone noticed Oswald's absence from the Depository.

Sandra Styles, Depository office employee: With Victoria Adams, she ran down the back stairs of the Depository immediately after shots were fired but did not encounter Oswald — supposedly running down at that time — nor Roy Truly and policeman M. L. Baker, supposedly running up.

The Shots and Related Circumstances

James Chaney, motorcycle policeman: He rode in the motorcade and

There is considerable confusion and contradiction about the time that Tippit was shot, the description of the killer, the movements of the suspect, and the actions of the eyewitnesses.

reportedly saw Governor Connally hit by a separate bullet after the President was first shot. This conflicts with the Commission's single-bullet theory.

Julia Mercer: About 75 minutes before the assassination, while driving toward the triple underpass, she saw a man walk up the grassy knoll carrying what appeared to be a rifle case.

Approximately 196 people known to have witnessed the assassination at the scene who were never questioned by the Commission. (Named in appendix to Mark Lane's *Rush to Judgment*.)

The Tippit Shooting

There is considerable confusion and contradiction about the time that Tippit was shot, the description of the

killer, the movements of the suspect, and the actions of the eyewitnesses. The following people could have given important information.

T. F. Bowley, the only witness at the Tippit scene who looked at his watch to check the time when he saw Tippit's body. Bowley said in an affidavit taken by the Dallas police that Tippit was already dead at 1:10 p.m., while the Commission says that he was shot at 1:15 p.m. If Bowley was correct about the time, Oswald could not have walked from his rooming house to East 10th Street in time to kill Tippit.

Radio-car patrolman R. C. Nelson: Tippit drove to central Oak Cliff, supposedly on a simultaneous instruction to him and Nelson. But Nelson went to the Depository, casting doubt on whether either of them was really ordered to Oak Cliff.

Radio-car patrolman H. W. Summers: He obtained a description of the Tippit suspect from an unknown bystander — who said that the suspect had "black wavy hair," was 5 feet 11 inches tall, and carried a .32 automatic pistol.

Marie Tippit, widow of J. D. Tippit: She probably saw her husband about an hour before he was killed, when he came home for lunch. Also, she could have given information on such things as their unlisted phone and Tippit's "work at home" in the evenings.

Frank Wright and his wife: They lived across the street half a block from the spot where Tippit was killed. Mr. Wright heard the shots, saw a man standing right at Tippit's car who "ran as fast as he could go," got into a small old grey 1950-1951 coupe, and "drove away as quick as you could see." Mrs. Wright phoned the police to report the shooting; it was her call that resulted in the dispatch of the ambulance.

Ambulance drivers Clayton Butler and Eddie Kinsley were never questioned either.

Oswald's Arrest

There are many unanswered questions
(continued on page 61)

SHOULD THE INVESTIGATION BE REOPENED?

Skeptic Forum is an informal survey of comments, opinions and points of view on questions which lie at the heart of the Kennedy assassination controversy, and which public debate seeks to answer.

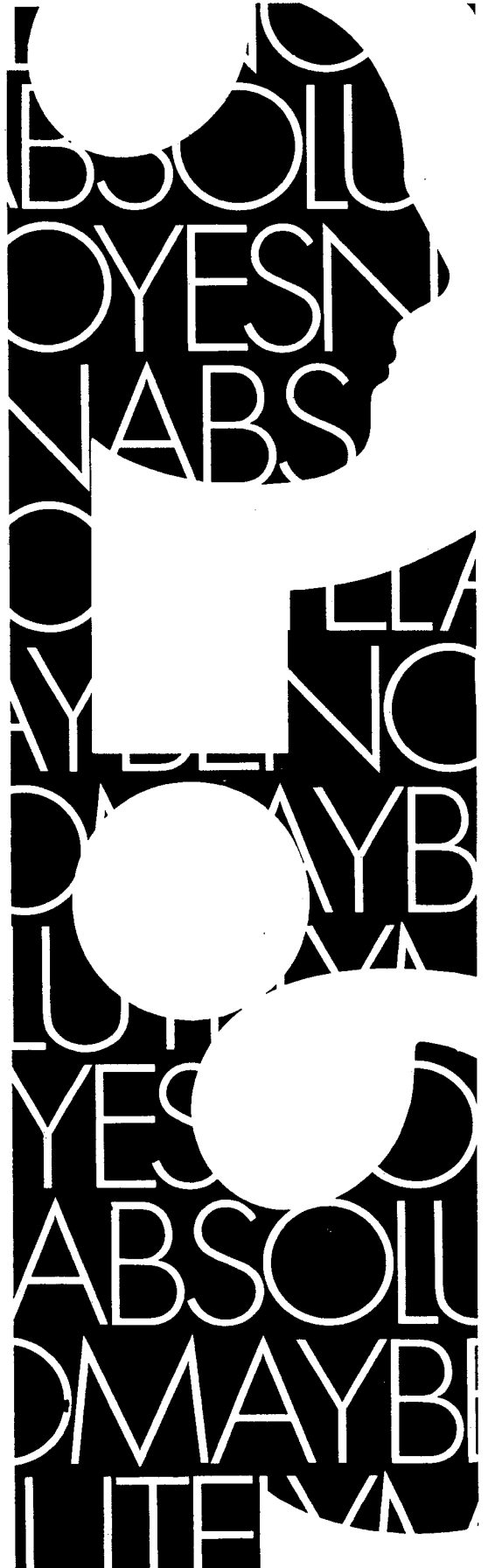
If the polls are right, for 12 years we have remained a country in doubt. In 1966, barely three years after John F. Kennedy's assassination and two years after release of the Warren Commission Report, two-thirds of the American people did not believe the Commission's conclusions. Now, nearly four out of every five harbor suspicions of a cover-up.

The investigation of this assassination was one of the most important, difficult and emotionally charged tasks our government has ever had to undertake. The country, robbed of retribution by Jack Ruby's bullet, demanded in its place explanation, resolution and reassurance. That is what the Warren Commission tried to provide. But despite its 27-volume, 17,000-page Report, the shock, disbelief, rumor and suspicion remained.

Why? Some say that we have a mass psychological need to believe in conspiracy, that we cannot accept the fact that one man, alone, could have murdered our President.

Others point to the political origins of America, founded as it was on the premise that government was not to be trusted, that the best government is that which "...governs least." Because governments and the ambitions of those who governed were suspect, citizens were encouraged to remain vigilant against official lies, deceptions and encroachments. That spirit has been revived by the experiences of Watergate and Vietnam.

Although two of every three Americans had doubts about the Warren Commission's findings in 1966, it didn't follow that two of three also wanted





the investigation reopened. There were other concerns, among them the Vietnam War, civil rights, the visions and programs of the Great Society.

Why is the climate more favorable now for reopening the investigation? Perhaps, after Watergate and Vietnam, the American people are more willing to think the unthinkable and press for the truth. Perhaps they have become more skeptical of the official version of *anything*. Whatever the reason, the public seems inclined to move forward.

Can the same be said of those in positions to influence reopening the investigation — the officials, legislators and opinion leaders who can not only help mobilize public attitudes but translate them into action? Do *they* think the investigation into President Kennedy's assassination should be reopened?

For answers, SKEPTIC consulted a variety of sources — press releases, articles, transcripts of television interviews, the *Congressional Record* and the individuals themselves.

* * *

If the investigation is to be reopened, the impetus may well come from the Senate Select Committee on Intelligence (the Church Committee) whose chairman, Senator Frank Church (D-Idaho), has promised, "We'll have to look at the connection of the Warren Commission's investigation with the agencies we are presently inquiring into — the FBI, the CIA — to determine how much information these agencies possessed at the time, what part of it was turned over to the Warren Commission, if any part was withheld and if so, why. If this leads us to believe further that a reopening of the Warren Commission investigation is warranted, we would so recommend." At the same time, however, Church made clear that his committee is "not attempting to second-guess the conclusions of the Warren Commission."

Other committee members offered different views. Senator Gary Hart (D-Colorado) preferred not to take a position before investigating; Senator John Tower (R-Texas) "cannot find any need to reopen the investigation"; Senator Barry Goldwater (R-Arizona) felt that he did not yet have enough information on the question to give a thoughtful reply.

Two resolutions that call for reopening the investigation have been introduced in the House of Representatives. The Gonzalez Resolution, introduced by Representative Henry B. Gonzalez (D-Texas), calls for a committee of seven House members who would be "authorized and directed to

conduct a full and complete investigation and study of the circumstances surrounding the deaths of John F. Kennedy, Robert F. Kennedy and Martin Luther King, and the attempted assassination of George Wallace." Gonzalez believes that "It is time that the circumstances surrounding these assassinations and the near murder of Wallace be thoroughly investigated, and that they be assessed in terms of what effects they had on the history and the national political life of this country. It is not just a matter of finding out who, if anyone else, was involved in these killings What we need to know more than anything is why they happened, and how we can prevent such events from happening again."

Representative Thomas N. Downing (D-Virginia) has introduced a resolution in the House calling for the creation of a select committee "to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy." He became convinced that a new investigation was called for after viewing the Zapruder film of the assassination.

Representatives who have signed the Gonzalez Resolution include **Ron Dellums** (D-California) and **Shirley Chisholm** (D-New York). Dellums believes "It is time that the circumstances surrounding the assassination of President Kennedy be thoroughly investigated. The dense undergrowth of secret activities through which we subvert not only foreign nations but ourselves must be cleared away if our system is to remain a democracy."

Chisholm endorsed the resolution "not because I have any new evidence nor do I know of any. My concern is that there seem to be a great many new questions to which the American public deserves answers. I have received numerous letters from constituents who want to know if there was a cover-up by the Warren Commission. In the aftermath of Watergate, a period which left grave doubts in the minds of Americans about the credibility of government, perhaps we need to reassess that Report. If there was any suppression of evidence during the assassination investigation, if all the facts were not reported, then a new investigation is called for. If on the other hand the Warren Report is accurate, the investigation will serve to substantiate that."

Fred Harris, former senator from Oklahoma and a candidate for the Democratic presidential nomination, supports the Gonzalez Resolution: "The investigation into the Kennedy assassination should be reopened. It is the only way that we can clear the air and answer the questions and concerns of the American people."

Congressman Morris Udall (D-Arizona), also a candidate for the Democratic presidential nomination, has reconsidered the matter recently: "One time I was satisfied that the truth about the murder of President Kennedy had been learned by the Warren Commission. In recent months I have begun to have some doubts. I had hoped that the recent study by the Rockefeller Commission would resolve these doubts. But after the Commission rejected the conspiracy idea we were told by forensic pathologist Dr. Cyril Wecht that his testimony to the Commission was 'grossly distorted and deliberately misrepresented.' Dr. Wecht then reaffirmed his belief that there were two assassins. This is the kind of incident that raises doubts in my mind about the Kennedy death and the subsequent investigation of it."

A spokesman for **Senator John Tunney** (D-California) reported, "Based on alleged or so-called 'new evidence' that Senator Tunney has heard about, there is no justified basis for reopening the investigation. He's open-minded to the point that if some compelling new evidence should surface, perhaps a new investigation would be in order."

Tom Hayden, who intends to contest Tunney's Senate seat, is unequivocal: "I firmly believe and support the public's right to know the truth about the assassination of President Kennedy, and I support reopening the investigation. I am among the millions of skeptics about the Warren Commission. The whole truth was not brought out. I was disturbed by the Rockefeller Commission's conclusion that the investigation should not be reopened. A new investigation should be in the hands of Congress, not the executive branch, and it should be done in full view of the public."

Historian **Henry Steele Commager** believes that "If you have in mind a formal investigation like the Warren Commission, that seems to me in the present circumstances profitless, in part because the kind of commission that would be set up would be like the Rockefeller Commission. But aside from that, *anybody* can investigate things, and while not anyone can get at all the material, after all is said and done it is the journalists who seem to find out more these days than the official organizations. Mr. Seymour Hersh certainly found out more about the CIA than all the commissions of Congress which were set up for the purpose."

Arthur M. Schlesinger, Jr., historian and former Kennedy aide, offered: "If certain sober people believe there is evidence justifying a reopening of the case, then I think it should be reopened. But since I
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SURVIVAL HANDBOOK

Sandra Stencel

HOW JFK'S MURDER CHANGED THE PRESIDENCY... AND YOUR LIFE

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Probably no other form of domestic violence — save civil war — causes more anguish and universal dismay among citizens than the murder of a respected national leader. Assassination, especially when the victim is a President, strikes at the heart of the democratic process. It enables one man to nullify the will of the people in

a single, savage act. It touches the lives of all the people of the nation.

Few other events in contemporary history had as much impact on Americans as the assassination of President John F. Kennedy. Probably not since the Japanese attack on Pearl Harbor had public sentiments been engaged so deeply by a happening on the political scene. Even now, 12 years after his death, most adults can recall exactly what they were doing when they first heard the news. Films of the assassination and the days of mourning that followed still bring many Americans to tears. The unique character of the event derived in part from its suddenness and unexpectedness, and in part from the personality and youth of the Presi-

*Statement on Assassination issued in October 1969 by the National Commission on the Causes and Prevention of Violence.



dent. But another equally important factor was the extensive news coverage of the event. Never before, writes Professor Wilbur Schramm, had such a large proportion of the American

people been able to feel so instantly and closely a part of events and deeds of great national significance.²

But what seemed unique in 1963 became all too familiar during the next decade. The assassination of Sen. Robert Kennedy in June 1968 came just two months after the murder of civil rights leader Martin Luther King. The next victim was Governor George Wallace — shot down while campaigning for the Democratic presidential nomination in May 1972. Although Wallace survived the attack, he was left paralyzed.



ANDREW JACKSON
Assassination attempted 1835

What was the impact of this series of assassinations? How did they change the way we think about America, our government and ourselves? Did the assassinations change the course of history?

The horror of the assassinations went beyond the personal tragedy to the victims and the loss to the nation of three of its most vital leaders. Fear of assassination has threatened the American way of choosing elected officials. It has erected unwanted barriers between candidates and the electorate and discouraged potential leaders from running for office. It has cost the taxpayers millions of dollars to pay for additional security procedures and equipment to protect government officials (the tab for protect-

²William Schramm, "Communication in Crisis," in *The Kennedy Assassination and the American Public*, edited by Bradley S. Greenberg and Edwin B. Parker (Stanford University Press, 1965), p. 4.

ing each presidential candidate during the 1972 election campaign alone is estimated at \$100,000 per month, excluding the salaries and benefits of the personnel involved).

HOW ASSASSINATIONS CHANGED THE PRESIDENCY

The assassination of President Kennedy raised serious questions about the nature of the presidency. Should the President be more protected, more isolated from the hazards of travel or prevented from mingling with the people? The idea disturbed most politicians. "I believe that the American people have too much good sense to do anything that would impair in the slightest degree the essential, traditional character of the office," wrote former President Dwight D. Eisenhower shortly after Kennedy was assassinated. Eisenhower went on to say that the President must continue to be "free to travel widely, to keep personally in touch with the people of the country, and to see with his own eyes what is going on in the world." And while this might entail "certain personal risks," they are risks which "must be accepted."³

Is there any way to reduce these risks without making the President a virtual prisoner in the White House? As part of their investigation into the circumstances surrounding Kennedy's assassination, the Warren Commission examined the protective measures employed to safeguard him and found much room for improvement. The Commission criticized the Secret Service, and to a lesser extent the FBI, for the methods then in effect for locating potential sources of danger to the President.

As a consequence, the Secret Service has done much in the last 12

³Dwight D. Eisenhower, "When the Highest Office Changes Hands," *Saturday Evening Post*, Dec. 14, 1963, p. 15.

years to improve and upgrade its methods of protecting the President. Following the Warren Commission's advice they took steps to improve its methods of collecting information on potential threats to the President. To help other federal agencies decide what information should be passed on to the Secret Service, a set of guidelines outlining this information was issued in 1969. The list is no longer limited to persons communicating actual threats to the President (see below). To handle this increased volume of information the Secret Service added a computerized storage and retrieval system. This work was done manually prior to the assassination. The presidential limousine has undergone extensive modifications to make it as bullet proof as possible. The Secret Service is naturally reluctant to discuss all its innovations in protective techniques, but among the other changes that have been made in security procedures are these:



ABRAHAM LINCOLN
Assassinated 1865

□ Now when a presidential motorcade proceeds through a big city, an Army helicopter flies just above it. Trained observers in the copter scan buildings and street crowds. The observers are in constant radio communication with Secret Service men in the motorcade.

□ In the Secret Service "follow-up car" just behind the President's vehicle, an armed guard now sits facing to the rear. This provides a better chance of spotting and opening fire on an assassin who might be taking aim at the back of the President's head.

□ Police in cities visited by the President have been asked by the Secret Service to provide more coverage from rooftops.

□ Police motorcycle escorts now often include riders in front, in the rear, and along the sides of the President's car. Before President Kennedy's death, less attention was given to "side riders" in the escort. Kennedy, in fact, often insisted that he wanted no escort at all.⁴

The extensive overhauling of Secret Service techniques could not prevent the assassination of Robert Kennedy in 1968 or the attempted assassination of George Wallace four years later. At the time Robert Kennedy was shot, presidential candidates were not entitled to Secret Service protection. Kennedy had declined an offer of protection from the Los Angeles police force and his personal bodyguard, ex-FBI agent Bill Barry, was unarmed. Governor Wallace, on the other hand, was under unusually heavy guard. The Secret Service men assigned to guard him were supplemented by personal bodyguards and county police. Wallace had addressed the crowd from behind



WILLIAM MCKINLEY
Assassinated 1901

his own 600-pound bullet proof podium. But after the speech he stepped from the stage and went into the crowd to shake hands. It was at that point that he was shot.

