

# Perils Awaiting Kennedy Probe

By Jacob Cohen

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**S**NATCHING the baton extended last spring by the provocative final report of Sen. Frank Church's Select Committee on Intelligence Operations, the House of Representatives has resolved, 285-to-65, to investigate the possibility (or is it the probability?) of conspiracies to assassinate President Kennedy and Martin Luther King Jr.

It is not yet clear how open the new inquiry will be to the possibility that there was not a conspiracy, though remarks by Rep. Thomas N. Downing (D-Va.), chairman of the new Select Committee, suggest that he may have settled that matter in his own mind. "In the case of President Kennedy," he told the House, "I am convinced that there was a conspiracy involved. I do not know the identity of the conspirators or their motives. That should be investigated in depth."

The idea of conspiracy, of course, is notoriously vague even as a legal concept. Satisfying the common sense that something and somebody besides the perpetrators of crimes are often responsible for those crimes, the search for conspiracy also tempts the investigator into supposing that sympathy for

or benefits from a crime is itself proof of participation. In the hands of a malicious prosecutor or, say, a House Committee on Un-American Activities that search can be the occasion for considerable mischief.

Indeed, one need go no further than the Church Committee report, "The Investigation of the Assassination of President John F. Kennedy," both to understand what has fired Rep. Downing's suspicions and to see the mischievous temptations awaiting the new investigation.

On its surface, that report is a model of reasonable provocation. The committee, it says, has not reviewed the question of the guilt or innocence of Lee Harvey Oswald. Nor, it adds emphatically, has the committee found any evidence of a conspiracy to kill the President. What the committee has found is new evidence which was either unavailable or deliberately withheld from the Warren Commission and from those people in the FBI and CIA who were cooperating in the investigation, evidence suggesting the presence in 1963 of powerful motives for a possible conspiracy: revenge perhaps for Mafia-related and other CIA plots to assassinate Castro; the hatred of Kennedy in certain anti-Castro circles.

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However, the report contends that information withheld or unavailable does not sufficiently explain the Warren Commission's failure to investigate the most plausible conspiracies. Even without detailed knowledge of CIA plots, it argues, enough was known at the time about the possibly murderous motives of pro-and anti-Castro groups to warrant large suspicions. Allegedly indifferent to the possibility of conspiracy, the Warren Commission, according to the Church report, failed to follow provocative leads or even to ask the right questions. "Those Cuban areas which were explored," the report concludes, "related solely to Oswald and Oswald's contacts, rather than the larger issues of determining whether subversive activities of the Cuban government or Cuban exile community were relevant to the assassination."

It is in this subtle sentence that one can see the first great pitfall which will face a new investigation in search of "larger issues." The Church committee did not review the questions of whether Oswald shot the President and, if so, whether he was a lone assassin. Yet, clearly, these questions are crucial in determining whether there was a conspiracy. For, if there was one assassin, Lee Harvey Oswald and no one else, as the Warren Commission concluded, then it follows that any investigation should have centered on him and his points of contact with the world. It is not "larger issues" or "relevant" patterns of "subversive activity" which kill Presidents, but live assassins.

On the other hand, if Oswald did not shoot the President or if others were involved, then conspiratorial suspicion may properly be given free rein; and that is why critics of the Warren report have spent so much time casting doubt on the notion that Oswald was a single assassin.

By playing down the importance of the question of Oswald's singular guilt, the Church committee opened the way to vast speculation, logically impossible to disprove; for one cannot finally prove that something did not happen, only that something has happened.

