

# PROBE

Magazine. The truth is in here.

Vol. 5, No. 6 September-October, 1998

Probe is published by CTKA  
Citizens for Truth about the Kennedy Assassination

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## Journalism's "Valley of Death"

*Telling the truth about covert operations*

By Lisa Pease

The Big One was the reporter's holy grail—the tip that led you from the daily morass of press conferences and cop calls on to the trail of The Biggest Story You'd Ever Write, the one that would turn the rest of your career into an anticlimax.

The Big One, I believed, would be like a bullet with your name on it. You'd never hear it coming.

Gary Webb wrote the above in the opening pages of his new book *Dark Alliance: The CIA, the Contras, and the Crack Cocaine Explosion*. His bullet came in the form of a phone call that led him to his three part series in the *San Jose Mercury News*, where he exposed the role of CIA assets in bringing crack cocaine to Los Angeles. Similar bullets have hit other journalists, and their careers have never been the same.

Paul Allen left National Public Radio when his evaluations were being marked down after he told the truth about realities in Nicaragua in the early 1980s. Ray Bonner was shunted into the background at the *New York Times* after having exposed the El Mozote massacre. Robert Parry met his bullet over the Iran-Contra episode, and was hit again when approached by *PBS Frontline* to do a story on the October Surprise scenario.

Parry and his partner Brian Barger had broken the Contra-drug story while they worked at the AP in 1985. They followed the leads and dug up Oliver North's network in 1986. In Parry's case, his and Barger's twenty-four sources were weighed against Oliver North's self-serving denial and found wanting. "I was basically told, more or less, well, you know, take your medicine like a man, you got it wrong . . . So that's where we were. This phony, dishonest, false reality had won out. And the reality had lost out, and anyone who

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*Jim DiEugenio begins his  
two-part investigation of the  
House Select Committee*

was crazy enough to actually believe in the reality was a real loser in Washington." Then one of North's planes was shot out of the sky, and Parry's "crazy conspiracy theory" suddenly became an indisputable historical fact. Parry's final blow came when he, through *Newsweek*, reported how chronologies were being altered to change the date of the arms sales to Iran in an effort to protect Ronald Reagan. Parry's story made the cover of *Newsweek*. What happened next, related Parry, "was incredible. Many of my colleagues in the press attacked us. The *Wall Street Journal*, not just in its editorial pages but its news columns attacked us . . . Don Regan, who was one of the people of course named here attacked us; and *Newsweek* decided they wanted to retract the story."

The common denominator in all cases was the accused party, the government, and more specifically the CIA. Former CIA director Richard Helms once described a successful covert operation as one that remained secret forever. When a CIA operation is exposed, the powers that be seek to shut down the coverage by attacking the journalists responsible. In the words of DEA officer Mike Holm, recounted

by Charles Bowden in the current issue of *Esquire* (9/98), "When the Big Dog gets off the porch, watch out."

The Big One recently hit April Oliver and Jack Smith in the form of the Operation Tailwind episode. And Big Dog got off the porch. As with the others, Oliver and Smith have truth on their side. And as with the others, truth is no defense against Big Dog in the short term. Telling the truth about covert operations all too often proves to be a journalistic "Valley of Death."

On June 7 of this year, CNN aired a new show called *Newsstand*. The lead story was a segment titled "Valley of Death," produced by April Oliver, Jack Smith and Pamela Hill and anchored by Peter Arnett. The same week, *Time* ran an article based on the *Newsstand* report. The segment and article described one of the biggest and blackest undertakings during the secret war in Laos:

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Volume 6 Subscriptions  
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\$39 Other International  
Back Issues: \$4 each

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## From the Chairman's Desk:

The Assassination Records Review Board is approaching its sunset date. As of this writing they actually have less than 25 working days until they close. According to new director Laura Denk, her main focus in the last few weeks will be on constructing the Final Report which we look forward to reading. But even before that, there are two achievements of the Board that are already available to the public and which we make note of in this issue. First, Abraham Zapruder's 26-second film of the JFK assassination is now at your local video store. We discuss some of the history of that film and mention the fact that, even in this much improved version there still seem to be some frames missing and/or out of place. Also, before he left and Denk took over, Jeremy Gunn did some extraordinary work on the medical evidence in this case. On August 1st, the Review Board made this material public. It looks like some very interesting new evidence is now on the sworn record. It's so powerful that even the mainstream press could not ignore it.

Now that the Review Board is winding down, one of the clear questions facing those people who are still interested in this case is: What do we do next? *Probe* subscriber Dennis Bartholomew has also been thinking long and hard about this particular subject. He articulates those thoughts and ideas in this issue and shares them with our readers. We do hope that at the fall conferences, this issue is thoroughly discussed. It does appear with Gunn's work we now have the material to blow apart the HSCA's conclusions on the medical evidence.