⁴See "Campaign Time — When Secret Service Worry Grows," *U.S. News & World Report*, April 13, 1964, pp. 63-64.

The reluctance of American politicians to take security precautions that would interfere with their access to the people enormously complicates the protective task. Under these circumstances, absolute security against assassination is not possible. But most politicians feel that this is a risk worth taking in order to preserve the special character of American democracy.

HOW ASSASSINATIONS CHANGED THE LAWS

A long list of legislation can be traced, directly or indirectly, to presidential assassinations. In fact, many of the laws dealing with the physical protection of the President were passed as a direct result of an assassination or an assassination attempt. In the early days of the nation, there was little concern for the safety of Presidents and consequently few measures were taken to protect them. Lincoln's bodyguard on the evening he was shot was a city policeman. Not until after the assassination of President Garfield in 1881 did Congress even consider legislation concerning the protection of the President.

After the assassination of President McKinley in 1901 a Secret Service protective detail was provided for President Theodore Roosevelt. But congressional authorization for such protection was not forthcoming until 1906. Following the election of President Taft in 1908 the Secret Service began providing protection for the President-elect. This congressional authorization was not of a permanent nature, however, since it required annual review in the Treasury budget presentation. An attack on President Truman in 1950 led to the enactment in 1951 of legislation that permanently authorized the Secret Service to protect the President, his immediate family, the President-elect, and the Vice President, the last upon his

request. In 1962 Congress further enlarged the list of government officers to be safeguarded, authorizing protection of the Vice President (or the officer next in order of succession to the Presidency) without requiring his request; of the Vice President-elect; and of a former President, at his request, for a reasonable period after departure from office. The Secret Service considered this "reasonable period" to be six months.

Bills making it a federal crime to kill the President had been introduced as early as 1881, following assassination of President Garfield. But it was not until Aug. 28, 1965, almost two years after the death of President Kennedy, that Congress enacted a law (PL 89-141) making it a federal violation to assassinate, kidnap or assault the President, the President-elect, the Vice President or the officer next in the order of succession to the presidency, the Vice President-elect or any individual who is acting as President under the Constitution and



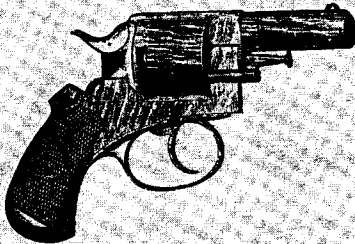
TEDDY ROOSEVELT
Assassination attempted 1912

laws of the United States. The law did not apply to presidential candidates, however. This loophole was closed by a provision of the Civil Rights Act of 1968 which, among other things, made it a federal offense to injure, intimidate or interfere with "any person because he is . . . a candidate for elective office" in any federal election.

On June 5, 1968, less than two months after the Civil Rights Act was enacted, Attorney General Ramsey

Clark invoked this section to order the FBI to assist California authorities in dealing with the assassination of presidential candidate Robert Kennedy. Hours after Robert Kennedy's death Congress authorized the Secret Service to protect major presidential and vice presidential candidates.

In addition to prompting legislation aimed at increasing the protection of Presidents, presidential candidates and other government officials, assassinations have served as catalysts in on-going political debates.



An English bulldog, the weapon used by Republican Stalwart Charles Guiteau to assassinate President Garfield.

"After each assassination, groups concerned with current political and social issues tried to use the public shock and anxiety evoked by the event to further their causes," write Murray Edelman and Rita James Simon. "To some extent they succeeded in doing this, because people transferred their concern about the assassination to whatever public issues were already occasioning anxiety..."⁵

The attempted assassination of Governor George Wallace on May 15, 1968 revived efforts in Congress to enact tougher controls over handguns. The earlier assassinations of John and Robert Kennedy and Martin Luther King also had sparked demands for tougher gun control laws. The gun is pre-eminently the weapon of the assassin. Of the ten assassination attempts on American Presidents or presidential candidates, all involved firearms and all except the assassination of President Kennedy were committed with handguns.

⁵Murray Edelman and Rita James Simon, "Presidential Assassinations: Their Meaning and Impact on American Society," in *Assassination and the Political Order* edited by William J. Crotty (Harper & Row, 1971), p. 483.

On June 6, 1968, the day Robert Kennedy died, President Johnson pleaded with Congress "In the name of sanity... give America the gun control law it needs." He proposed federal registration of all firearms. After months of legislative maneuvering and compromise, the Gun Control Act of 1968 became law in October of that year.

Two days after Governor Wallace was shot a Senate subcommittee voted to report out a bill outlawing the sale of cheap handguns commonly called "Saturday Night specials." The bill passed the Senate on Aug. 9, 1972. However the House failed to act on the measure. Gun control is still very much alive as a political issue and another assassination could revive demands for stricter gun control measures.

Some of the earlier presidential assassinations also had an impact on legislation. The immigration law of 1904, which bars anarchists from entering the United States, was a direct result of the assassination of President McKinley by a man who sympathized with the anarchist cause. The Pendleton Act of 1882 establishing a federal Civil Service Commission followed the assassination of President Garfield by a disgruntled office seeker.

HOW THE SECRET SERVICE DEALS WITH THREATS

Since 1906 the Secret Service has had and exercised responsibility for the physical protection of the President and also for the preventive investigation of potential threats against the President. The latter function is performed by the Office of Protective Intelligence. Their main job is to collect, process and evaluate information about persons or groups who may be a danger to the President. Many persons call themselves to the attention of the Secret Service by attempting to visit the President for bizarre reasons or by writing or in

some other way attempting to communicate with him in a threatening or abusive manner or with undue persistence. The White House mailroom and switchboard are the sources for much of this information, some of which is supplied by private citizens. Information also is supplied by other federal agencies, primarily the FBI. Guidelines issued by the Secret Service to other government agencies in 1969 list a wide range of information which the Secret Service expects to be passed on to them:



JAMES GARFIELD
Assassinated 1881

Information pertaining to a threat, plan or attempt by an individual, a group or an organization to physically harm or embarrass the persons protected by the Secret Service or any other high U.S. Government official at home or abroad.

Information pertaining to individuals, groups or organizations who have plotted, attempted or carried out assassinations of senior officials of domestic or foreign governments.

Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

Information on persons who insist upon personally contacting high government officials for the purpose of redress of imaginary grievances, etc.

Information on any person who makes oral or written statements about high government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements.

- Information on professional gate crashers.
- Information pertaining to "terrorist" bombings.
- Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.
- Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.
- Information regarding civil disturbances.

All material received by the Secret Service is separately screened by the Office of Protective Intelligence. If the material indicates some potential danger to the President — no matter how small — a file is begun under the name of the individual or group of individuals to whom that material



FRANKLIN DELANO ROOSEVELT
Assassination attempted 1932

related. Many of these cases receive no further investigation by the Secret Service. The files serve merely as a repository for information until enough has accumulated to warrant an investigation. If an individual's conduct warrants further scrutiny, the Office of Protective Intelligence requests an investigation by the closest Secret Service field office. If the field office determines that the case should be subject to continuing review, the Office of Protective Intelligence establishes a file which requires a checkup at least every six months. Individuals thought to represent a significant danger to the President are placed in a special index and their cases are reviewed more

often. The cases subject to periodic review plus those cases in the higher risk category are filed on a geographic basis and can be conveniently reviewed by Secret Service agents preparing for a presidential trip to a particular part of the country. In addition the Office of Protective Intelligence maintains an album of photographs and descriptions of a small group of individuals who are regarded as clear risks to the President. Members of the White House detail of the Secret Service are expected to familiarize themselves with these individuals.

What constitutes a threat against the President? What can't you do or say? What risks do you run if you make a threat? The law states that anyone who knowingly and willingly threatens "to take the life of or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect... shall be fined not more than \$1,000 or imprisoned not more than five years, or both."

People often say things in anger or in jest that they don't really mean, including things that could be construed as a threat against the President. How do you know when to take a threat seriously? A case which recently came before the U.S. Supreme Court sheds some light on the matter. In 1972 George Rogers, a 34-year-old unemployed carpenter with a ten-year history of alcoholism, wandered into the coffee shop of the Holiday Inn in Shreveport, La. He accosted several customers and waitresses, telling them among other things that he was Jesus Christ and that he was opposed to President Nixon's trip to China because the Chinese had a bomb that only he knew about which might be used against the people of this country. In the course of his various outbursts Rogers announced that he was going to Washington to "whip Nixon's ass" or to "kill him in order to save the United States." The local police were called and Rogers was charged with violating the law

against threatening the President. Rogers was convicted and the decision was upheld by an appeals court in 1974. However the conviction was reversed on June 17, 1975 by the U.S. Supreme Court on technical grounds. The case was sent back to the lower courts and Rogers could be retried.*

Although the majority relied on purely technical aspects of the case in reversing the lower court's ruling, Justice Thurgood Marshall, in a concurring opinion, wrote, "I would... interpret Section 871 to require proof that the speaker intended his statement to be taken as a threat, even if he had no intention of actually carrying it out."

Your best guide in deciding whether to take a threat against the President seriously is your judgment and common sense. Did you take the threat seriously when you heard it? If you did, then report it. To report a threat or any other information which you think the Secret Service should know about, contact the Secret Service field office nearest to your community. Their phone number should be listed in the front of your local telephone directory. Or you can call the Secret Service Intelligence Division in Washington, D.C. (202-WO4-2481).

WHAT YOU CAN DO TO GET INVOLVED

The Warren Commission Report on President Kennedy's assassination has been a source of controversy since it was published in September 1964. Large segments of the public questioned both the adequacy of the Commission's investigation and its conclusion that Oswald acted alone.

But while millions of Americans doubted the official version of the assassination only a few felt strongly enough to try to prove that it was incorrect. Some of the investigating was done by professionals — journalists, lawyers, forensic scientists, ballistics experts and the like. Some of it

*Los Angeles Daily Journal, July 7, 1975.

was done by men like Mark Lane who had become full-time critics. But much of the work was done by ordinary citizens motivated by a burning curiosity to find out what really happened. These early assassination buffs included such people as Josiah Thompson, an assistant professor of philosophy at Haverford College near Philadelphia; Sylvia Meagher, a researcher at an international health agency in New York; Shirley Martin, an Oklahoma housewife; Lillian Castellano, a Los Angeles bookkeeper; Marjorie Field, the wife of a Los Angeles stockbroker; Raymond Marcus, a Los Angeles businessman; and Vincent Salandria, a Philadelphia attorney.¹

On their own at first, and later through an informal network for pooling information, these concerned individuals tried to piece together the facts. Some of them went to Dallas to personally interview witnesses to the assassination; some went to Washington to examine documents and evidence that had been turned over to the National Archives. They maintained extensive files of articles, newspaper clippings and photographs having to do with the assassination. They spent countless hours poring over piles of documents and examining films of the event. Most of them purchased copies of the 26 volumes of testimony and exhibits that accompanied the Warren Report. These 17,000 pages contained some of the most glaring inconsistencies discovered by the buffs. At first these men and women often turned their findings over to the professional assassination critics who already had a public following. Eventually they started to publish their own books and articles. Most of the arguments now being put forth by respectable publications and influential people in and out of government for reopening the Kennedy investigation are those that were first brought to light by the hard work of the assassination buffs.

If you'd like to see the investigation reopened, what can you do? Where should you go for information? One of the first things you ought to do is get

in touch with those people already involved in the crusade. Some of the Warren Report's early critics are no longer very active in the field. But a number of citizen lobbies have been formed in recent years to press for a reopening of the case:

The Citizens Commission of Inquiry (103 2nd Street, N.E., Washington, D.C. 20002, 202-546-7500) was formed in mid-February 1975 by Mark Lane, a former member of the New York State Legislature and a lawyer who is now teaching law in Washington. The purpose of CCI is "to make the American people, the media and the Congress aware of the obfuscation by CIA, FBI and other federal police



HARRY S. TRUMAN
Assassination attempted 1950

organizations of the facts surrounding the assassination of President John F. Kennedy" and to work for "a Congressional investigation into the cover-up of these facts and the assassination itself."

The Assassination Information Bureau (63 Inman Street, Cambridge, Mass. 02139, 617-661-8411) has a twofold purpose: (1) to disseminate information on President Kennedy's assassination to as wide an audience as possible through audio-visual presentations to colleges and universities, high schools, and civic and social organizations; and (2) to work with others who are calling for a new official investigation of the case.

The Committee to Investigate Assassinations (927 15th Street, N.W., Washington, D.C. 20005, 202-628-3361) was founded by attorney Ber-

nard Fensterwald Jr. He wants to reopen the investigations into the assassinations of Robert Kennedy and Martin Luther King, and the attempted assassination of George Wallace, as well as President Kennedy's death.

Most of these groups are working to gain support for two resolutions currently before the House of Representatives which would establish a committee to study and investigate the circumstances surrounding the death of John Kennedy. House Resolution 498 was introduced on May 22, 1975 by Rep. Thomas N. Downing (D Va.). House Resolution 204 introduced on Feb. 19, 1975 by Rep. Henry B. Gonzales (D Texas) would also look into the assassinations of Robert Kennedy and Martin Luther King and the attempted assassination of George Wallace.

If you are interested in doing your own investigative or analytical work, the best place to start is the 26 volumes of testimony, investigative reports and exhibits published by the Warren Commission. It would be helpful if you could obtain the index of this material compiled by Sylvia Meagher, but it's out of print and difficult to obtain. Some of the evidence is available for study at the National Archives in Washington. A few of the investigators have been successful in using the Freedom of Information Act to obtain data relating to the assassination that has up to now been withheld from the public. The FOIA provides that all records in the possession of the executive branch of the federal government must be provided to anyone on request unless the records are specifically exempted from disclosure by the act. For information on how to use the act see "Your Right to Government Information" published by the American Civil Liberties Union (22 East 40th St., New York, N.Y. 10016) in February 1975, and "The New Freedom of Information Act & National Security Information" published by the ACLU and the Center for National Security Studies (122 Maryland Ave., N.E., Washington, D.C. 20002) in February 1975.

¹Calvin Trillin, "The Buffs," *The New Yorker*, June 10, 1967, p. 41+.

reading guide

The controversy over the assassination of President Kennedy was launched with the release of the Warren Commission's *Report of the President's Commission on the Assassination of President Kennedy* (Government Printing Office 1964) and the accompanying 26 volumes of evidence and testimony.

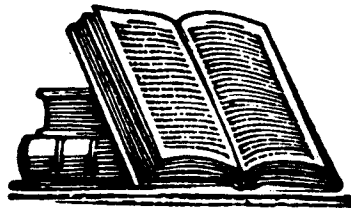
Among the defenders of the Commission is Commission member, then-Congressman and now-President Gerald Ford, whose book *Portrait of the Assassin* (Simon and Schuster 1965) uses Warren Commission evidence to paint the picture of a resentful, embittered Oswald bent on killing the successful Kennedy. For a pithy defense of the Commission and an equally terse critique of the critics, see John Sparrow's *After the Assassination* (Chilmark Press 1967). A comprehensive, point-by-point argument for the Report can be found in Warren Commission Assistant Counsel David W. Belin's *November 22, 1963: You Are the Jury* (Quadrangle 1973). Alfred H. Newman's *The Assassination of John F. Kennedy* (Potter 1970), while essentially a defense of the Commission, finds some of its conclusions questionable.

Of the many critics of the Warren Report, probably most vocal has been Mark Lane, whose book *Rush to Judgment* (Holt 1966, Dell 1975) was among the first to challenge the findings of the prestigious Commission. See also his *A Citizen's Dissent* (Holt 1968) for further reflections and questions and for answers to his critics.

Two books critical of the Commission are generally considered definitive. The first, *Inquest* by Edward Jay Epstein (Viking 1966), began as a master's thesis and ended as an incisive critique of the way the Warren Commission conducted its investigation. Epstein, through the use of interviews with staff members and other investigative techniques, describes the functional problems of a Commission high on prestige and low

on time. The second book is Sylvia Meagher's thoroughgoing critique, *Accessories After the Fact* (Bobbs-Merrill 1967). This book grew out of Meagher's *Subject Index to the Warren Report and Hearings and Exhibits* (Scarecrow Press 1966), recognized as the single most impressive scholarly accomplishment of any of the critics.

There are a number of other works that should be consulted. George O'Toole's *The Assassination Tapes* (Penthouse 1975) attempts to prove Oswald's complete innocence of the murder charge through the use of a new device, the Psychological Stress Evaluator (PSE), which O'Toole claims can accurately measure stress



and thus truth-telling in the voice of individuals. His conclusion comes from PSE-testing the few taped interviews with Oswald after his arrest. Josiah Thompson in his *Six Seconds in Dallas* (Bernard Geis 1967) and Richard Popkin in his *The Second Oswald* (Avon 1966) both scrutinize the Commission evidence and come up with two or more assassins. See also the following: Harold Weisberg's *Whitewash I* and *Whitewash II* (Weisberg 1965, 1966); Howard Roffman's *Presumed Guilty* (Farleigh Dickinson Press 1975); and the soon-to-be-published *The Assassinations: Dallas and Beyond — A Guide to Cover-ups and Investigations*, edited by Peter Dale Scott et al (Vintage, January 1976).