## The Conspiracy Lobby

**W**ILL THE NEW committee also bypass the question of whether

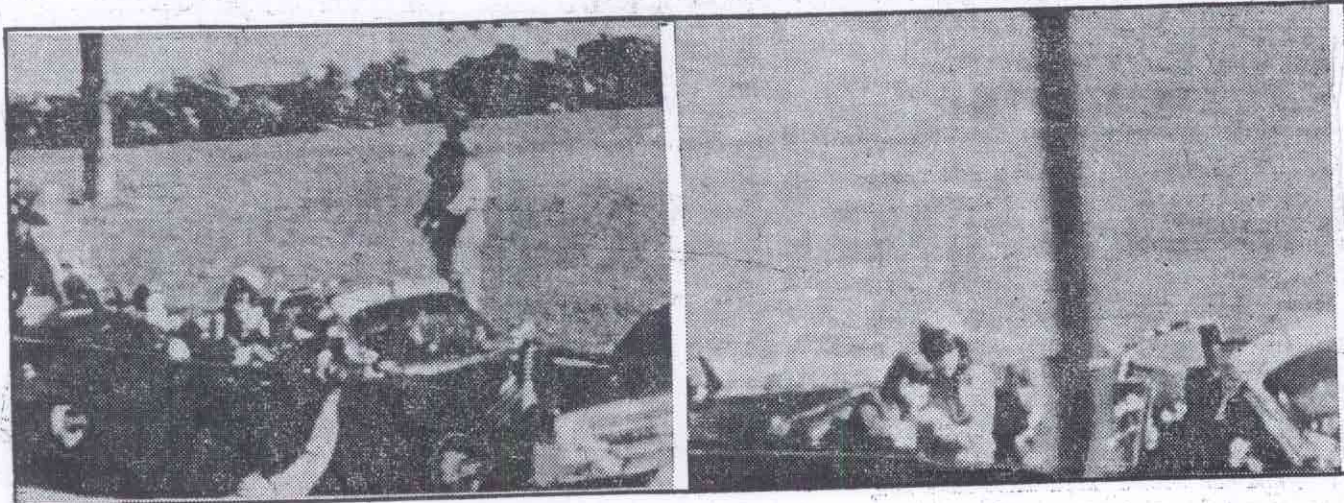
Oswald was a single assassin? For, if so, the new investigation will need to review a barrage of the latest conspiratorial theories presented by what might be called the conspiracy lobby, a lobby made up of professional and amateur critics of the Warren Commission who spring to flamboyant attention at the first hint of congressional interest. The latest books and articles on the subject go well beyond the Cuban orientation of the Church committee report. They allege a conspiratorial potential as well in the CIA (supposedly furious at Kennedy for betraying its Cuban plans and for contemplating the dismantling of the Agency), Army Intelligence (angry at

Kennedy's intention to withdraw from Vietnam), Organized Crime (eager to regain its drug and gambling concessions in Cuba, making common cause with the CIA and anti-Castro groups toward that end), the Teamsters (angry at Bobby Kennedy, who could be rendered bereft and powerless if his brother were killed), not to speak of the FBI and Soviet intelligence which may have programmed Oswald in Russia, if indeed the Oswald in Russia is the same Oswald as the one in Dallas.

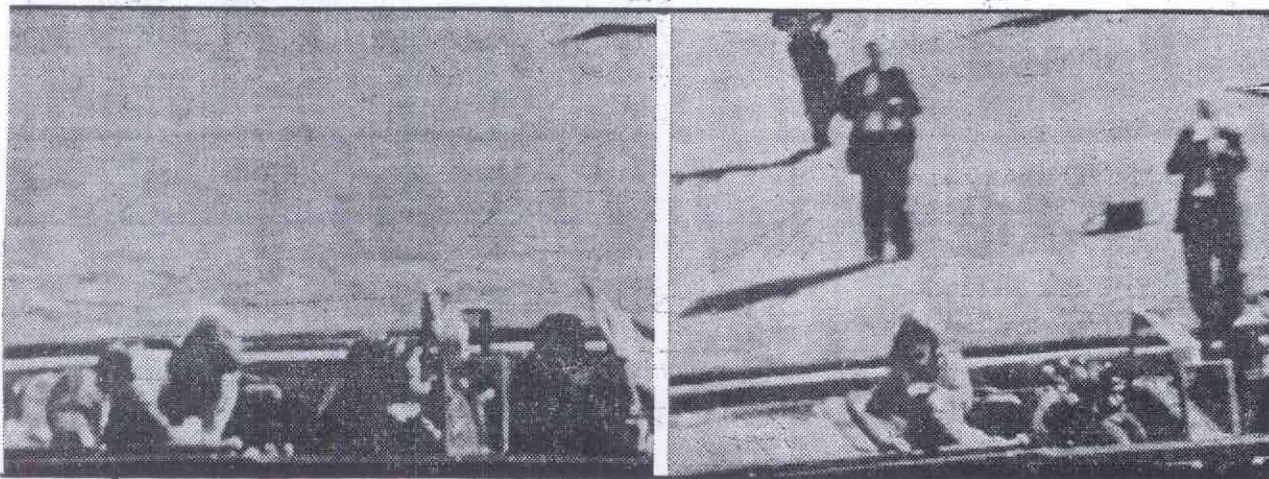
The most widely circulated of recent conspiracy books, Robert Sam Anson's "They've Killed the President," weaves many of these themes into a stunning tapestry of conspiratorial possibilities. Like other conspiracy theorists, Anson deals with the disappointing limitations of the real-life Oswald by creating an elaborate system of false Oswalds: look-alikes, near-look-alikes and not-at-all-alikes who, however, claim to be Oswald. He even suggests that the Oswald who went to Russia is not the same Oswald who was arrested in Dallas, but rather a near-look-alike sent by American intelligence while the real Oswald, a lesser spy, disappeared on assignment in this country. Upon the second Oswald's return to this country, it is suggested, the real one replaced him, and for the next few years the two apparently impersonated each other. Anson does not explain, among other things, why Mrs. Oswald, whom Oswald met in Russia, didn't notice that she was living with two different