Speaking of the House Select Committee, the time is long overdue for someone to take a long and serious critical/historical overview of the work of that body. There have been such looks at the Warren Commission and the Garrison investigation, yet not the Sprague/Blakey inquiry. I make an attempt here to jump start the process. The preliminary picture is not pretty.

On other fronts, Lisa Pease looks at the most recent media meltdown over the Operation Tailwind controversy. The craven press gatekeepers appear to have taken another dive on this one, and, no surprise, after CNN's propaganda blitz, the working press decided to sit it out. Remember Gary Webb? April Oliver now joins him. Lisa also informs our readers on how to help Sirhan's defense team regain access to the evidence in the RFK case. Let the California State Archives in Sacramento know you are outraged at the spectacle of Sirhan's lead investigator, Lynn Mangan being denied access to the evidence. Finally, Raymond Gallagher, new to *Probe*, delves into the unique sales history of Oswald's Mannlicher-Carcano. How did the bank deposit Oswald's money order for the weapon before Oswald wrote it?

*Jim*

## What is CTKA?

*Citizens for Truth about the Kennedy Assassination* was organized as a result of the April 1993 Chicago Midwest Symposium on Assassinations. At the end of that conference, it was generally decided that the time had come to create a political action group, which would urge the executive branch of our government to reopen the unsolved assassinations of the 1960s — i.e., the murders of President John F. Kennedy, Senator Robert F. Kennedy, and Dr. Martin Luther King. CTKA endeavors to ensure that the Review Board fulfill its mandate to release *all the remaining records* pertaining to the JFK assassination; to amend the current Freedom of Information Act to render future covert actions more difficult to hide; and to urge the American people to discover the truth about their history.

If you are not already a member of CTKA, please consider supporting our efforts with a subscription to *PROBE* or a donation to help cover the hidden costs of running a not-for-profit organization.

Thanks to all of you who are already CTKA supporters. Let's continue to work together to get the truth out about our collective past.



# The Zapruder Film Comes to Home Video

By Jim DiEugenio

In July, the Zapruder film finally became accessible to the American public. Arguably the most important piece of evidence in the JFK case, it had been returned to Abraham Zapruder's survivors (Zapruder had died in 1970) in 1975 by its original purchaser, Time-Life (now Time-Warner). What has provoked the sudden availability of the film today? An educated guess would be that good old American standby: greed. One of the most astute decisions made by the Assassination Records Review Board was to recommend that congress go after the film as a government "taking." The Review Board held hearings on this issue on April 2, 1997 (see *Probe* Vol. 4 #5). To our knowledge, the government is now negotiating with the Zapruder family over purchasing the film. The family, advised by a law firm, wants a Michael Jordan type sum; in various reports the numbers have gone as high as the eighteen to thirty million dollar range. The government has not been willing to go nearly that high but they have offered around a million dollars for the film, and presumably will go a bit higher if necessary.

Consider what the Zapruder family and Time-Life have done with this important film to this date. Within 24 hours of the assassination, Abraham Zapruder had the media at his front door ready to bid for rights to it. Dan Rather was there for CBS and Richard Stolley for Time-Life, among others. Stolley got print rights to the film for \$50,000. Two days later, after viewing the film in New York, Time-Life decided to buy all rights for \$150,000. So at that time Henry Luce and his corporation—which had strong ties to the government, especially the CIA—controlled access to the film. (A very poor black and white still photo series, with frames out of place, was in the Warren Commission volumes). Reportedly, C. D. Jackson of Time-Life, who was close to Allen Dulles, was so upset by what the film depicted he decided to restrict what that company would show through its mass market magazines. This is strange because *Life* was mod-

eled on what Luce called "photojournalism"—a reliance on pictures to actually carry a story with the words serving as a counterpoint. *Life* magazine never showed the film in even an approximation of its entirety. In fact, as Jerry Polioff noted in his important article "How the Media Assassinated the Real Story" (*Village Voice* 3/31/92), the company did all it could to conceal the fact that Kennedy's body is slammed backwards at the fatal bullet's impact (Zapruder frame 313). They went as far as stopping the presses twice to mold the 10/2/64 issue to fit the Warren Commission's formulation of the crime i.e. switching the depicted frames in the issue as well as replacing the commentary that accompanied the frames. And according to Stolley, Time-Life never authorized the film's use for television or films (*Burden of Proof* 7/18/98.) They even sued someone they did authorize to see the film, Josiah Thompson, so he could not use stills of the film in his book *Six Seconds in Dallas*.

In 1969, at the trial of Clay Shaw in New Orleans, Jim Garrison subpoenaed the film from Time-Life. He showed it to the jury, which was so surprised that it requested numerous reruns of the film in court. The media did all it could to conceal the impact the film had from the public. In fact, according to Art Kunkin of the *L.A. Free Press*, FBI informant James Phelan led a nightly caucus for the reporters at a rented house so the media could collectively put out the right spin on the daily testimony. According to Kunkin, Phelan was the first person to put out the concoction that the fast rearward movement of Kennedy's body was caused by a "neuromuscular reaction."