The Ruby connection is traced in *Jack Ruby* by Garry Wills and Ovid

Demaris (New American Library 1967), and in the earlier *Trial of Jack Ruby* by John Waltz and John Kaplan (Macmillan 1965). Jim Garrison makes his own connections in *A Heritage of Stone* (Putnam's 1970). Garrison's story is further explored by Epstein in his *Counterplot* (Viking 1969) and in Milton Brener's *The Garrison Case* (Potter 1969).

For a narrative history of the days, minutes and hours that led up to and then engulfed the nation in assassination, two works are outstanding. Asked by the Kennedy family to be the official assassination chronicler, William Manchester, author of *The Death of a President* (Harper 1967), was able to get through doors others found impassable. Jim Bishop's *The Day Kennedy Was Shot* (Funk and Wagnalls 1968) traces in detail each hour of that fateful day in Dallas.

If, at this point, you find yourself awash in facts, figures and theories, the following will help you step back for a larger perspective: William J. Crotty's edited *Assassinations and the Political Order* (Harper 1971) and Task Force Report Volume 8 — *Assassination and Political Violence* — of the National Commission on the Causes and Prevention of Violence (Government Printing Office 1969) are both excellent historical and sociological examinations of the phenomenon of assassination. *The Politics of Assassination* by Murray C. Havens et al (Prentice-Hall 1970) and Albert Ellis and John M. Gullo's *Murder and Assassination* (Lyle Stuart 1971) probe its political aspects. For an even longer perspective, see Bernard Lewis' fascinating exploration of the Moslem sect whose activities spawned the term, *The Assassins* (Basic Books 1968). History's political murders are further traced in Brian McConnell's *The History of Assassination* (Aurora 1970) and John Williams' interesting depiction of late nineteenth century assassination mania, *Heyday for Assassins* (Heinemann 1958). ■

SKEPTIC BACKGROUNDER

(continued from page 6)

American political figures appear not to have been politically motivated. The assassin may try to explain his actions in broadly political terms, but usually "the relationship between the act and the advancement of the political objectives specified is impossible to draw on any rational basis," according to William J. Crotty. "The connecting link then is assumed to be in the fantasies of the assassins."³

Andrew Jackson, the first American President to be threatened by an assassin, was attacked by a man who imagined himself to be King Richard III of England and who believed that Jackson was part of a conspiracy preventing him from collecting a large sum of money owed to him by the U.S. Government. Jackson miraculously escaped death when both pistols of his assailant, Richard Lawrence, misfired.

President Garfield's assassin, Charles Julius Guiteau, was incensed by Garfield's refusal to award him the Paris consulship. Less than two months before he shot Garfield, Guiteau had sent him a vaguely threatening letter after he'd been refused admittance to the White House. While campaigning for the presidency on the Bull Moose ticket in 1912, Theodore Roosevelt was shot and wounded by a man who claimed that the ghost of President McKinley — who had been assassinated in 1901 — appeared to him in a dream and accused Roosevelt of the assassination. In 1933 President-elect Franklin D. Roosevelt was assaulted by an Italian immigrant, Giuseppe Zangara, who blamed the capitalist system for a stomach condition that plagued him throughout his life.

Of the ten assassinations and assassination attempts against American Presidents and presidential candidates only one was explicitly tied to a particular political cause. On Nov. 1, 1950, Oscar Collazo and Griselio Torresola stormed Blair House, intending to kill President Harry S.

³William J. Crotty, Ed., *Assassination and the Political Order* (Harper & Row, 1971), p. 10. Crotty was co-director of the Task Force on Assassination and Political Violence of the National Commission on the Causes and Prevention of Violence.

Truman, who was staying there while the White House was being remodeled. In the melee, 27 shots were fired. Both Torresola and White House policeman Leslie Coffelt were killed. Collazo and two other White House policemen were wounded. President Truman, who was taking a nap, was not hurt. Collazo and Torresola were natives of Puerto Rico and ardent nationalists. Their attack on President Truman was not motivated by personal hatred — Truman, in fact, had done much to advance self-determination in Puerto Rico — but rather to dramatize the cause of an independent Puerto Rico.

The Assassination of President Kennedy

Despite a long history of violent assaults on our political leaders, Americans paid little attention to the political ramifications of assassination prior to 1963. Then came John Kennedy's assassination. President Kennedy was killed by an assassin's bullet on Friday, November 22, while riding in a motorcade in Dallas. Texas Governor John B. Connally, who was riding in the President's limousine, was wounded. The President, accompanied by his wife Jacqueline, had come to Texas the previous day to try to patch up differences between liberal and conservative factions of the Texas Democratic party. At 2:38 P.M., 98 minutes after President Kennedy was pronounced dead, Lyndon B. Johnson, who also had accompanied the President to Texas, was sworn in as the 36th President aboard the presidential jet, Air Force One, by Federal District Judge Sarah T. Hughes.

About 45 minutes after the assassination another murder occurred in Dallas. The victim was Patrolman J. D. Tippit of the Dallas Police. Witnesses to the shooting saw the assailant enter a nearby movie theater where he was soon arrested. Meanwhile, the police had found a rifle equipped with a telescopic sight on the sixth floor of the Texas School Book Depository, which overlooked the site of the assassination. While questioning the employees of the Depository, the police learned that one of the men who

worked there was missing. It soon was revealed that the missing employee and the man apprehended after the shooting of Patrolman Tippit were one and the same — Lee Harvey Oswald.

Oswald, a former Marine who had gone to live in the Soviet Union in 1959 and had returned to the United States in 1962, was formally charged with the murders of President Kennedy and Patrolman Tippit. On November 24, two days after the assassination, arrangements were made to transfer Oswald from the city jail to the Dallas County jail. Newsmen crowded into the basement of the municipal police building to record the event. As Oswald was being led from the basement to a nearby armored car which was to transport him to the county jail, a man suddenly darted out of the crowd and fired one shot into Oswald's abdomen. Millions of Americans witnessed the event on television. Oswald died two hours later at Parkland Hospital, the same hospital where President Kennedy had been pronounced dead. Oswald's murderer was identified as Jack Ruby, a Dallas night club owner. He maintained that he had killed Oswald in a temporary fit of depression and rage over the President's death. Ruby, who was defended by attorney Melvin Belli, was found guilty of Oswald's murder on March 14, 1964 and sentenced to death. The sentence was never carried out. Ruby died of cancer on Jan. 4, 1967.

Five days after Oswald was killed, President Johnson announced the creation of a seven-man commission headed by Chief Justice Earl Warren to investigate "all the facts and circumstances relating to the assassination of the late President, John F. Kennedy, and the subsequent violent death of the man charged with the assassination." President Johnson instructed the commission "to satisfy itself that the truth is known as far as it can be discovered, and to report its findings and conclusions" to the President, to the American people and "to the world."

The Commission held its first meeting on Dec. 5, 1963. Before its ten-

month investigation was completed the Commission heard more than 552 witnesses and examined hundreds of reports totalling tens of thousands of pages submitted by the FBI, the Secret Service, the Texas Attorney General's office, and other federal and state investigative agencies. The Commission's final report, submitted to President Johnson on Sept. 24, 1964, contained the following conclusions:

□ "The shots which killed President Kennedy and wounded Governor Connally were fired from the sixth floor window at the southeast corner of the Texas School Book Depository."

□ "There is very persuasive evidence ... to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds."

□ "The shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald."

□ "The Commission has found no evidence that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy."

□ "All of the evidence before the Commission established that there was nothing to support the speculation that Oswald was an agent, employee, or informant of the FBI, the CIA or any other governmental agency."

□ "On the basis of the evidence before the Commission, it concludes that Oswald acted alone."

The Warren Commission's findings, and particularly its conclusion that Oswald acted alone, have been a source of controversy ever since they were made public more than ten years ago.

Conspiracy Theories Nothing New

Put in historical perspective, however, the proliferation of conspiracy theories about John Kennedy's assassination is not at all unusual. Each of the presidential assassinations was followed by speculation about "what really happened." Andrew Jackson's assailant, Richard Lawrence, was

found not guilty by reason of insanity. Yet some of Jackson's supporters accused him of being part of a Whig conspiracy against Jackson.

The assassination of President Garfield was said to have been staged by the Stalwarts, a rival wing of the Republican party whose ranks included Vice President Chester A. Arthur. The name most often mentioned as being the key figure in the conspiracy was Senator Conkling of New York. Much of the impetus for this theory came from the assassin himself, Charles Guiteau. When asked why he had committed the crime, he declared, "I am a Stalwart and Arthur will be President." But most historians believe that Guiteau's link with the Stalwarts — like his conviction that he was entitled to a government job — was the product of his imagination.

The story that circulated after President McKinley's assassination was that it had been organized and directed by anarchists with worldwide connections. The assassin, Leon Czolgosz, was said to be the pawn of a highly sophisticated international terrorist organization that had in the recent past assassinated the heads of state of several European countries. Czolgosz, who shot McKinley on Sept. 6, 1901 at the Pan American Exposi-

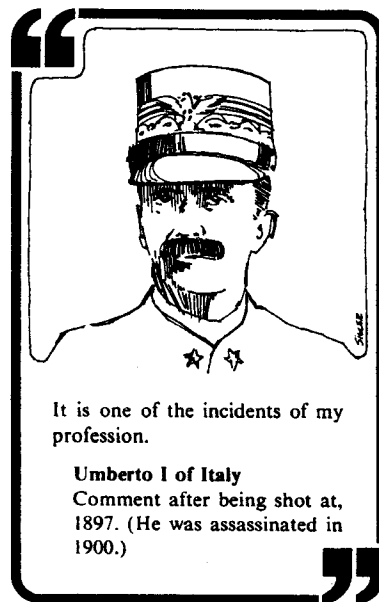
tion in Buffalo, New York, had, in fact, tried to join an anarchist group in northern New Jersey. But he acted so strangely that they thought he was a police spy and published a warning to that effect just a week before McKinley was shot.

There was no real evidence of an anarchist plot and Czolgosz insisted that he had acted alone. But the conspiracy theory grew. Inflammatory newspaper editorials contributed to the hysteria. Anarchist leaders were arrested. Local vigilante committees were organized to seek out and destroy anarchist communities. Congress, influenced by an impassioned plea by the new President, Theodore Roosevelt, passed a series of laws that added anarchists to the list of excluded immigrants and restricted the activities of anarchists already in this country.

Czolgosz did not testify at his trial, which took place four days after McKinley's funeral. The trial lasted 8 hours and 26 minutes and the jury brought in a guilty verdict after only 34 minutes of deliberations. No appeal was filed and Czolgosz was electrocuted. As he was being strapped into the electric chair he said, "I killed the President because he was an enemy of the good people — the good working people. I am not sorry for my crime."

On Feb. 15, 1933, Giuseppe Zangara, an unemployed Italian immigrant, attempted to kill President-elect Franklin Roosevelt while he was giving a speech in Miami, Florida. The shots missed Roosevelt, but fatally wounded Chicago Mayor Anton Cermak who was standing nearby. Zangara, who showed signs of mental illness, freely admitted that he intended to kill Roosevelt to express his resentment over the privileges of the rich. He had intended to kill President Hoover, he said, but the opportunity never presented itself. Despite Zangara's confession, rumors persisted that he was actually the agent of a gangland conspiracy to kill Chicago Mayor Cermak.

The attack upon President Truman in 1950 actually was a conspiracy, albeit a poorly conceived and executed one. The assailants were known to



It is one of the incidents of my profession.

Umberto I of Italy

Comment after being shot at, 1897. (He was assassinated in 1900.)

be Puerto Rican nationalists trying to draw attention to the movement for Puerto Rican independence. Nonetheless, efforts were made to link the assassination attempt to a communist conspiracy.

The Conspiracy To Kill Lincoln

Even the lapse of more than a century has failed to quiet speculation about Abraham Lincoln's assassination. Lincoln was shot in the head on April 14, 1865 — just five days after Confederate General Robert E. Lee had surrendered at Appomattox — while watching the play "Our American Cousin" at Ford Theater. He died the next day without regaining consciousness.

The assassin, John Wilkes Booth, was a well-known actor who had identified strongly with the Southern cause during the Civil War. Booth managed to escape the theater after the shooting, but broke a small bone in his left leg. Twelve days later, Union troops discovered his hiding place at a farmhouse owned by Richard Garrett near Port Royal, Virginia. The troops surrounded the tobacco shed in which Booth was hiding and when he refused to surrender, they set the structure on fire. Booth died from a bullet in the head, probably self-inflicted, although a soldier, Boston Corbett, claimed credit for it and was declared a hero.

Even before Booth died, the army began rounding up suspected conspirators. Eventually seven men and one woman were charged with conspiracy to murder the President. Five of the men, Lewis Powell (alias Lewis Paine), David Herold, George Atzerodt, Samuel Arnold and Michael O'Laughlin, had originally been assembled by Booth to participate in a plan to kidnap Lincoln and hold him for ransom in exchange for captured Southern soldiers. After the war ended, the plan was changed to the assassination of the President, vice president and secretary of state. At about the time that Booth shot Lincoln, Lewis Paine burst into the home of Secretary of State William G. Seward and attacked him with a knife. After badly wounding Seward and

three other men, Paine escaped. Later it would be charged that Booth had assigned George Atzerodt to kill Vice President Andrew Johnson, but that he had lost his nerve.

The other persons arrested on conspiracy charges were Mrs. Mary Surratt, owner of the boarding house where the conspirators met and mother of another participant in the kidnap plot, John Surratt, who had escaped to Canada;⁴ Dr. Samuel Mudd, an acquaintance of Booth's who had treated his broken leg; and Edward Spangler, a stagehand at Ford Theater also alleged to have aided Booth's escape. The eight were denied their right to a trial by jury and instead were tried before a special military commission. Mrs. Surratt, Paine, Herold and Atzerodt were condemned to death by hanging. O'Laughlin and Arnold, who admitted being in on the kidnap plot but who could not be connected with the assassination, were sentenced to life imprisonment, as was Dr. Mudd. Edward Spangler, who had held the horse on which Booth made his getaway, drew a six-year sentence.

The sentencing of the conspirators did not end the speculation about "the real story behind Lincoln's death." The explanations ranged from a conspiracy directed by Confederate President Jefferson Davis to treachery within his own cabinet. Secretary of War Edwin Stanton was the person most often cited in this connection. The fact that Stanton was able to have the conspirators tried before a special military commission personally selected by him, the speed with which the trial was conducted and the sentences carried out, and the fact that the conspirators were kept in solitary confinement, were all pointed to as evidence that Stanton was trying to cover up his role as chief conspirator.

A new piece of evidence uncovered by the Library of Congress will no doubt add fuel to the Stanton conspiracy theory. The document, which was discovered by manuscript reference librarian Charles Cooney, reveals that

⁴John Surratt eventually escaped to Europe, where in 1867 he was recognized, captured and sent back to the United States to stand trial. They jury could not agree on a verdict, however, and Surratt finally went free.

Stanton himself drafted the charges against the conspirators although this was not within the purview of his official responsibilities as Secretary of War. The draft of charges in Stanton's handwriting makes no distinction between those involved in the kidnaping plot and those involved in the actual assassination.⁵

The Assassinations of Robert Kennedy and Martin Luther King

The controversy surrounding the death of John Kennedy increased in 1968 following the assassinations of his brother, Sen. Robert F. Kennedy of New York, and civil rights leader Dr. Martin Luther King. Many people found it difficult to believe that the three slayings were unrelated.

Robert Kennedy was shot on June 5, 1968 in the pantry of the Ambassador Hotel in Los Angeles. He died the next day. At the time of his death, Kennedy was a candidate for the Democratic presidential nomination and had just claimed victory in the California primary. The assassin, Sirhan Birshara Sirhan, was a young Jordanian who was said to be angry at Kennedy because of his support for Israel. Sirhan, who shot five other people in the melee, went on trial in Los Angeles on Jan. 7, 1969. On April 17 the jury found him guilty of first-degree murder and five counts of assault with a deadly weapon. He was sentenced to die in the gas chamber at San Quentin Prison, but his life was spared when the Supreme Court declared the death penalty unconstitutional. In May 1975 the California Adult Authority set a Feb. 23, 1986 parole date for Sirhan.

Rumors of a conspiracy in Kennedy's death began almost immediately after the shooting.⁶ Several witnesses claimed they saw a girl wearing a polka-dot dress run away from the scene shouting "We've shot him. We've shot him." Many people wondered whether Sirhan was connected with Al Fatah or other Arab terrorist groups. Some people blamed right-wing

⁵*The Washington Post/Potomac*, June 29, 1975, p. 5.

⁶See Robert Blair Kaiser, "R.F.K. Must Die." *A History of the Robert Kennedy Assassination and Its Aftermath* (E.P. Dutton & Co., 1970), pp. 111-149.

extremists or the Mafia; others concluded that the assassination was part of a communist plot to divide and weaken America. A special investigating unit set up by the Los Angeles Police Department investigated 17 separate conspiracy theories. But according to Detective Robert A. Houghton, who headed the investigation, they found no evidence of any conspiracy.⁷

Two days after Robert Kennedy's death, James Earl Ray was arrested at London's Heathrow Airport as he was preparing to leave for Brussels. Ray was charged with shooting Martin Luther King on April 4, 1968 in Memphis, Tennessee. Ray's capture ended one of the largest manhunts in history. Ray was returned to Memphis to stand trial for murder. On Nov. 10, 1968, two days before he was originally scheduled for trial, Ray fired his attorneys, Arthur Hanes Sr. and Jr., and replaced them with Percy Foreman. Ray had pleaded not guilty to the charge of murdering Dr. King, but with the switch in counsel, he was granted a trial postponement. On March 10, 1969 Ray pleaded guilty and was sentenced to 99 years in the state penitentiary.