*The "grassy knoll" in Dallas. Arrow points to policeman who said h*



*Four frames from Zapruder film show President Kennedy being hit*



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*by bullet; he slumps toward his wife and then falls into her lap.*

men.

No doubt he could. With enough mathematical ingenuity, it is still possible to argue that the earth is the center of the solar system. With a system of second (and in some theories, third and fourth) Oswalds, it is possible to posit several undisprovable conspiracies.

## New Orleans Trial

**W**ILL THE NEW report be able to resist such metaphysics? As suggested, the early signs are not good. Rep. Downing is "convinced" there is a conspiracy. Over the years Rep. Henry B. Gonzalez (D-Tex.), who is slated to become the committee chairman next year after Downing retires, has been the congressman most susceptible to the blandishments of far-out critics, as attested to by his friendly foreword to "Coup d'Etat in America," a work which argues for CIA involvement on the grounds that three derelicts arrested in Dallas after the assassination look something like Howard Hunt, Frank Sturgis and either the real killer of Martin Luther King or the Second Oswald. The fact that the derelict "Hunt" is palpably shorter, older and fatter than the real Hunt and the derelict Sturgis taller and lighter than his look-alike does not seem to deter the joint authors or the congressman.

If, however, the new committee were to be convinced, as the Warren Commission was, that one man, the

one and only Lee Harvey Oswald, shot the President, then the conspiratorial possibilities would be considerably controlled.

We know, for example, that Oswald worked in the building from which the President was shot. He got the job with the help and advice of a family friend, Ruth Paine, several weeks before it was even decided, much less publicly announced, that the President's car would pass in front of his place of work. From which it would follow either that Oswald and his co-conspirators were lucky enough

to have the President arrive in front of that building at a convenient time or that elements in the conspiracy had the power to send Oswald to a place where those co-conspirators knew the President would be and, more ominous, the power to send the President to a place where Oswald would be. Mrs. Paine would need to be part of the conspiracy, as would a circle of people around the President who should be easy to identify.

While it is true that the real Oswald came into brief contact with anti-Castro activities in New Orleans the summer before the assassination and visited the Cuban embassy in Mexico City in late September, lengthy efforts to tie him to anything approaching a conspiracy in either Cuban camp have come up empty-handed.

The most notorious of these efforts occurred in New Orleans nine years ago when District Attorney Jim Garrison, promising to link Oswald to an anti-Castro CIA plot involving Clay Shaw and David Ferrie, staged a conspiracy trial which has gained the deserved reputation of being one of the most malicious and mendacious prosecutions in American history. After a spectacle of literally drugged, hypnotized and bullied witnesses and ludicrously inaccurate testimony, the jury threw the case out. Garrison had not even succeeded in tying Oswald to Shaw and Ferrie. So damaging was this performance to the cause of Warren Report criticism that many critics argue today that Garrison was one of the CIA's dirty tricks.

Anson theorizes that Garrison was trying to distract attention from the activities of organized crime by stressing a plot involving the CIA and anti-Castro elements. And yet it is from materials developed in the New Orleans trial that Anson finds justification for claiming unequivocally that Oswald consorted with Shaw and Ferrie and was heavily involved in anti-Castro and other intelligence activities in New Orleans.