In 1975, Robert Groden and Dick Gregory secured access to a copy of the film and showed it on ABC television. Groden's version was enhanced—it was a sharper version that was slowed down. Therefore, its impact was even stronger than the version shown in New Orleans. Now, without the media to neuter the reaction, the public was allowed to see the film for the first time. The reaction was nothing less than sensational. It was one of

the major reasons why the House Select Committee was created the next year. (See accompanying article "The Sins of Robert Blakey" for a more detailed version of its impact on the HSCA.)

At this point a funny thing happened. Time-Life decided it didn't want the Zapruder film anymore. It literally gave the film back to the Zapruder family (it was a paper transaction worth one dollar.) Why did this very money conscious Wall Street oriented firm decide to become philanthropic at this precise moment? Why didn't Time-Life give it to the National Archives? Why put it back into the hands of a private party? We can only speculate. But if, as the record shows, Time-Life was determined not to show the film to the public in its strongest version, Groden and Gregory had now defeated its strategy. And now, with public knowledge of what the film showed, they could be further accused of making money off future showings of the film. (Of course, Time-Life could have just struck high-quality prints of the film at cost for interested parties, but that appears never to have been a viable option.)

So now after having already been paid a large sum for the film, the Zapruder family had it back for free. Now they had the problem of being accused of making money off the most important film of JFK's murder. Apparently, the moral dilemma didn't bother them much. Since 1975, any private or public entity wishing to use the film in a public showing or in a book, TV show, or film must inquire through an attorney, and in most cases, must pay a fee. As many have found out, it isn't cheap. As David Lifton testified before the ARRB in Los Angeles, his publisher could not afford the price to include stills in his book. No one really knows how much the Zapruder family has made from this process but it must be a ducal sum.

After over two decades, the Review Board has now tried to revert the film back to its proper owners: the citizenry of this country. Who knows what would have happened if this film would have been shown on national tele-

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## Zapruder Film

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vision in 1963? Would the Warren Commission have been able to complete their white-wash? After all, in 1969 the film helped convince a jury that Kennedy had been killed as a result of a conspiracy. Yet even though the film is prime evidence in a case that theoretically has never been closed, the Zapruder family is still allowed to collect fees for its showing. And now that they are about to collect what will probably be a multi-million dollar payoff from the government (i.e. the taxpayers), they have now chosen to market the film to the public through MPI home video. They have also hired famed Washington lawyer-lobbyist Robert Bennett to negotiate a higher fee for them; and, of course, for himself.

The first report *Probe* saw on this pecuniary sideshow was in June in the *Los Angeles Times*. In July, a flurry of television and print stories appeared as the MPI video neared its release date. In a quite questionable statement made in the *L. A. Times* (7/11/98), lawyer James Silverberg, a representative of the Zapruder family, stated "The family has never been interested in commercially exploiting the material." Really. Then why the demand for 18 million? Why hire Bennett? Why wait until this moment to let MPI market the film?

Whatever the results of these negotiations it seems that this video version of the film is, in some ways, even better than the one shown by Groden in 1975. MPI hired two companies to work on the transferal to video, McCrone Associates of Westmont, Illinois and Chicago-based There TV. The former actually photographed every still frame of the film in the National Archives. These stills were enlarged to 4-by-5 transparencies. There TV then fed these images into a computer where they were scanned and digitized. Finally they were re-animated into a cohesive video. This process has resulted, first, in improved clarity and resolution. Second, the hand-held shakiness of Zapruder's 8 mm. camera is minimized. But most importantly, the information formerly lost between the sprocket holes area of 8 mm. film is now visible. (Silent film has areas at the edge of the film that are punctured with holes to allow the film to travel through the camera and projector. Although this film is exposed, it does not show up upon projection.) This has already led to a major discovery. In the July 28, 1998 issue of the tabloid *Globe*, Robert Groden and David Wrono analyzed the new video. Photographer Phil Willis had always claimed that he took a shot of Kennedy when he heard the first shot ring out. The

problem for the Warren Commission was that he said he took this shot *before* Kennedy disappeared behind the Stemmons Freeway sign. As Wrono points out, with this new version of the film, you can actually pick out Willis and see him raise the camera to his eye. And the timing of that motion corresponds to Willis' original story of taking the shot before frame 199, or before Kennedy disappears behind the sign. As Wrono states:

You see the photographer [Willis] in frame 183 and in 199 with his camera to his eye. At frame 204 he's put down his camera and is moving out of the picture. This information has never been seen until now. (p. 25)

The Warren Commission held that Kennedy was hit while he was behind the sign, at around frame 210 or later. One reason they held to this was that Willis' story would have been in conflict with the Commission admission that earlier, Oswald would have to have been firing through the branches of an oak tree. Therefore he could not have been the likely sniper on this earlier shot.