But almost immediately Ray began to change his tune. He claims that he was coerced into pleading guilty by Foreman and has spent years trying to get the courts to grant him a new trial. The Sixth Circuit Court of Appeals finally granted Ray an evidentiary hearing before U.S. District Judge Robert M. McRae. The hearing was held in Memphis in October 1974. But on Feb. 27, 1975 Judge McRae ruled that Ray knowingly elected to plead guilty and was intelligent enough to know what he was doing. Ray's lawyers — Bernard Fensterwald, James Lesar and Robert Livingston — have appealed the case to the Sixth Circuit Court.

If Ray is ever granted a new trial, the proceedings might answer many of the questions that still shroud King's death and Ray's role in it. Many people wonder why, if Ray was acting alone,

⁷Robert A. Houghton, *Special Unit Senator: The Investigation of the Assassination of Senator Robert F. Kennedy* (Random House, 1970).

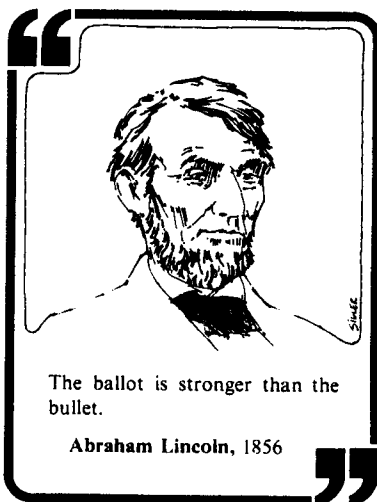
he left a rifle and other evidence near the scene of the shooting, thus making his capture inevitable. And where did Ray, who had not held a job since his escape from the Missouri State Penitentiary on April 23, 1967, get the money to pay for his extensive travels before and after the assassination? If there was a conspiracy, who besides Ray was involved?

Ray's version of the event is that his only role was to buy the rifle that was found near the scene and to drive the white Mustang used as a getaway car. He claims that the actual shooting was done by a man he knew only as "Raoul" whom he met in Montreal the year before the assassination after his escape from prison.⁸

The Shooting of George Wallace

Less than 24 hours after Robert Kennedy was shot, President Lyndon B. Johnson announced the appointment of a commission to "examine this tragic phenomenon" of violence in the national life. In a statement on assassination issued in October 1969 the National Commission on the Causes and Prevention of Violence described the characteristics appearing in presidential assassins:

⁸See Alan M. MacRobert, "The Unsolved Riddle of James Earl Ray," *Rolling Stone*, July 3, 1975, p. 27 *; Bynum Shaw, "Are You Sure Who Killed Martin Luther King?" *Esquire*, March 1972, p. 114*; William Bradford Huie, *He Slew the Dreamer* (Delacorte Press, 1968); and Gerald Frank, *An American Death* (Doubleday, 1972).



Presidential assassins typically have been white, male, and slightly built. Nearly all were loners and had difficulty making friends of either sex and especially in forming lasting normal relationships with women. . . . Normal family relationships were absent or disrupted. . . . All of the assassins were unable to work steadily during a period of one to three years before the assassination. All of the assassins tended to link themselves to a cause or a movement and to relate their crime to some political issue or philosophy. All but Oswald used a handgun. At great risk to themselves, nearly all chose the occasion of an appearance of the President amid crowds for the assassination attempt.

The next assassin to strike at a presidential candidate had many of these characteristics.

Arthur Bremer shot Alabama Governor George C. Wallace on May 15, 1972 at a shopping center in Laurel, Maryland. Governor Wallace, who was campaigning for the Democratic presidential nomination at the time, survived the attack, but was left paralyzed from the waist down. An Alabama State Trooper, a Secret Service agent and a campaign worker also were wounded. Bremer, a 21 year old from Milwaukee, had been stalking Wallace for weeks. His diary, portions of which were read at his trial, revealed that he first planned to shoot President Nixon. Failing that, he chose Governor Wallace as his next target. Three months after the shooting Bremer went on trial in Upper Marlboro, Maryland, where his lawyer pleaded him not guilty on the ground of insanity. On Aug. 4, 1972 the jury found Bremer guilty of four charges of assault with intent to murder and five charges of weapons-law violation. He was sentenced to 63 years in prison.

Speculation about possible conspiracies in the Wallace shooting has been less prevalent than in some of the earlier assassinations and assassination attempts. Still, questions have been raised. Some have wondered where Bremer, a part-time janitor and bus boy, got the money to finance his travels around the United States and Canada as he stalked first President Nixon and then Governor Wallace. Attorney Bernard Fensterwald raises

some additional questions. He points out that political saboteur Donald Segretti was very active in Bremer's hometown of Milwaukee. "Was it just possible that he hired Bremer as either an infiltrator or an *agent provocateur*, and that subsequently the young man went wild and shot Governor Wallace on his own?" Fensterwald wonders. "After all, E. Howard Hunt claims that Presidential Assistant Charles Colson attempted to dispatch him to Milwaukee within one hour of the shooting, in an effort to burgle Bremer's apartment. How did Colson find out so quickly who the killer was and where he lived? What did he want Hunt to remove before the FBI arrived?"⁹

Why Do We Need To Look for Conspiracies?

Social scientists have tried to explain the tendency of the public to attribute presidential assassinations to powerful, widespread conspiracies. William Crotty suggests that many people are willing and even anxious to be convinced that a conspiracy exists because the alternative is unbearable. "People find it difficult to understand how one lone, demented gunman can bring down the most powerful leader on earth," Crotty writes. "A pressing necessity exists to explain the murder in broader and more acceptable terms. Rather than a quirk happening, the act is reconstructed as part of a well-conceived plan with important ramifications."¹⁰ Psychiatrist David A. Rothstein attributes the prevalence of conspiracy theories to the human need to seek order in the universe:

In the absence of an explanation, or in the absence of an explanation acceptable and believable to the person involved, it becomes necessary to generate one. Moreover the idea of a conspiracy may seem to some to offer more order and predictability in the universe, since it would involve a group acting on rational motives in a manner understandable to the average man. While the idea of a lone assassin acting from irrational, apparently unpredictable motives would seem more threatening and would appear to leave the universe more

⁹Bernard Fensterwald, "A Legacy of Suspicion," *Esquire*, November 1973, p. 265.
¹⁰Crotty, *op cit.*, p. 34.

random and capricious.¹¹

These phenomena were no doubt present in the aftermath of each assassination attempt. But there was another aspect to the public's response to the assassinations. The official versions of the facts often lacked believability even in the specifics they attempted to explain; almost always they lacked credibility insofar as they attempted to explain the entire succession of events surrounding an assassination. It was these sketchy and often implausible explanations, as much as the assassinations themselves, which fueled the conspiracy theories. ■

¹¹David A. Rothstein, "Presidential Assassination Syndrome: A Psychiatric Study of the Threat, the Need, and the Message," in *Assassination and the Political Order*, edited by William J. Crotty, p. 165.

SKEPTIC INTERVIEW

(continued from page 11)

the *Washington Post* was with him an hour before his death and never noticed anything unusual.

SKEPTIC: *What do you think of Garrison's work?*

FENSTERWALD: Garrison was absolutely on the right trail until the day Ferrie died. Clay Shaw was a very minor figure at best. A number of us suggested to Garrison that he not go forward without doing some more investigating, but he went ahead anyway. I think he was beaten from the beginning. His chief suspect was dead and the Federal government gave him no cooperation. He couldn't get a single out-of-state witness by subpoena; not one governor would cooperate. Most people, at least in the news media, portrayed Garrison as a nut. But the people of New Orleans took a radically different view of him. They even reelected him. He was the only public official in this country who tried to do something about the assassination. The fact that he failed doesn't lessen my regard for him.

SKEPTIC: *Does the Kennedy family control who sees — and who doesn't see — autopsy evidence at the National Archives?*

FENSTERWALD: Yes, they do. Access is controlled by Burke Marshall, the personal representative of

the Kennedy family.

SKEPTIC: *One would think that the Kennedys would be most interested in finding out what really happened.*

FENSTERWALD: They have doggedly opposed any investigation since November 1963. I don't know why.

SKEPTIC: *Jacqueline Kennedy was closest to the President when he died. She would have seen the wounds. Yet much of her testimony before the Warren Commission is still secret. Why?*

FENSTERWALD: I have no idea whatever, but I see no reason why any of the evidence of the Commission should be secret. The victims of the cover-up are the American people. Regardless, the details are going to be known. I hope that it will be done in a decent fashion. I can't think of anything worse than doing this à la Watergate with four or five hours of TV living color every night. This whole case could be resolved in a matter of days or weeks. The government could simply publish what happened. There's no question that they know. They seem to insist, though, upon it being dragged out bit by bit. That's going to be a terrible trauma, but at the moment I don't see any way to avoid it.

SKEPTIC: *An interesting piece of evidence which was not originally presented to the public was the letter from J. Edgar Hoover explaining that the bullets had been subjected to various analyses and that "minor variations" were found between the fragments taken from the President's body and from Connally. He discounted the significance, however. Yet the Warren Commission never questioned his report or him on this subject. Any explanation?*

FENSTERWALD: I think Hoover knew a great deal more about this murder than he ever said. The FBI did not operate in a normal fashion during the investigation, I guess, because the Bureau itself was one of the "defendants" in the case. For example, Oswald had an address book. One page of the book was taken up with the name, address, phone number and license plate number of his FBI contact in Dallas. Before the address book was

given to the Commission that page was taken out. The Commission discovered this and finally did get the page. But the fact that it was taken out is, I think, indicative of where the FBI stands.

The Warren Commission was terrified of Hoover. For example, the transcript of a meeting in January 1964, when the Texas Attorney General and some other Texas authorities said they had evidence that Oswald was an FBI informer, has just been made public. The Commission, including Gerald Ford, didn't want to investigate because they thought that if Hoover found out that they were investigating, he'd be terribly upset and the wrath of God would descend upon them. So they had a long conversation on how to handle this terrible crisis. They weren't interested in what the Texas officials had to say, only in how to squelch the information.

SKEPTIC: *Do you think the investigation should be reopened?*

FENSTERWALD: I certainly do. It will be reopened.

SKEPTIC: *The comment has been made that a new investigation would probably come to the same conclusions as the Warren Commission. That is, that the lone assassin theory is still the most supportable. Do you think that's true?*

FENSTERWALD: Yes, if we make David Belin chief counsel. But if we set up any type of independent investigatory body, whether in Congress or not; give it subpoena power; give it some investigators instead of corporation lawyers; and not kowtow to the FBI and CIA, who are suspects in the case; then we'll come up with the answer. It's not a difficult case to crack at all.

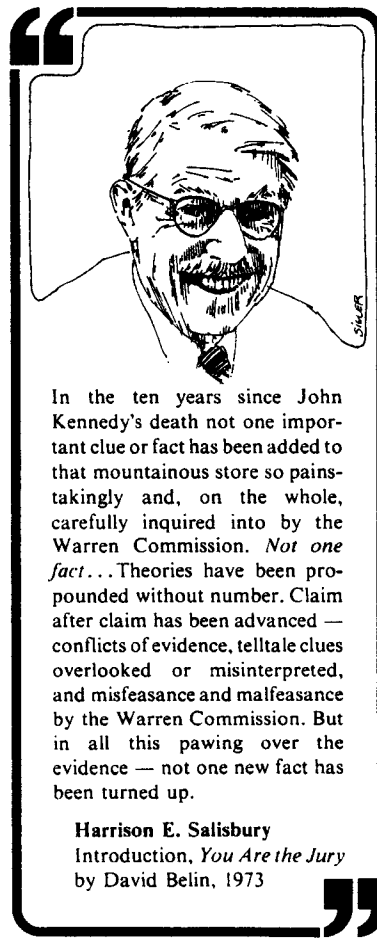
SKEPTIC: *Who would you want to see on such a committee?*

FENSTERWALD: Some who believe that the Warren Commission was correct should be members. People of different persuasions should be on it. It should be non-partisan — this isn't a partisan political question. It's important that it be done soon, though, because I don't think any president or presidential candidate is safe today, and we do have an election coming up.

When you think about it, the last three presidential elections were decided by bullets, not ballots. In 1964, Lyndon Johnson would never have been the nominee as long as John Kennedy was alive. In 1968, Nixon would never have been elected if Bobby Kennedy had been the Democratic candidate. In 1972, Nixon could not have been reelected, in my view, until George Wallace was eliminated. So the last three elections have not been decided by the people but by gunmen. I don't know why it couldn't happen a fourth time.

SKEPTIC: *Wouldn't it be difficult to get committee members?*

FENSTERWALD: Yes. But I'm sure there are members of both houses who would do it, although there won't be a rush of volunteers. The recent shooting in Chicago was duly noted by



In the ten years since John Kennedy's death not one important clue or fact has been added to that mountainous store so painstakingly and, on the whole, carefully inquired into by the Warren Commission. *Not one fact...* Theories have been propounded without number. Claim after claim has been advanced — conflicts of evidence, telltale clues overlooked or misinterpreted, and misfeasance and malfeasance by the Warren Commission. But in all this pawing over the evidence — not one new fact has been turned up.

Harrison E. Salisbury
Introduction, *You Are the Jury*
by David Belin, 1973

a lot of members of Congress. It's very fashionable today to call anyone a nut who says that Sam Giancana's killing was anything other than a Mafia murder. But you've got to consider that Giancana survived 50 years of rather rugged Mafia infighting without getting himself harmed or killed. Yet when he was to be questioned about the CIA, while he was being watched day and night by the FBI, he suddenly got picked off. One of the problems is that people don't want to look at this. It would horrify people if they thought that Giancana was killed...not necessarily by the CIA, but to be sure he didn't testify about the CIA.

SKEPTIC: *If you were involved in a new investigation, what would your strategy be?*

FENSTERWALD: One thing I would be is ruthless. I spent ten years as a counsel to various Senate committees on similar investigations. We did a lengthy investigation, for example, of wiretapping and electronic eavesdropping by the FBI, CIA and other government agencies. This was met with a great deal of hostility. When government witnesses didn't show up voluntarily, we issued subpoenas. The senator who headed the investigation effectively ended his career by doing so. But you have to use subpoena power. And you have to ask the right questions and insist on answers. You wouldn't have to call any more than four or five witnesses to show that the Warren Commission Report was a fairy story. I'm not quite sure where to go from there. If the government cooperated, the job would be easy. However, if the government insisted that it didn't know anything more, then you'd have to use the Sam Ervin approach and do it out in public. If the government wouldn't cooperate, then you'd have to get investigators and talk to hundreds of witnesses. You'd have to insist that the CIA and others give you all the documents they have that relate to the case, not just what they gave the Warren Commission. Above all you'd have to be pretty ruthless — the CIA and FBI don't take these things lying down.

SKEPTIC: *There's a great clamor for another investigation, but there are those who say that regardless of what did happen in 1963 and regardless of who did it, an investigation would not be in the best interests of the country. Do you agree?*

FENSTERWALD: If we had made a different decision in 1963 we wouldn't be having a lot of the critical problems we have now. I don't think you can operate a democracy successfully for any length of time when the leaders of the country are changed by force. In due time the whole fabric of government will unwind. And I know of nothing that's going to stop whoever is behind these murders unless we bring the truth out. It's crucial. A lot of respectable people refuse to be candidates today because they fear being killed. When Ted Kennedy says he's not going to run, it seems perfectly rational to me. Because even if there were nothing more than a lone nut involved, this rash of assassinations — particularly against the Kennedys — puts him in a great deal of danger.

SKEPTIC: *Wouldn't a new investigation be handicapped by the passage of time — witnesses dead, recollection of events dimmed, memories clouded, evidence gone stale? Could we really have a satisfactory investigation?*

FENSTERWALD: There will be some questions left unanswered, but the key witnesses are still alive and the key evidence is still available, although a lot of it is locked up.

SKEPTIC: *Do you think that if a new investigation pointed to a conspiracy, the conspirators could be identified?*

FENSTERWALD: I think they can and will be.

SKEPTIC: *Are you encouraged by the bills in the House to reopen the investigation?*

FENSTERWALD: I'm very hopeful that proponents of reopening the Kennedy case can get together on a single effort. At the moment, we have two similar and parallel proposals — one by Congressman Gonzales which would reopen the four major assassination cases. From my own viewpoint, particularly since I represent James

Earl Ray, I would be very much in favor of that resolution. Downing from Virginia, a man of seniority and more conservative than Gonzales, would like to reopen just the Kennedy case. But everybody agrees that the Kennedy case should be reopened first in any event. So we're making an effort to see if those who prefer one course or the other can get together. In that case, we'd have in the neighborhood of 70 sponsors for a common bill.

SKEPTIC: *As Ray's attorney, do you think the three major assassinations and the attempt on George Wallace's life are linked?*

FENSTERWALD: We don't know. I'm not even sure that the government knows. We won't know until we look at the various murders with an objective investigation. There have been serious questions raised about whether Sirhan was the only killer of Robert Kennedy. There was a splendid autopsy done in that case. Robert Kennedy was shot by three bullets, and all hit him from behind, in an upward direction and from a maximum range of six inches. There were 40-odd witnesses, and not one can put Sirhan in a position to fire those shots. Ballistics weren't done on Sirhan's gun, but on another gun which was then destroyed. The Los Angeles police could get rid of these doubts, or most of them, by taking Sirhan's gun, firing it and matching the bullets with those found in Robert Kennedy's body. It would take five or ten minutes to do it. If the bullets match, they'd be rid of the critics. I'm convinced beyond any question that they've already done this and found that the bullets don't match.