Nonetheless, the new committee will want to review this and similar material arising from Oswald's contacts with the wider world. There is a mountain of it. For the original investigation, if wanting in curiosity about "larger issues," was ravenous in accu-

mulating information about Oswald and his contacts. Not inaccurately, the assassination has been called the most thoroughly investigated crime in history. In the years since the Warren Report, none of the conspirators has broken; and the new evidence that has appeared, such as the news of Oswald's threatening appearance in an FBI office in early November, only confirms the Warren Report's characterization of Oswald as a reckless loner. There is precious little to tie a conspiracy to the real Oswald, though the false Oswalds are in up to their necks.

### Scientific Studies

**A**ND THERE is the nub of it. Will the new House committee try to tie Oswald or one of his alleged doubles to a conspiracy, thus opening the floodgates of speculation, or will the committee try to tie a conspiracy to the real Oswald? Will it pass over the question of Oswald's singular guilt or innocence, or will it begin with the pivotal questions in the case: How many assassins were there? Did Oswald shoot the President?

One wonders whether the Congress and public know about the new scientific work which has been done on these questions and how powerfully they confirm the single-assassin theory.

By now 14 doctors and scientists have examined the X-rays and photos of the President which were unavailable to the Warren Commission. And they agree that all the shots came from above and behind the President and not from his right where critics have suggested an assassin stationed on the famous "grassy knoll" was firing.

The doctors also confirm the pivotal conclusion of the Warren Commission that the bullet which struck the President high in the shoulder definitely exited from his throat, a point which is reinforced by Itek Corporation's recent photographic study of the positions of President Kennedy and Gov. John Connally at the time of the shooting. Assassination buffs know how important this finding is. For a bullet exiting in the direction and at the downward angle indicated by the doctors could not have failed to hit Gov. Connally. For years critics questioned the feasibility of the double-hit (Kennedy and Connally), seeing it as a contrivance of a commission desperate to maintain the single assassin theory. Now, in view of recent studies, that theory emerges as the only one which can account for the known facts of the case.

Itek has also examined several photos of the grassy knoll taken during the shooting, finding only shadow and light where the critics claim to see guns and gunmen. New studies of one of the bullets recovered, the famous CE309, show its shape and weight to be consistent with the work attributed to it, contrary to 10 years of counterclaims by critics. Tests of Oswald-type rifles and ammunition show them capable of doing the job. Reexamination of the physics of the President's head movement just after he was struck leaves Newton utterly unruffled in his grave, long-time critical claims notwithstanding.

If the new committee will reexamine this and other new materials along with the Warren Report it will probably be led, as the Warren Commission was, right back to that window on the

sixth floor of the Texas Book Depository building, where shells, fired from Oswald's rifle, were found, as were all the bullets recovered, and where a palm print and other signs of Oswald's presence were quickly discovered.

I will not rehearse here the overwhelming case for Oswald's guilt amassed by the Warren Commission. If the Warren Report were still in print, the broad public could remind itself of the irresistible argument which is there mounted. However, this should be added: in all the new material, declassified and made available to the Church committee and independent researchers over the last few years, there appears not one scintilla of evidence pointing to the alleged frame-up of Oswald by which critics like Mark Lane and Sylvia Meagher have tried to explain away the massive evidences of his guilt.

A little more than a century ago President Lincoln was assassinated by John Wilkes Booth; ever since, assassination buffs have tried to tie Booth to "larger issues" — the Confederacy's hatred of Lincoln; Vice President Andrew Johnson's or Secretary of War Stanton's ambition; the Catholic Church's subversive designs on American freedom. These were plausible conspiratorial hypotheses; there are always plausible conspiratorial hypotheses. But a ludicrous conspiracy trial and subsequent congressional investigation and a hundred years of research into the Lincoln assassination have failed to make the critical linkup between Booth and those "relevant" patterns of subversive activity." Of these conspiracies, the verdict of today's historians is Not Proven.

One can never be certain there was not a conspiracy, and these days it takes some courage not to find the government guilty. So one wonders: When and if the new investigation comes up empty-handed, will it have the guts to say so?