SKEPTIC: *Have you found, in these major assassinations, that the local police haven't done their job?*

FENSTERWALD: The FBI is in on every one of these cases and you'll find in each instance that the local police participation was minimal. Virtually all of the investigatory work was done by the FBI. The cases are taken away from the local authorities until it comes time to prosecute.

SKEPTIC: *Is it possible that the FBI has some vested interest either in*

the murders or the cover-ups?

FENSTERWALD: I have no idea. I do know that immediately after each of these killings there is a tendency for the Attorney General, no matter who he is at the time, to say that people should be calm, that it was only a lone nut murderer who did it, and that it will be thoroughly investigated and taken care of. The whole topic of assassinations has a peculiar history in America. We insist that we are different from other countries. When the President of the United States gets shot, it's always the work of a lone nut. We have led the "banana republics" of the world in assassinations in the last 15 years, yet we insist that political murder cannot happen here.

SKEPTIC: *If the reopening of the Kennedy case or the other cases pointed to a conspiracy, aren't there a number of government people with a great deal to lose if the truth were known?*

FENSTERWALD: Maybe, but the people who had the most to lose are dead — Lyndon Johnson, Earl Warren and J. Edgar Hoover. Half the members of the Warren Commission are dead. There are others still alive who would have something to lose by it, but not if they were to handle it properly. For example, if Gerald Ford were to refrain from engaging in any type of cover-up during a new investigation, I don't think he'd be in any deep political trouble. It is an embarrassment he would like to avoid, but his role in the Warren Commission was not that central. You've got to differentiate between the murder and the cover-up, because complicity in the cover-up can be rationalized on patriotic grounds. You'll find a clear line of distinction, as in Watergate, between those who were involved in the crime and those who were involved in the cover-up.

SKEPTIC: *What are the assassination critics doing to reopen the case?*

FENSTERWALD: Our committee is trying to get a commitment out of all candidates of both parties that whoever is elected President will reopen and solve the case. Most of the candidates have agreed. Some have

not. But I'm not at liberty to give you a rundown on who has said what at the moment.

SKEPTIC: *Have any of the Republican candidates — or potential candidates — agreed?*

FENSTERWALD: Yes. This isn't a partisan question.

SKEPTIC: *Just what will it take to reopen the investigation?*

FENSTERWALD: It could be a slow process fueled mainly by the media, all of whom are working very hard on it at this moment. Or it could be one dramatic thing such as a witness coming forward, or one piece of evidence that's unequivocal enough to demonstrate that the Warren Commission Report is a fairy story.

SKEPTIC: *Will it be determined in part by the role of the activists — by your Committee to Investigate Assassinations and other such groups?*

FENSTERWALD: We certainly do our part to uncover pieces of evidence and to see that they're made public. We have been cooperating with Senator Church's committee and with others in Congress who are interested. Our group does not have tax exemption so we can lobby as much as we want. We started in 1969 and have been engaged primarily in research and coordination. The Citizens Commission of Inquiry, headed by Mark Lane, has a staff and is much more active than our group.

SKEPTIC: *What new developments can you report?*

FENSTERWALD: For years, virtually nobody came to us with useful information. But we're getting so many informants these days that we can barely keep up. We have to be rather cautious about this because we do get a certain number of people whose credibility we doubt and others who we suspect have been sent by the government to hamper our work.

SKEPTIC: *Has anything been said to you recently that you can talk about?*

FENSTERWALD: No. I find frequently that if I talk, the lead disappears. This information will be very useful when the case is reopened. We make it available to any congressional

committee or any senator or congressman we're convinced is serious. But we don't think that bruited it about in the press makes sense now.

SKEPTIC: *Do you hope to make the assassination question the number one campaign issue next year?*

FENSTERWALD: I don't see it as that at all. There are many other pressing problems which are certainly going to be more important. However, we can make it a major question and by the time we actually get two candidates, we hope to have commitments from both parties that if the case hasn't been solved they'll back some kind of investigation to solve it.

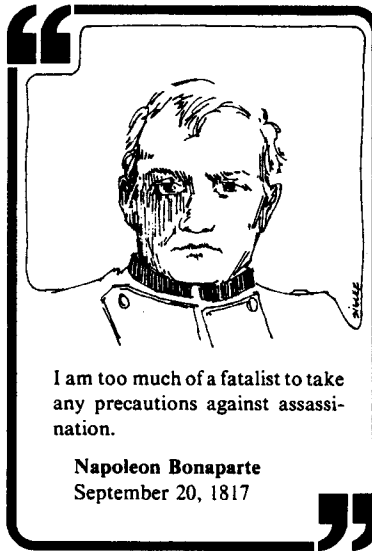
SKEPTIC: *You're optimistic that this will eventually happen?*

FENSTERWALD: I'm much more optimistic that all of this will be done before we get to the election. From the viewpoint of the candidates it would be very helpful if this could be done, because the physical safety of many of them — including Gerald Ford — may depend on it. ■

THE WARREN COMMISSION WAS RIGHT

(continued from page 15)

with Lane's methods, I felt that none of the seven Commissioners would answer the letter of Lane and deAntonio and that most if not all other lawyers who served with the Commission



I am too much of a fatalist to take any precautions against assassination.

Napoleon Bonaparte
September 20, 1817

would throw the letter in the wastebasket. We knew that Lane's claims were a sham. And although I did not agree with every decision made during our investigation, each of us felt that when we completed our investigation we had determined the truth: Lee Harvey Oswald was the assassin, and the sole assassin, of President John F. Kennedy, and Oswald was the killer of Officer J. D. Tippit.

Of course, not everyone in the court of world opinion agreed with these conclusions, and this was to be expected. In any democratic society it is important that we have doubters who are skeptical about every official report. Unfortunately, most doubters had not bothered to read the entire Report, and even those who studied the Report did not have the intimate knowledge of the evidence as did we lawyers.

The prevalence of relative ignorance of facts was a fertile breeding ground for the seeds of doubt cast by those critics who used sensationalism as their tool. There were speeches and newspaper articles; followed by magazine articles, followed by books. And at the top of the heap was the moving picture film that could reach an audience in the tens of millions. Most of the court of world opinion would not have to bother to read a book. They could get a spoon-fed version of the assassination of President Kennedy. In turn, this would create more doubts.

I was on vacation when the letter arrived at my law office. But on Aug. 15, as soon as I returned, I wrote the first of ten letters in which I sought to accept the offer. The first eight of these letters went unanswered, except for one postcard received on Sept. 12, 1966, from Emile deAntonio in response to my third letter. Mr. deAntonio wrote: "Please write to Mark Lane, 178 Spring St., N.Y., N.Y. I have sent him your letters. He is in Dallas and will return in 2 wks." On one occasion when I learned Mr. Lane was scheduled to speak in Des Moines, I arranged to have a sheriff serve the letters on Lane. Unfortunately, the speech was canceled.

Finally, after my ninth letter, Mark Lane replied on Dec. 19 and withdrew his offer, using the following as a rationale: "Since not a single member of the Commission has agreed to appear in the film and none of the senior counsel have agreed either we have decided not to settle for bit players."

In the original letter to me, there were no strings attached. The offer to rebut was unconditional. It was made to David Belin, and no one else. When I replied and accepted the offer, Lane tried to hide, hoping that perhaps I would go away. But I persistently pursued the offer. And whenever I wrote to Lane, I enclosed in each letter Xerox copies of all of my prior correspondence.

On Dec. 23, I replied to Mark Lane's withdrawal of the original unconditional offer to rebut, starting my letter with the simple factual statement: "Your bluff has been called . . ."

. . . True to form, you tried to hide from the person who could best demolish your fabricated case . . .

You did not say that you had not received any of the prior correspondence, all of which was enclosed in my final letter. You did not say that my request for thirty minutes for rebuttal to your two-hour film was too long. You did not say that my request of fifteen days time to prepare my rebuttal was unreasonable.

Rather, your rationale for reneging on your original offer was your assertion that the lawyer who took the testimony of Howard Brennan, Roy Truly, Officer M. L. Baker, Lieutenant Day, Domingo Benavides, William Scoggins, Johnny Calvin Brewer and William Waldman, the lawyer who was one of the two men concentrating in Area II, the lawyer who wrote the first draft of Chapter IV of the final Warren Commission Report, the lawyer who was one of the two persons with more first-hand knowledge of the key witnesses to the assassination of President Kennedy than any other individuals in the world, was not of sufficient stature to make a rebuttal. To quote your language, ". . . we have decided not to settle for bit players."

Although you are certainly entitled to your opinion that I was just a bit player, I would respectfully submit that I am fully qualified as an expert on the facts surrounding the assassination of President Kennedy and the murder of Officer J. D. Tippit.

Mr. Lane, you have welched on your

offer of rebuttal. The reason is obvious: You are afraid . . . afraid of the truth.

Once again I challenge you, Mark Lane, to thirty minutes on film — that is all I need to demolish your manufactured case.

Although I won the battle of the letters, I unfortunately lost the war — for the film contains no rebuttal. Lane never replied to my final letter of Dec. 23, and wherever in the world the film is shown there will be no rebuttal.

However, there is no doubt in my mind that in the long run of history truth will prevail. It is for this reason that I have asked you to serve as a member of the jury of world opinion.

I have also wanted you to learn not only the heart of the evidence involved in these two murders but also the integrity with which we conducted our investigation.

Many times, members of the legal staff of the Warren Commission were referred to as "brilliant" lawyers. However, brilliance is only secondary. The primary considerations in an investigation of this kind are the same as in service of any governmental body: integrity and sound judgment. The tragedy of Watergate is a direct outgrowth of government servants ignoring these criteria and compounding this with placing as their highest priority loyalty to a person instead of loyalty to our constitutional republic.

There is a well-known axiom in the real estate business that the three most important criteria for success in a real estate venture are location, location and location. Similarly, the three most important criteria for governmental service of any kind must be integrity and judgment, integrity and judgment and integrity and judgment.

I disagreed with a number of the decisions of my colleagues. I felt that some colleagues performed better than others. But there never was any question in my mind that the seven Commissioners, as well as all the lawyers working with the Commission, had absolute integrity in seeking the truth. There also is no doubt in my mind that the assassination sensationalists, in contrast, lack such integrity, as illustrated by the examples you have seen.

The last three sentences on the Lane-deAntonio film are ironic:

Having rushed to judgment, the Commission dissolved itself on Sept. 14, 1964, but that dissolution cannot bury the facts nor still the doubts. Our questions persist and we shall continue to go on asking them. And if today we cannot know the whole truth, at least we will know that truth which can be known and we shall continue to ask and ask and ask.

If you listen to the claims of people who attack fragments of the overall picture, you should not be content to merely let them ". . . continue to ask and ask and ask." Rather, you should demand that they produce some answers of their own.

Where are any eyewitnesses who saw a rifle at the time of the assassination, except in the Depository? Where is any physical evidence of any other rifle being used — empty cartridge cases? Bullets that did not come from the assassination weapon, serial No. C-2766?

How do they reconcile that fact that the fibers of President Kennedy's clothing and the autopsy of President Kennedy indicate that he was struck from behind? How do they reconcile the fact that all of the wounds to Governor Connally were caused by a single bullet fired from the rear and above and the fact that the wrist wound was not caused by a pristine bullet? If a bullet struck President Kennedy in the front of the neck, since there was no exit point for that bullet, where did it disappear? If the shots were not fired from the southeast corner window of the sixth floor of the Depository, how do you reconcile the fact that the bullet fragments in the front seat of the presidential limousine, the nearly whole bullet found at Parkland Memorial Hospital, the three cartridge cases found in the southeast corner window of the sixth floor of the Depository, all came from Oswald's rifle, serial No. C-2766, to the exclusion of all other weapons in the world? How do you reconcile the damage to the inside of the windshield of the presidential limousine?

And you can ask additional ques-

tions. Why was Oswald the only employee who had regular access to the sixth floor of the Depository who was inside the building at the time of the assassination and then left within a few minutes thereafter? Why did Oswald walk seven blocks east to get a bus when he could have boarded one in front of the Depository? Why did Oswald board the first bus that passed on Marsalis Street, instead of waiting for the Beckley bus which would have taken him to his rooming house? Why did Oswald leave the bus when it became stalled in a traffic jam as it approached the Depository and take a taxicab?

Why did Oswald lie during his interrogation about owning a rifle? Why did Oswald lie when he was shown a picture of himself with a rifle and say that the picture was artificially manufactured to incriminate him when it was determined scientifically that the negative of that picture came from Oswald's reflex camera, to the exclusion of all other cameras in the world? Why did Oswald lie about having lunch with Junior Jarman at the time of the assassination? Why did Oswald lie about the "curtain rods"? Why, when Oswald ordered the rifle, did he use an alias, A. Hidell? Why did Oswald lie about the place from which he purchased his revolver?

Why did Oswald duck into the lobby of Johnny Calvin Brewer's shoe store as police sirens approached? Why did Oswald, as he was approached by Patrolman McDonald in the Texas Theatre, strike Patrolman McDonald with one hand and pull out his revolver with the other? Most important of all, if Oswald was innocent of the assassination of President Kennedy, why did he kill Police Officer Tippit?

When someone charges that Jack Ruby was involved as a conspirator, you can ask additional questions, including such matters as the polygraph examination of Jack Ruby, the happenstance of Jack Ruby going to mail some money on that Sunday morning at around 11:15 a.m., the happenstance of postal inspector Holmes who, on the spur of the moment, went to Captain Fritz' office

and was responsible for the delay of Oswald's transfer, and all the other matters which appear in Jack Ruby's testimony and which are summarized in the Warren Commission Report.

Finally, I hope that as you heard the evidence presented you will know that truth was my only goal and that our Warren Commission Report was prepared "in recognition of the right of people everywhere to full and truthful knowledge concerning" the events of the assassination of President Kennedy. As we wrote in the beginning:

This Report endeavors to fulfill that right and to appraise this tragedy by the light of reason and the standard of fairness. It has been prepared with a deep awareness of the Commission's responsibility to present to the American people an objective report of the facts relating to the assassination.

In my book I have tried to combine three goals: (1) to bring the heart of the testimony of the primary witnesses before the jury of world opinion so that a true verdict can be reached concerning who killed President Kennedy and who killed Officer Tippit; (2)



I do not believe there is any danger of... any assault upon my life... and if there were it would be simple nonsense to try to prevent it, for, as Lincoln said, though it would be safe for a President to live in a cage, it would interfere with his business.

Theodore Roosevelt
Letter to Henry Cabot Lodge,
August 6, 1906

to give an inside view of the Warren Commission and to display the importance of independent citizen participation in governmental agencies and commissions of all kinds; (3) to expose the techniques of the assassination sensationalists — techniques of misrepresentation, fraudulent omission, and smear that have become all too common in public life and discussion of issues, both in this country and abroad.

We live in a great republic, a nation where it is possible for an independent citizen to become a part of a special commission investigating the assassination of a head of state, a country where a citizen can freely write a book criticizing the chief judicial officer, the highest law enforcement agency, and the head of state.

To maintain such freedom is not an easy task. It requires an informed citizenry, and the information upon which the people rely cannot merely be a mile wide and an inch deep. We must have depth of understanding.

If there is one thing that stands out in the minds of you jurors, I hope it is the need for objective, in-depth exploration of all of the facts before deciding which or who is right or wrong. Mass-media techniques, spoon-fed sensationalism, and demagoguery are all the enemies of a free society.

These enemies cannot exist in an environment where the constant quest for accurate information on issues and answers is at least as important as the quest for personal luxury and entertainment. We must be aware of the facts, for our ultimate judgments will be no better than the accuracy of the information on which they are based.



THE GREATEST COVER-UP OF ALL

(continued from page 19)

parts per billion and sometimes even less. In his letter to the Commission, Hoover blandly reports that while "minor variations" were found between the fragments taken from President Kennedy's body and those taken from Governor Connally's body, those differences were not

judged to be "sufficient." To the layman, that explanation sounds fine, and certainly the Commission did not question it. But the beauty of NAA is that the size of differences between particles are meaningless. Virtually any difference, however minute, is not only "sufficient" but irrefutable. Unless atoms changed their structure that day in Dallas, John Kennedy and John Connally were wounded by separate bullets.

Perhaps the subtleties of neutrons and atoms may have escaped the members of the Commission. Incredibly, no mention of the NAA test or Hoover's letter is to be found either in the Report or the 26 volumes of evidence (so far the FBI has refused to release copies of the actual NAA findings). Far more graphic evidence, however, was right in front of them: a color film of the assassination itself.

Abraham Zapruder, a Dallas dress manufacturer, was standing with his secretary on a concrete pedestal immediately adjacent to the grassy knoll on November 22, 1963. A supporter of the President, Zapruder had brought his 8mm movie camera to record the motorcade. What he saw through the viewfinder instead was the most horrifying moment in modern American history.

Though a few frames are unaccountably missing, and though the film has been spliced twice, the 22-second Zapruder film is startling enough. We see the lead motorcycles turning onto Elm Street, and behind them the President's blue Lincoln. Kennedy is smiling, waving to the crowds. Then, for a few seconds, the car disappears behind a freeway sign. When it emerges, Kennedy has been hit. His hands are clenched, and he is bringing his arms up to his throat. Connally, apparently unhurt, turns back to his right trying to see what has happened. He turns around and is beginning to turn to his left when his cheeks suddenly puff, his hair goes askew, and he is driven downward in the car. In the rear seat Mrs. Kennedy has now begun to lean over her stricken husband, who has begun to fall forward and to the left. The car

continues on, almost coasting down the hill. Seconds pass. One one thousand, two one thousand, three one thousand, four one thousand, five one thousand, six. . . . And then, for a fraction of an instant, the President's head is thrown forward a few inches, a blur, lost in the sudden violent impact that tears away the right side of his head in a shower of blood and brains and throws him backward in the car at a speed of 104 miles per hour.

Until recently, these pictures have been seen by a comparative handful of people. *Life* magazine, which bought Zapruder's film, suppressed the fatal frames for reasons of "taste." To most researchers who have seen the Zapruder film, the conclusion is obvious: the final shot comes from the right and to the front, and can only have been fired from the grassy knoll. Josiah Thompson, a Haverford College professor who was hired by *Life* to work on its investigation of the assassination (and then left when the editors would not accept his evidence of a conspiracy), has studied the Zapruder film more closely and longer than anyone. His conclusion, based on the film, is that there were at least four shots. The first, fired from the School Book Depository, which struck the President in the back. The second, fired from the roof of the nearby County Records Building, which hit Connally. And a final, double impact: a third shot, which hits the President in the back of the head, and a fourth, which hits him in the head and is fired from the front.

Thompson's theory is based on nothing more than a simple application of Newton's third law of motion: every action has an equal and opposite reaction. When bodies are hit from the rear, they move forward. When hit from the front, they move backward. That is precisely what occurs in the Zapruder film. The Commission ignored it. To accept it would have been to say there had been a conspiracy.

Zapruder himself thought there had been one. He later testified that he had heard shots whistle past his right ear. His film, according to some investigators, not only records the assassination but one of the killers. The "figure" is

seen in frame 413, toward the end of the film, as the presidential limousine disappears behind some bushes before entering the tunnel. In those bushes is a dark shadow that, to some, appears to be the head and arms of a man with a rifle. There are many doubts, even among conspiracy theorists, over whether the shadow is actually a man. Final proof or disproof awaits image enhancement tests, which are currently being conducted at Cornell University.

A clearer image of a man, pointing what seems to be a gun, appears in a film taken by Orville Nix, who was standing across Elm Street from Zapruder at the time of the assassination. Extreme blowups of the 8mm frame, though very hazy, seem to show a man pointing what could be a long-barreled, sighted pistol from behind a cream-colored Rambler station wagon parked behind the grassy knoll. Later, the picture was shown to Lee Bowers, a railroad worker, who witnessed the assassination from a nearby switching tower and told the Warren Commission he had seen unusual "commotion" near the stockade fence just as the shots rang out. "That's exactly what I saw," Bowers said of the picture. A few months later, Bowers was killed when his car struck a bridge abutment. He had been driving in daylight, on an open road and at moderate speed, when his car suddenly swerved off the side of the road. (Bowers was one of 17 witnesses connected to the Kennedy, Oswald or J. D. Tippit murders to die under strange circumstances within three years of the assassination. Five died of what were officially listed as "natural" causes; the other 12 were victims of murder, accidents or suicide. The actuarial odds of such a string of deaths have been reckoned at 100 trillion to 1.)

The Grassy Knoll and Other Curiosities

If the Commission was willing to credit Oswald with extraordinary gifts of marksmanship and mobility, it was not quite prepared to admit he had the power of bi-location as well. Thus, the possibility of an assassin or assassins firing on the motorcade from the

direction of the grassy knoll to the right of Elm Street was ruled out.

To rule it out, the Commission had to discount the testimony of more than 50 witnesses, nearly a score more than those who reported shots coming from the School Book Depository. By and large, the grassy knoll witnesses were, like Lee Bowers, quite positive about what they saw or heard. More importantly, many of their stories coincided in crucial details, and the details were quite specific. S. M. Holland, who observed the scene from the overpass, reported seeing a puff of smoke near the stockade fence immediately after the shots; Bowers noted the presence of several strange cars in the parking lot in back of the knoll. In one of the cars, Bowers said, a man seemed to be speaking into something that resembled a microphone.

Films back up some of the stories. The Nix film, for instance, shows people running in the direction of the knoll immediately after the shots, while two people on the knoll itself throw themselves to the ground, to avoid being hit by more shots. The film also shows the two motorcycle officers who had been riding behind the presidential limousine dismounting and one of them running up the knoll, gun drawn.

Another policeman who ran to the knoll was Joe Smith, who had been directing traffic at the corner of Houston and Elm when he was summoned by a woman who cried, "They are shooting the President from the bushes." What Smith discovered on the knoll is the most chilling story of all. As he related his story to the FBI: "I pulled my gun from my holster and I thought, 'This is silly. I don't know who I am looking for,' and I put it back. Just as I did, he [the man at whom Smith had been pointing his weapon] showed me he was a Secret Service agent." There is only one problem. The Secret Service's own records show there were no Secret Service men on the grassy knoll.

Indeed, a lot of people were where they shouldn't have been that day. Winston Lawson, the Secret Service agent responsible for the choice of the

Kennedy motorcade route, later reported that motorcycle outriders were posted on "the left and right flanks of the President's car" (a position that would have made a cross-fire more difficult). But, as the films of the motorcade clearly indicate, the motorcycles were posted well to the rear of the President's car and, according to the Dallas police, were positioned there at Lawson's own instructions. After the shooting, when the doors of the School Book Depository were sealed, a man was "trapped inside" who didn't belong there. He was James W. Powell, an Army intelligence agent.

Across the street from the Book Depository is the Dal-Tex Building, and assassination theorists have long speculated that some of the shots on the motorcade could have come from there as well as from the Book Depository. The cops evidently had the same idea, too, because, after the shooting, they picked up a young man who had been in the building "without a good excuse," as the police report puts it. Just who the young man was is impossible to say. While the records show he was taken to the sheriff's office, his name does not appear, nor does any alibi. Evidently, he just disappeared.

The debate over what did or did not



I never believed that Oswald acted alone, although I can accept that he pulled the trigger.

Lyndon B. Johnson
Interview in *Atlantic Monthly*,
July 1973

go on at both the grassy knoll and the Dal-Tex Building might well be resolved by a thorough examination of the wounds in President Kennedy's brain. Just for this reason, the brain was removed after the autopsy and "set" in Formalin. Eventually, it was transported, along with other medical evidence, to the National Archives. When Dr. Cyril Wecht, the coroner of Allegheny County, Pa., and one of the few independent experts to examine the autopsy photographs and X-rays, sought to locate the brain at the archives, he made a grisly discovery. It, too, had disappeared.

The Oswald Connection

In fixing blame for the assassination, the Commission ignored the testimony of eyewitnesses and settled instead on a 24-year-old former Marine named Lee Harvey Oswald. For a country still shaken by the Cold War, Oswald fit the bill perfectly. He was a self-proclaimed Marxist who had, several years before the assassination, "defected" to the Soviet Union. When he returned, he brought a Russian wife with him. As it happened, her uncle was an official in the Soviet Secret Police. Oswald had been born in New Orleans but had grown up in the Dallas area, and it was to Dallas that he returned. One month before the assassination, he had gone to work as a stockboy in the School Book Depository.

Oswald was arrested 75 minutes after the President's murder, as he was sitting in a movie theater. Eventually, he was charged with the murders of President Kennedy and J. D. Tippit, a Dallas police officer who was shot to death not many blocks from the theater within an hour of the assassination. The evidence that Oswald committed either crime is tenuous at best.

Physical evidence linking Oswald to the assassination was strangely inconclusive. A paraffin test turned up traces of nitrates on his hands but not on his cheek, and was ultimately dismissed by both the FBI and the Commission as unreliable. A partial palm print was found on the weapon, but police were unable to prove it was

Oswald's. The gun itself had been purchased through the mail by an A. Hidell. Dallas police claimed that they found Oswald carrying phony identification for an A. Hidell, yet the accompanying photograph does not look like Lee Harvey Oswald.

The day of the assassination, while rummaging through a garage where Oswald kept some of his things, the police also uncovered two snapshots of Oswald standing in a back yard, a revolver strapped around his hip. In one hand he holds some socialist propaganda literature. In the other he hefts a long, scope-mounted rifle. The FBI, however, was unable to determine whether the rifle was the Carcano. Other researchers, notably Sylvia Meagher, assert that the gun Oswald holds is 2.4 inches longer than the Carcano.

In any case, there is serious question whether the man holding the rifle is Lee Harvey Oswald at all. Several professional photo analysts have flatly branded the picture as a fake. When the two back yard photographs are laid next to each other, a startling inconsistency emerges. Though the body of the second photo is smaller than the first (since the picture was taken from farther away), the size of the two heads is virtually identical. Either the pictures are fakes, planted to incriminate Oswald in the assassination, or Oswald managed to grow nearly half a foot in the few minutes between the taking of the first and the second pictures.

Against this evidence is the testimony of Marina Oswald, who told the Commission she took the pictures. In this and other matters, Mrs. Oswald proved most cooperative; indeed, nearly three-quarters of the evidence against her husband comes from her testimony. Except when it conflicted with its own sequence of events, the Commission accepted Mrs. Oswald's testimony at face value, despite numerous warnings from Commission lawyers such as Norman Redlich that "Marina has repeatedly lied to the Secret Service, the FBI and this Commission on matters which are of vital concern."

The Commission's tolerance toward Marina is understandable. There were few other witnesses who could put Oswald at the scene of either murder, and those who could, for one reason or another, were less than wholly credible. Only two witnesses, for instance, claimed to have seen Oswald on the sixth floor shortly before the shots were fired. One was Howard Brennan, a 45-year-old steam fitter who was standing directly across the street from the Book Depository. Minutes before the shooting, Brennan claimed he glanced up and saw Oswald standing in a window on the sixth floor, gun in hand. Later, however, Brennan was unable to pick Oswald out of a police lineup, and the Commission itself downplayed the significance of his testimony. The other witness was Charles Givens, one of Oswald's co-workers. Shortly after the assassination, Givens told the FBI that he had seen Oswald on the first floor 40 minutes before the assassination. For the next six months, Givens stuck to that story through several interrogations. Not until Commission lawyer David Belin interviewed him on April 8, 1964, did Givens suddenly recall that he had forgotten his cigarettes on the sixth floor and, when he went to retrieve them shortly before noon, spotted Oswald and exchanged a few words with him.

Oswald himself claimed that he was eating lunch on the first floor of the School Book Depository at the time of the assassination. Within two minutes of the actual shooting, police discovered him calmly sipping a Coke on the second floor. According to the Commission, Oswald fled from his sniper's perch, rearranged the shield of boxes he had set up around the window, wiped his fingerprints off the murder weapon, hid the rifle, ran down four flights of stairs, and bought a bottle of Coke — all within 80 seconds.

Secret Agent Man

Almost from the moment of Oswald's arrest, rumors wafted through Dallas and Washington that the accused assassin was an agent for one

or more intelligence agencies. The rumors were fed by the fact that the notebook Oswald was carrying with him at the time of his arrest carried the name, license and telephone number of James Hosty, a Dallas-based FBI man who had visited Oswald's household several times. There was no question about the visits. Hosty himself confirmed them, explaining that they were a routine part of keeping track of known subversives. What was more troubling to the Commission was the suggestion that Oswald was not only under the surveillance of the FBI but in its employ.

The rumors became formal allegations when Waggoner Carr, the Texas attorney general, passed them on to the Warren Commission. Carr, who said he had gotten his information from reliable informants (they turned out to be on the staff of the Dallas D.A.), said that Oswald collected \$200 every month from the FBI as an informer and that his Bureau identification number was 179.

Carr's information sent shock waves through the Commission. Just how seriously the members of the Commission viewed the story is shown in a "TOP SECRET" transcript of a closed Commission meeting. The recently declassified transcript quotes an alarmed J. Lee Rankin, chief counsel for the Commission, saying, "We do have a dirty rumor that is very bad for the Commission...and it is very damaging for the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission." The problem, as Commission member and former CIA Director Allen Dulles quickly notes, is how to go about it, since, if Oswald were an FBI agent, Hoover would claim he wasn't. Or as Dulles aptly puts it: "I think under any circumstances... Mr. Hoover would certainly say he didn't have anything to do with this fellow... If he [Hoover] says no, I didn't have anything to do with it, you can't prove what the facts are." When Dulles' fellow commissioners ask him whether he would lie, even under oath, if he were put in the same spot, Dulles bluntly tells them yes, as would any

official in the CIA.

For whatever it is worth, then, Hoover and the CIA both dutifully denied that Oswald had ever been their agent. All that remains to contradict them is a series of unlikely events, which, depending on how they are construed, make a powerful case for coincidence or conspiracy.

First, there is the matter of Oswald's Marine record. One of his duty stations overseas was Atsugi, Japan, where he worked as a radar operator and learned Russian, or so it is said, in his spare time. According to those familiar with the workings of the agency, Atsugi is one of the largest CIA bases in the world. If Oswald worked at Atsugi, the argument goes, he was almost surely an agency man.

Then, there is the manner of Oswald's leave-taking from the Marine Corps. In September 1959 Oswald applied for a hardship discharge on the ground that his mother had been injured. (A box dropped on her foot at work; she was back at work a few days later.) The discharge was granted three days later — a record time, according to Marine Corps officers. According to the critics, it was the CIA who set the record.

Once home, Oswald spent three days with his mother before leaving for New Orleans, the first stop on a hejira to the Soviet Union. According to the Warren Commission, Oswald paid \$1,500 plus for his passage from money saved from the Marine Corps. But Oswald's bank account showed a balance of exactly \$203. The question is where the rest came from.

Oswald supposedly took a ship to England and made the next leg of his journey — London to Helsinki — by plane. Sylvia Meagher, who matched up the entry date stamped on Oswald's passport in London with the time his commercial flight was said to have departed for Helsinki, found that the plane left a day *before* Oswald arrived in England. The only plausible explanation is that Oswald reached Finland by noncommercial means. In the minds of the critics, the CIA made the means available.

Two weeks after his arrival in

Russia, Oswald showed up at the American Embassy to make two startling declarations: he was renouncing his American citizenship, and he was going to turn over his knowledge of radar secrets to the Russians. The revelations did not seem to cause a ripple of concern. In any case, when Oswald applied for a new passport two years later, it was routinely granted, along with a loan of several hundred dollars to get home.

Back in Texas, Oswald and Marina were taken under the wing of Dallas's large and heavily CIA-infiltrated White Russian community. Despite their aid, Oswald was apparently unable to get and keep steady work. At least, that was the stated reason why he moved to New Orleans in April of 1963. Oswald did not fare much better on the job market, but he did come in contact with some interesting people.

It was in New Orleans that Oswald became involved with the pro-Castro

Fair Play for Cuba Committee. Once, while distributing FPCC leaflets, Oswald became involved in an altercation with anti-Castro activists. After a brief brawl, Oswald was arrested for disturbing the peace and hauled into a police station. He made one request: "I want to see the FBI." An agent quickly appeared, and Oswald was released the next day after paying a \$10 fine.

If it is unusual for a self-proclaimed "Marxist" to demand to see the FBI, it is no more out of character than Oswald's other labors on behalf of Castro's Cuba. Some of Oswald's leaflets, for instance, were stamped with the address "544 Camp Street." The Commission could find no evidence that Oswald ever kept an office at that address, but in its search it found that an *anti-Castro* group had. That group was the Cuban Revolutionary Committee, a CIA creation put together by none other than E. Howard Hunt.

In late September 1963, Oswald left by bus from New Orleans to Mexico City, where he hoped to obtain a travel visa to Cuba. On October 10 the CIA sent a cable to the State Department and the Office of Naval Intelligence, informing them that a "reliable and sensitive source" had reported that Leon "Henry" Oswald had been seen entering the Soviet Embassy. The CIA said it had reason to believe that this was the same L. H. Oswald who lived in Texas and had once defected to the Soviet Union, and requested that State and ONI furnish pictures of Oswald so that the identity could be confirmed. In its cable the CIA describes Oswald as "approximately 35 years old, six feet tall, athletically built, with a receding hairline." Later, the CIA released pictures of the Mexico City "Oswald." The only resemblance between this "Oswald" and the Oswald arrested in Dallas a month later was the receding hairline. So far, the best explanation the CIA has offered for the affair is that it was a "mixup."

If it were truly a mixup, it bears some explanation. Oswald did, in fact, travel to Mexico City, and his name appears on a visa application filed with the Soviet Embassy. Confirmation



Bad times have come to our country, and one is moved to look backward and ask where we went wrong. There can be no single answer to that question; there are too many different currents in the flow of human history. But the assassination of President Kennedy marks the point at which we took leave of the truth. Unless we find and fix this thing, we will never put ourselves right. We must reopen the case.

George O'Toole
The Assassination Tapes,
1975

comes from both embassy records and from one William G. Gaudet, whose name immediately follows Oswald's on the roster of Mexican travel permits. The Oswald-Gaudet sequence is another one of those coincidences that seemed to have dogged Lee Harvey Oswald throughout his life. For Mr. Gaudet, who lists his occupation as editor of the *Latin American Traveller*, is also an admitted former employee of the CIA.

Another "mixup" that fascinates critics of the Warren Commission occurred during a news conference held by Dallas D.A. Henry Wade while Oswald was in custody. Twice during the conference, Wade announced that Oswald was a member of the "Free Cuba Committee," a serious slip of the tongue, since that committee is a violently anti-Castro group. At last, though, a friendly voice in the back of the room corrected Wade and informed him that Oswald was, in fact, a member of the Fair Play for Cuba Committee. The friendly voice belonged to a strip-joint proprietor named Jack Ruby.

Taken singly, any one of these happenings can be written off to simple chance. Taken together, they form a mosaic of a man in, around, aided and abetted by intelligence agencies of one sort or another throughout the last six years of his life.

Deduction, however, is not proof. And, in the absence of official explanation, the common-sense linking of a series of incredible occurrences is all that is left to critics of the Warren Commission. The recent disclosures that the FBI was involved in the wholesale planting and buying of double agents in radical groups during the 1960's, coupled with the revelations that the CIA was involved not once but several times in assassination plots, provide added impetus to critics who are ready, in any case, to blame most of the world's troubles on the machinations of U.S. intelligence. Lyndon Johnson himself termed the CIA's operations in the Caribbean "a damn murder incorporated."

All the same, there is, at this moment, not a shred of credible

evidence that links either the CIA or the FBI to the planning and carrying out of John Kennedy's murder. What Oswald's connections to U.S. intelligence *do* provide is a rationale for the cover-up that followed the assassination. For, whether or not Oswald was part of an assassination conspiracy, there was, after his murder, no convenient way for an intelligence agency to explain that, while Oswald had been in their employ, he was not acting at their behest on the 22nd of November, 1963. The "dirty rumors" that so terrified the Warren Commission would always exist. There remained only one solution. The rumors, as Rankin told the Commission, "must be wiped out." Clumsily, stupidly, the Warren Commission set out to do just that.

The Ubiquitous Mr. Hunt

Lee Harvey Oswald was not the only suspect the police arrested that day in Dallas. Nine other men were picked up after the assassination and, after questioning, quickly turned loose. There is a photo of the cops leading away three of the men from the scene. Just who they were is officially unknown; they were released before anyone bothered to take their names. In the Warren Commission Report, they are referred to as "tramps." In the photo one of those tramps bears a passing resemblance to Frank Sturgis, one of the Watergate Cubans. The older man looks remarkably like America's favorite spy: author, burglar, black-mailer, assassination devotee E. Howard Hunt.

The resemblance is so striking that some assassination buffs, notably comedian Dick Gregory, have charged that the photograph not only looks like E. Howard Hunt but *is* E. Howard Hunt. The staff of the Rockefeller CIA Commission, headed by David Belin, obligingly promised to check the matter out. Belin's eagerness to investigate is understandable. For although the photo of one of the tramps looks a bit like Hunt today, it resembles him not at all 11½ years ago. More to the point, Hunt has an ironclad alibi. At the moment John Kennedy was killed,

he was having lunch in Washington.

Other details about Hunt and his circle of Cuban friends, however, are not so easily explained. Hunt's path and Oswald's have a curious way of overlapping. The New Orleans address shared by the Hunt Cuban group and Fair Play for Cuba is merely one example. Another is Hunt's presence in Mexico City, as the CIA's acting station chief, when Oswald showed up looking for a visa, the same visit that touched off the mysterious CIA cables about a look-alike Oswald who, in fact, did not look like Oswald at all.

Too Many Oswalds

For a man who supposedly committed the crime of the century, Lee Harvey Oswald behaved rather oddly. Before the assassination, he seemed to go out of his way to call attention to himself — getting in fights, stirring up a fuss at a shooting range, boasting to a car salesman that he would soon be coming into a "lot of money." These incidents have two things in common. Oswald always identified himself quite loudly, and later the people he had been involved with had trouble identifying him. The incident with the car salesman is especially interesting. First, Oswald did not drive. Second, on November 9, 1963, the day he was supposedly in a car dealership in Dallas, the Commission puts him at home in Irving, Texas, writing a letter to the Soviet Embassy. There are other inconsistencies. On September 25, 1963, for instance, Oswald, according to the Commission, was riding a bus to Mexico City. Yet, on the same day, a man calling himself Lee Harvey Oswald walked into the Selective Service Office in Austin, Texas, saying he wanted to discuss his dishonorable discharge.

In 1966 Richard Popkin, a college professor in St. Louis, concluded on the basis of these and other strange occurrences that there were *two* Oswalds, and that the phony Oswald had been employed to frame the *real* Lee Harvey Oswald. Popkin's thesis has a certain tidy logic to it. For one thing, it explains how Oswald could have been in two places at once. For

another, it shows how a poor marksman could have hit a moving target at a range of 280 feet. For a third, it explains how Lee Harvey Oswald, a man who did not know how to drive, took a car for a test spin at speeds of up to 70 miles per hour. The "two Oswald" theory also makes some sense out of the CIA's "mixup" in Mexico City.

Now, Peter Dale Scott, a professor at Berkeley, and one of the most respected and meticulous of the assassination theorists, has come up with a new wrinkle on the Popkin thesis: not two Oswalds, but several.

Scott bases his conclusion on a study of Oswald photographs collected by the Commission. The photograph on the passport Oswald used to enter the Soviet Union is especially striking. It surely shows somebody, but it does not appear to be Lee Harvey Oswald. The chin, facial, nose and bone structure all are wrong.

Scott has also collected the records of Oswald's physical examinations from the time he enlisted in the Marine Corps to the autopsy following his murder. They reveal some seemingly inexplicable dissimilarities. A Marine Corps medical examination conducted on October 24, 1956, for instance, found that Lee Harvey Oswald was 5 feet 8 inches tall, 135 pounds, with hazel eyes. Three years later, on September 11, 1959, another Marine exam puts him at 5 feet 11 inches tall, 150 pounds, with grey eyes. Of course, Oswald could have grown three inches, gained 15 pounds, and changed the color of his eyes in three years, but it seems unlikely. Altogether impossible is the change recorded on July 13, 1962, during a job physical Oswald took at Leslie Welding Co. That examination shows him to be 5 feet 9 inches tall—a *loss* of two inches in three years. In the arrest bulletin that went out for Oswald on November 22, he was described as 5 feet 10 inches tall and weighing 165 pounds — the description that is carried in the FBI files as well. At his autopsy, Oswald was found to be 5 feet 9 inches tall, 150 pounds, with grey-blue eyes.

One possible explanation for these

differences is that there never was a real Lee Harvey Oswald, or, if there were, he died well before the first Lee Harvey Oswald, entered the Marine Corps. From there on, the name and persona of Lee Harvey Oswald became an identity of convenience to be used by an intelligence agency or agencies unknown, a common enough practice among intelligence groups around the world.

Bizarre as the hydra-headed Oswald notion sounds, it was taken quite seriously by J. Edgar Hoover — two and a half years before the assassination. On June 3, 1960, Hoover sent a confidential memorandum to the Department of State, raising the possibility that an imposter might be using the credentials of Oswald, who was then living in the Soviet Union. The Hoover memo sparked other memos within the State Department. None of the correspondence on the possibility of an Oswald imposter was ever forwarded to the Warren Commission. Instead, it was buried in the National Archives and only uncovered recently. W. David Slawson, a lawyer who checked out rumors about Oswald for the Warren Commission, offers one explanation as to how the file on the counterfeit Oswald managed to disappear. "It conceivably could have

been something related to the CIA," says Slawson. "I can only speculate now — but a general CIA effort to take out anything that reflected on them may have covered this up."

It is a chilling thesis, and, like so much about Dallas, it makes just enough sense not to be ruled out.

Who Done It?

There are no answers, of course, only theories, and they range from the unlikely to the obscene. There is a conspiracy to fit every taste and prejudice. The trouble is that, since Dallas, Vietnam and Watergate, few of them can be easily dismissed out of hand. For a time, the CIA itself considered the possibility that Oswald was some sort of "Manchurian Candidate," a sleeper assassin planted to go off on command. The theory, like all the others, made for interesting conversation around the watercoolers at Langley, but, if the CIA ever followed up on the notion, there is no evidence.

Variations of "foreign agents did it" have long held considerable appeal for a number of Americans, including the unlikely duo of Lyndon Johnson and Jack Anderson, both of whom pointed the finger in the direction of Castro.

There is far more disposition, if no more evidence, to blame the CIA, either the top leadership of the agency or an ultra-right faction, which used the agency as a cover.

For one reason or another, none of these theories — these outrageous slanders — really washes. Besides the lack of evidence, the "CIA did it" theory is simply "too pat," too easily tailored to existing prejudices. The most serious investigators of the assassination are reluctant to point a finger anywhere. They are also the most pessimistic that the real murderers of John Kennedy will ever be found. There is a growing suspicion that Oswald — or whoever he was — was merely the first of many "patsies," a word Oswald chose to describe himself. The CIA, whom both the right and left have reason to hate, may be the next.

In the classic murder, the assailant must have motive, means and oppor-



Assassination has never changed the history of the world.

Benjamin Disraeli

Speech in the House of Commons on the assassination of Lincoln, May 10, 1865

tunity (another reason to doubt Oswald's guilt; he apparently had none of them). There were many people, groups — and countries, for that matter — that had reason to want John Kennedy dead. But the means and the opportunity must also be present. As a first step, the killers would have to have been able to neutralize the Dallas Police Department (more difficult than it seems). They would have to have been of sufficient stature to dissuade other investigative agencies, notably the FBI and CIA, from going after them, because their exposure would do greater harm to the government and that wonderful catchall, "the public interest," than their actual apprehension. They would have to have had access to skilled, sophisticated trigger men. And that would have taken money, a great deal of money, without subsequent accounting.

As it happens, organized crime fits all these requirements exactly. Certainly, there was motive. The loss of casinos and heroin connections in Cuba because of the regime Kennedy refused to dislodge has been reckoned in the hundreds of millions of dollars a year. Robert Kennedy's pursuit of organized crime had already seriously damaged the mob, especially in New Orleans, the terminus for the Cuban drug connection. And there were indications that the Kennedy brothers were going to hit Nevada next.

As for means, the mob has both the guns and the money to hire them. The opportunity was there for the taking.

The agency and the mob have enjoyed a cozy relationship since World War II, when the Cosa Nostra protected U.S. ports from Axis sabotage, as well as aided in the Allied invasions of Sicily and Italy. The agency returned the favor in various ways. In the late '50's Robert Kennedy, then an investigator for the McClellan committee, encountered a mobster in Las Vegas who boasted, "You can't touch me, I've got immunity" from the CIA. Incredulous, Kennedy checked; the mobster was telling the truth. Later, during the Vietnam war, CIA aircraft ferried opium out of Southeast

Asia; eventually the mob sold it as heroin on American streets. In 1971, during a little-noticed trial of 11 members of a Cosa Nostra family in federal court in New York, the defense called a surprise character witness: the chief of the CIA's local office. The mobsters were not convicted. One indication of the closeness of the relationship between the agency and the mob is that the CIA maintains its largest U.S. office (outside Washington) in little old Las Vegas. "You can bet," says one source close to the agency, "that it isn't for the desert air." The explanation for the CIA-Mafia ties, says one veteran observer of the agency, is that the mob can perform certain "assignments" which the agency either cannot or is unwilling to undertake. In 1961 Robert Kennedy discovered that the agency had put out an assassination contract on Fidel Castro, and that the hit men were from the mob. Kennedy quickly stopped it.

Given that background, some critics of the Warren Commission contend that the mob, after murdering Kennedy, employed its long-standing "immunity" to cut off CIA and other federal investigation of the assassination.

Unlikely as this scenario sounds, it dovetails nicely with the unanswered questions about Jack Ruby. According to the Warren Commission, Ruby was a rather innocent, if highly deranged, saloon keeper whose most noticeable vice seems to have been a bit of social gambling. The Commission flatly rejected the oft-repeated accusation that Ruby had ties to organized crime. The Commission ignored testimony before it by a Dallas police detective that he "regarded Jack Ruby as a source of information in connection with his investigatory activities." In short, Ruby was, as Peter Dale Scott notes, a police informant, specifically in the area of narcotics. Scott also points out that the Commission ignored a report to the FBI seven years before the assassination that Ruby was providing the okays from the mob for independent operators to move drugs in and out of Dallas. At that, the Commission hardly needed to

read reports. Ruby's connections with the mob and with the police were common knowledge in Dallas. Even a former Dallas county sheriff detailed Ruby's background; once again, the Commission ignored him. Instead, the Commission blandly asserted that Ruby's friendships with criminals "throughout his life...were limited largely to professional gamblers." Ironically, there was one place where Ruby truly was interested in gambling: Havana, Cuba.

Cuba, crime and the CIA. The three things that everyone connected to the assassination had in common. The three things the Warren Commission did not want to hear about. They had their killer before the investigation started. If he lacked a motive, they would provide it. Oswald, according to the Commission, killed Kennedy because of general feelings of inadequacy. At Gerald Ford's insistence, the Commission added Oswald's being a communist as a reason for murder. Marina testified that it was all a terrible mistake, that Lee really wanted to kill Connally, missed, and shot Kennedy instead. The Commission should have added that to the list as well. It makes just as much sense.

It is a confusing, disheartening, ultimately maddening business, this search for the killers of John Fitzgerald Kennedy. The people who look are strange, obsessive types, as people should be who have worked in a grave so long.

Fortunately, the disbelief is spreading. It is the little old ladies, not just the crazies, who are asking questions now. Where once the Commission could count on the name and probity of its chairman to certify a preposterous scenario of events, today the mention of Earl Warren's Commission brings laughter on college campuses. Ironically, the media have been the last to question the official version of events. *The New York Times*, which published its own edition of the Warren Commission Report and a follow-up volume entitled *The Witnesses* (from which nearly all the dissenting testimony had been carefully excised), continues to stoutly defend the Commission's

Report. Time Inc., which owns the original and hence clearest copy of the Zapruder film, keeps it locked away in a vault. On television the most comprehensive defense of the Commission has come from four one-hour specials produced by CBS. The correspondent was that Watergate tiger, Dan Rather. It may be changing. With Watergate behind them, the investigative reporters are having a second look. As one assassination researcher puts it: "We are one Seymour Hersh story away from a new investigation."

America is different now than it was in 1963. Castro is a curiosity. The doubts don't need to be laid to rest. The "dirty rumors" have become all too true. What hasn't changed is the loss. We need to know why. **■**

DID SOMEONE ALTER THE MEDICAL EVIDENCE?

(continued from page 27)

hand, there is no record that any member ever did so. The Commission elected to rely instead on the autopsy report and the testimony of the autopsy physicians.

That could be the most serious error committed by this august group. Commission member John J. McCloy may have acknowledged as much in 1967 when he told Walter Cronkite, "I think that if there's one thing I would do over again, I would insist on these photographs and the X-rays having been produced for us."

* * *

The error is not irreversible. The questions can still be answered. And the conclusion that the President's body was altered will itself submit to a simple test: *Allow the Parkland doctors to examine the autopsy materials and pictures in the National Archives and to comment publicly on their findings.* Incredible as it seems, no Parkland doctor has ever seen this evidence. **■**

THE DISSENTERS ASK TOO MUCH

(continued from page 29)

unanswered. But it takes a very accommodating gullet to swallow the

conspiracy theory whole, and my present inclination is to stick with the Warren Report.

During the course of its investigation, the Commission took testimony from 522 witnesses. The FBI conducted 25,000 interviews and submitted 2,300 reports amounting to 25,000 pages. The Secret Service conducted 1,550 interviews and made 800 reports of 4,600 pages. This tremendous mass of material simply cannot be discarded as so much whitewash.

In order to believe the conspiracy theory, one must believe that all these were parties to a gigantic cover-up: The Commission members, the Commission staff, the slain President's brother Robert, the President's successor in office, the FBI, the Secret Service, the CIA, and the Dallas police. That is for starters. One must discount the sworn testimony of ballistics experts, the evidence of Oswald's fingerprints, and the testimony of eyewitnesses.

The dissenters ask too much. The disillusioning experience of Watergate may have taught us that criminal conspiracies can be formed in high places, but the bugging of a Democratic chairman truly cannot be equated with the slaying of a President. The gauzy speculations that tie in Gordon Liddy, E. Howard Hunt, the Mafia and "Texas millionaires" have no more

substance than moonbeams.

If a fresh investigation were to be made, who would make it? The doubters would scorn a commission by President Ford (he served as a congressman on the Warren Commission). A congressional commission also would be establishment tainted. At this late date a new grand jury in Dallas seems unlikely. The dissenters themselves are too zealously committed to their conspiracy theories to have any appearance of objectivity.

Yes, the critics have raised some troublesome doubts, but great crimes inevitably produce great doubts. Whole schools of scholars still sift the assassination of Lincoln. You can hear arguments on the role of Brutus in the assassination of Caesar. I wouldn't gag the dissenters for the world — we ought always to pursue truth — but for the moment, I wouldn't buy the hyped-up conjectures they're trying to sell. **■**

FINISHING THE COMMISSION'S UNFINISHED BUSINESS

(continued from page 33)

tions as to who pointed Oswald out to the police, who drew a gun, whether Oswald tried to shoot an officer, and what was said by whom. The following witnesses present at the theatre might have thrown light on those matters:

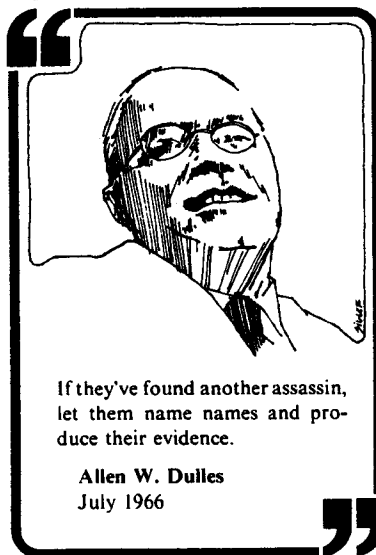
Bob Apple, insurance investigator. *Detective Paul Bentley*: He found a forged "Hidell" card on Oswald. *Bob Barrett*, FBI agent. *Jim Ewell*, reporter.

Detective E. E. Taylor: He stayed behind at the theatre after the arrest to make a list of the names and addresses of the patrons. The list is not among the Commission's exhibits.

Police officers Baggett, Buhk, Cunningham, Lyon, Stringer, and Toney.

Oswald's Interrogation

Although Dallas Police Captain Fritz "kept no notes" or transcript of the interrogation of Oswald, and the reports submitted by Fritz and federal agents (primarily from memory) were incomplete and in some vital respects contradictory — e.g., Oswald's trip to Mexico, where he was at the time of



If they've found another assassin, let them name names and produce their evidence.

Allen W. Dulles
July 1966

the shooting, and his "Hidell" alias — the following persons present were not asked to submit reports or to testify: *Jim Allen*, former Assistant District Attorney; Secret Service agents *Grant*, *Howard*, *Kunkel*, *Patterson*, and *Warner*; FBI agent *Joe Myers*; U.S. Marshall *Robert Nash*; *Chuck Webster*, Professor of Law.

The Autopsy

In view of the conflicting descriptions of the wound in the President's back by the FBI and the autopsy surgeons, witnesses who saw the body could have given crucial information.

Admiral George Burkley, presidential physician: He was in the motorcade, then at Parkland Hospital, and later at the autopsy, and he received the autopsy report submitted by the pathologists.

Francis X. O'Neill, Jr., FBI agent: He was present throughout the autopsy and his description of the wound in the President's back conflicts with the official autopsy report.

James W. Sibert, FBI agent: Same as O'Neill above.

John T. Stringer, Jr., medical photographer: He photographed the President's body.

Fourteen other armed forces or federal officials named in the FBI report, and *four* funeral-home workers who prepared the body for burial.

The Stretcher-Bullet

Richard E. Johnsen, Secret Service agent: He was handed the stretcher bullet by *O. P. Wright*, chief of personnel at Parkland Hospital, before the presidential party departed. Wright was not called either.

A Possible Conspiracy

FBI agent Warren De Brueys: Before the assassination he reported on Oswald's activities in New Orleans; he was present at Oswald's interrogation; and he investigated allegations suggesting that Oswald expected to receive a large sum of money.

Robert Adrian Taylor, former

service station attendant (see above). The Warren Report mistakenly asserts that Taylor retracted his identification of Oswald.

R. W. Westphal and other Dallas policemen prepared reports immediately after the assassination in which Oswald's old Elsbeth Street address was specified when the police had no known access to that address and although they claim they had no record of Oswald before November 22, 1963.

Names Unknown

About ten or more *witnesses present at the Texas Theatre* when Oswald was arrested, named on a list compiled by detective E. E. Taylor.

Caterer at the Depository, who sold lunches to employees and might have sold lunch to Oswald on the day of the assassination or on other occasions.

"No. 279 (Unknown)" who, according to the Dallas Police radio log, actually found the jacket discarded near the Tippit scene, although the Warren Report credits Captain Westbrook with the discovery.

Post office employees at the main office, where Oswald maintained P.O. Box 2915, who were not questioned about specific records or recollections of the delivery of packages addressed to "A. Hidell" containing the rifle and the revolver.

Inmates, County Jail, who were permitted to watch the motorcade from a window and may have observed significant happenings at the sixth-floor or other Depository windows.

Gunsmiths, Aberdeen Proving Grounds and Klein's Sporting Goods, Inc., concerning the opinion by the Aberdeen gunsmith that the scope on the assassination rifle "was installed as if for a left-handed man" (Oswald was right-handed). ■

SKEPTIC FORUM

(continued from page 36)

have no judgment myself as to whether such evidence has emerged, I thus have no judgment on whether it should be

reopened. I still haven't read the complete Warren Report, and if you haven't read the Report, it is very difficult to pass a judgment."

San Francisco lawyer *Melvin Belli* defended Jack Ruby against charges that he murdered Oswald. Does Belli think the investigation should be reopened? "No, not to find out any information or to get a different answer. But yes, in order to put to rest everyone who seems to have some doubt about it. There is no doubt in my mind that everything has been told, but there are some things that are odd. However, I have been through too many criminal and civil cases after 40 years of practice not to suspect that the proximate cause was like the sun, which is always visible."

Former senator *Ralph Yarborough*, whose intrastate feud with fellow Democrat John B. Connally was what brought President Kennedy to Texas, shared Lyndon Johnson's limousine in the presidential motorcade. He observed the shooting from a vantage point that made him an important witness. On the "Goodnight America" television show, Yarborough commented, "There should be another investigation — not reopen the same Commission but another investigation. Some people say it would be terrible on the Kennedys, and it would. But that family has already laid three of four gifted brothers on the altar of their country as human sacrifices and I think we owe it to our 213 million people — to them and to the world — to dig wherever the facts will lead us. I have no special theory of what happened, but I think we should go wherever the facts lead us and find out what they are and enter this with no predetermined conclusions as to how it happened, who encouraged it, or what."

Clare Boothe Luce, author, playwright, former ambassador and a long-time participant in government affairs, warned that there might be reasons that justify *not* going where the facts lead us: "If the objective were

to show that the CIA was in on it, that is the most awful rubbish. It would wind up without having allayed the suspicions of people who are determined to be suspicious. There could have been no reason to conceal anything about that assassination unless it was thought that foreign conspirators were involved — say Mexicans or Cubans — knowledge of which might have started a war. That is the only possible explanation for concealing anything. Ultimately, nothing but harm will come from digging into it, since the truth has probably already been told."

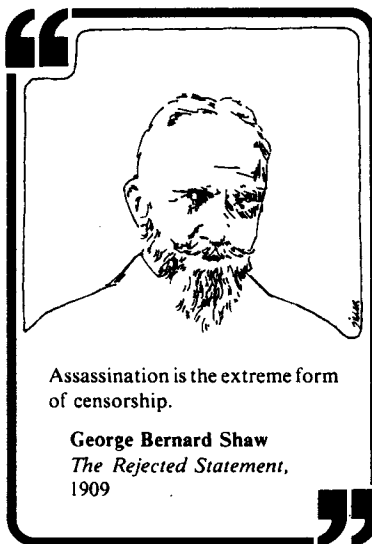
Dave Dellinger, one of the Chicago Seven and now an editor of *Seven Days*, thinks the investigation should be reopened "because the aim of the Warren Report was to reassure the public, not to discover or tell the truth." How would Dellinger go about reopening the investigation — and who should undertake it? "That's a real dilemma. I do not have confidence in any investigating committee appointed by President Ford. After all, he was part of the original cover-up, and he has indicated that even in relation to the CIA assassinations abroad, some material should be withheld from the public." How can an open investigation be assured? "I haven't worked that all out in my mind, but I think we need to experiment with putting the power of government back in the hands of the people. Perhaps a special grand jury of ordinary citizens could bring in experts to testify and perhaps even hire experts to question witnesses. By the way, such an investigation shouldn't be limited to the big three — the two Kennedys and Martin Luther King. Malcolm X's assassination should definitely be included in the inquiry. But there is a danger in such inquiries if people are caught up in something too far removed from their daily lives. The assassination business, though very necessary, should not deflect people from the real problems of everyday life."

James Burnham, philosopher, au-

thor and editor of *National Review*, approaches the question from the opposite end of the political spectrum from Dellinger. Commented Burnham, "The question really ought to be phrased, 'How should the investigation be reopened?' If there is any serious evidence — as against propagandistic and ideological rhetoric — which calls for a reopening of the investigation, then it seems to me that it should be done in a careful way, a non-headline way, through the proper sort of institutions we have set up for such things. As things stand now, the issue is being raised primarily on an ideological basis. And it is being used to inflame public opinion in much the same way as a number of alleged facts in connection with the CIA have been used, not with the real aim of finding out what they are and correcting abuses, or improving our intelligence operations and strengthening the country, but just to raise ideological hell. This has become a kind of habitual activity in a considerable section of our media." Which established institutions are best equipped to deal with such an investigation? Says Burnham, "My own feeling is that the court system is perfectly adequate to handle this and much more suitable.

Those on the congressional committees would just inflate things as they normally do."

Former congressman **Allard K. Lowenstein** has been in the forefront of those pressing to reopen the investigation of the Robert F. Kennedy assassination. He advised, "What is crucial is that when the investigation into John F. Kennedy's death is reopened, it focus on the questions which are most central and most answerable. The purpose of the Warren Commission was to lay to rest doubts about the assassination. If anything is clear, it is that that purpose has not been achieved. Whatever is discovered by a new investigation, it would be better to have the investigation than to have the doubts continue to proliferate and intensify. One thing I've learned from the investigation of the assassination of Senator Kennedy — and I want to emphasize the necessity of reopening that as well — is that there are answerable questions that have not been adequately dealt with. To continue to refuse to deal with them is to risk conclusions being reached which may be incorrect and may be much worse than the facts justify. Such confusion will leave the whole matter of the future of the country, of how political decisions are arrived at in this country, under a cloud. There is too much at stake in the future of electoral politics to allow these questions to corrode and add to the general mistrust that has been one of the prices we've paid for Vietnam and Watergate." How would Lowenstein go about reopening the investigation? "The best way would be to set up a select committee of the Congress. I would want to be sure that the staffing of any investigative commission was in the hands of people committed to finding out the truth, and independent of the kind of connections that have drawn such suspicions in the past. To have David Belin, counsel to the Rockefeller Commission, investigating his own performance as counsel to the Warren Commission, does little to



Assassination is the extreme form of censorship.

George Bernard Shaw
The Rejected Statement,
1909

ally suspicions.”

Lawyer **Mark Lane**, author of *Rush to Judgment*, was one of the earliest critics of the Commission. He contends that “There is no way to reopen the investigation of the assassination of John F. Kennedy, since there never has been an investigation. The Warren Commission saw as its obligation the insurance of domestic tranquility rather than arriving at the facts concerning the President’s death. In order to have some understanding of the past decade, I think it is essential to discover who killed John Kennedy, why he was killed, and if the institutions or individuals who played a part in that assassination are still making policy for the people of this country.” How would Lane recommend an investigation be conducted? “I think it’s clear that no one who knows anything about the last decade trusts another executive commission. The Rockefeller Commission is but another example, another executive commission with some of the same personnel and all of the same tactics — ignoring vital witnesses, taking testimony from nonvital witnesses, putting it behind closed doors, marking it top secret, giving us conclusions rather than facts, and ending up with the same conclusions as the Warren Commission. The only way to find out who killed John Kennedy and why it was done is to encourage the Congress to set up a committee with subpoena power and with members who are concerned about learning something about this portion of American history. Give the American people open public hearings with relevant questions asked of relevant witnesses and, in my judgment, in a few weeks we’ll learn more about this country than we’ve learned in the last 200 years.”

Do members of the Warren Commission — and the Warren Commission staff — believe that they’ve answered the questions? **John J. McCloy**, Commission member and former U.S. high commissioner in postwar Germany, commented in a recent CBS interview, “I never saw a

case more completely proven.” He added that “there wasn’t a scintilla of evidence that came along to the Warren Commission” that even hinted of conspiracy. In fact, McCloy said, he as well as other Commission members “went down to Dallas thinking there must have been a conspiracy. Here the President was shot and a couple of days later the fellow that shot him was killed. A strange sort of thing. But when we got down there we couldn’t find any connection, and I don’t think anybody else could. And the direct evidence was so overpowering that I didn’t have any doubts about it when I got through.”

President Gerald R. Ford was a Republican congressman from Michigan when he served on the Commission. He hasn’t changed his mind about the Commission’s conclusions, according to the statement released by his press secretary: “The President feels, on looking back at the findings of the Warren Commission, he has seen no evidence that would cause him to believe the findings were incorrect.”

Burt W. Griffin, an assistant counsel



Although Mrs. Jacqueline Kennedy made the final selection from several designs submitted to her, the John F. Kennedy memorial stamp touched off a controversy of its own. The macabre inappropriateness of cropping the top of the President’s head may have slipped past Mrs. Kennedy and the designers (the New York firm of Raymond Loewy/William Snaith, Inc.), but the public noticed it. The stamp was issued on May 29, 1964, the 47th anniversary of JFK’s birthday.

to the Commission who is now a judge in Ohio, has stated, “At some point there should be an appropriate public forum in which the general public can understand the Commission’s overwhelming evidence on this and compare it to the claims of the Commission’s critics. I do not believe that the CIA promoted a conspiracy or that there is any new evidence that would compel a conclusion that a conspiracy existed to assassinate President Kennedy. In my mind there is no doubt that Lee Harvey Oswald was the only assassin.”

Former senator **Sam Ervin**, an experienced hand at investigating conspiracies, observed, “I do not myself have all that many questions about the original investigation, but there are quite a few people who do. So my feelings are that I would favor reopening the investigation by a congressional committee, at least to satisfy those people who keep raising the questions about the original report.”

George Wallace, crippled by a near-fatal assassination attempt, believes (according to a source close to him) “that if the evidence warrants it, he would certainly favor reopening the investigation. The same goes for any of the other assassinations.”

Senator Edward M. Kennedy stated, through his press secretary, that “He and his family are satisfied with the Warren Commission Report, and they have therefore not urged that the investigation be reopened.”

* * *

Should the investigation be reopened? Once, not so very long ago, this was a fringe question, debated in small auditoriums by passionate assassination buffs. There may be no definitive answer yet, but from SKEPTIC’s survey emerges the clear impression — no, *conviction* — that the matter has moved from small auditoriums into the large arena of public policy. Which is probably where a debate on an issue of this consequence belongs. ■

The editor cordially invites readers to comment on the issues and arguments raised in SKEPTIC. Write to the Editor, SKEPTIC, 812 Anacapa St., Santa Barbara, CA 93101.

Guilt by Association

Arthur Schlesinger contends [in SKEPTIC No. 8] that those in this country who see policies as good and evil rather than wise and foolish are in the majority today (which I regretfully doubt) and yet he would have the majority's consciences violated by the officials elected to represent them. No wonder so many citizens are cynical and disillusioned about our government.

Like many others, Mr. Schlesinger confuses the issue by failing to distinguish the difference between moral and religious decisions. "Moralism in foreign policy concludes in fanaticism," he says, citing the Crusades and extermination of the infidel. Those blots on history were caused not by moralism but by religious bigotry. The wholesale slaughter of people for merely holding different religious views has never been morally right.

All of us who opposed the war in Vietnam on moral grounds are insulted when he says that at the beginning that war was fought primarily for moral reasons. While many ordinary citizens believed we fought in Vietnam for moral reasons, that was only because they believed distortions and lies by the officials they trusted.

A nation is not an entity apart from its people — it is the people. I see no logic in a number of people (from a small group like a lynch mob to a nation of millions) absolving themselves from guilt merely because they acted together. My personal conscience involves not only what I do

directly, but also what I condone by failing to oppose the actions of groups to which I belong. Just as I would not appreciate a gift from an individual which had been obtained through distortion, trickery, theft or force, I do not appreciate anything obtained for my country by such means.

The spirit of our bicentennial year is clouded for me by seeing how far we have pulled away from the principles of our early leaders. We no longer have the faith of Abraham Lincoln that right makes might. My pride in our having gained independence from our colonial ruler is dampened because we would not recognize the desire of the Vietnamese people to free themselves from foreign domination. My personal philosophy is that doing wrong will in the long run — possibly quite late and indirectly — react against the well-being of the wrongdoer, be it individual or nation. Therefore I cannot believe that any immoral foreign policy can truly be in our "national interests."

Frances A. Graves
Kirkland, Washington

A Lack of Understanding

It was with a great deal of dismay that I read your Special Issue No. 8. The whole idea of one country being better than another country is a form of bigotry that for the past couple of thousand years has been able to accomplish the following: (1) insure that wars will always be fought, (2) segregate people from all ideas and ideologies that may broaden their outlook, (3) reinforce the idea that one's own nation is "superior" to any other nation, (4) allow trillions of dollars to be used for "defense" of each nation in order to prove its superiority, (5) allow a man such as Henry

Kissinger to practice his particular brand of deceit, and finally, (6) allow the growth of the non-human type of man who practices demagoguery.

Leif Hanser
Paradise, California

Lock, Stock and Blue-Ribbon Committee

I am merely a citizen, and therefore not a stranger to having truths kept from me. It is my belief that I and the rest of the American people are being "had" again.

The release of the Rockefeller report, with hazy conclusions and omissions even more damaging than charges of domestic spying, is an instant replay of twelve years ago. If these issues, such as assassination attempts, deranged case officers running around handing out contracts to the Mafia etc., are not forced, any pertinent evidence could end up destroyed in someone's fireplace or locked up in the National Archives for 75 years in the name of "national security."

It has been implied that delving into reports of "executive action" could embarrass "previous administrations, even back as far as fifteen years ago." This is uncomfortably close to the Kennedy administration, but I consider this too big a tree not to be chopped down along with the rest.

I might have been able to maintain my neutrality had such a dirty tactic not come from the White House itself. This man, who once sat on a commission supposedly to find out who killed a beloved President, has blown it, lock, stock and blue-ribbon committee.

Shelley M. Angleton
Rome, New York