Another interesting aspect of the MPI version is that there are still frames missing from it. In one replay of the film there is a frame counter in the upper left corner. According to that counter, frames 208-211 are gone. These

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are the very last frames before Kennedy's head disappears on a vertical axis behind the sign due to the slight incline of the road. In 1993, Groden showed a version of the film at Har-

vard which included those frames. As Josiah Thompson told the Board at the aforementioned hearing, some frames had been damaged at Time-Life. But because three other copies had been struck by Zapruder and the Secret Service in Dallas, it is possible to reconstruct that sequence from the other first day copies. Somehow, Groden did. And what I recall most from that viewing is Kennedy's head buckling thus leaving me with the clearest visual impression I ever had that Kennedy was hit before disappearing behind the sign. Which is further corroboration for

Willis. Why that was not included in this new version is a point I have not seen discussed anywhere. There have been further reports, which we can't verify yet, that some frames are out of order, other frames have been misidentified with wrong numbers, and that additional frames are missing beyond known problem frames. It would be a shame if after all this time and effort, we still have not received an accurate replica of the original film. ♦

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# ARRB Update: Down the Home Stretch

By Jim DiEugenio

**T**he Assassination Records Review Board is now winding down as it prepares to halt work by October 1st. There have been some changes made in the upper management positions of that body. As readers know, we printed Chief Counsel and Executive Director Jeremy Gunn's public comments at Stanford University in our last issue. Apparently, those were Gunn's last such comments in his official position with the Board. Shortly thereafter he resigned to take a private position. Deputy Director and press officer Tom Samoluk had left earlier in the year to work for one of the governor candidates in Massachusetts. To fill those vacancies, the Board promoted from within. Laura Denk and Tracy Shycoff became, respectively, Executive Director and Deputy Director. We don't know why Gunn left with just a few months remaining. We must note though that in four years, the Review Board has now gone through three Directors: David Marwell, Gunn and now Denk.

One of the areas that Gunn was most interested in was the medical evidence. In the last two years or more he had called in several witnesses to be deposed so as to try and straighten out the many inconsistencies in that area of the case. On July 31st, the Board made complete sets of Gunn's interviews with 11 subjects available to the public. The complete record, including exhibits, runs to over 2,000 pages. In upcoming issues, *Probe* will run articles based on this new material which, according to even mainstream press reports, promises to be quite illuminating.

In the staff report that accompanies those records, the author, presumably Gunn, writes:

One of the many tragedies of the assassination of President Kennedy has been the incompleteness of the autopsy record and the suspicion caused by the shroud of secrecy that has surrounded the records that do exist.... the legacy of such secrecy ultimately has caused distrust and suspicion.

That last phrase may turn out to be an understatement. Consider the report filed by George Lardner in the *Washington Post* of August 2, 1998:

It has long been known that Humes destroyed some original autopsy papers in a fireplace at his home on November 24, 1963. He told the Warren Commission that what he burned was an original

draft of his autopsy report. Under persistent questioning at a February 1996 deposition by the Review Board, Humes said he destroyed the draft and his "original notes."

By all accounts, Commander James Humes was the lead pathologist at the autopsy. If he destroyed both the notes and the autopsy draft, what did he work from to reconstruct the final autopsy report? His memory? Further, the Board interviewed Leonard Saslaw who recalled a loud lunchroom conversation between another pathologist, Pierre Finck, and his colleagues at the Armed Forces Institute of Pathology days after the murder. Saslaw recalled that Finck was complaining that his autopsy notes had disappeared and he had to reconstruct them from memory. Further, the disappearance happened "immediately after cleaning up following conclusion of the autopsy."

Perhaps even more dramatic was the testimony of Sandra Spencer and the survivors of autopsy photographer Robert Knudsen. Spencer worked for Knudsen at the lab of the Naval Photographic Center in 1963 and helped him develop color negatives from film brought over by an FBI agent. The agent told her to "Process them and try not to observe too much, Don't peruse." When Gunn showed her the present official autopsy photos, "Spencer said they were not the ones she helped process and were printed on different paper." Knudsen apparently agreed. After he testified before the House Select Committee on Assassinations, he told his wife Gloria that "four or five of the pictures the committee showed him did not represent what he saw or photographed that night and that one of them had been altered." (*Philadelphia Daily News* 8/1/98) He later told his son Bob that Kennedy's "hair had been 'drawn in' on one photo to conceal a missing portion of the top-back of President Kennedy's head." Spencer seemed to agree with Knudsen on this point, namely that the pictures had been posed, altered and eliminated to avoid showing exactly what the wounds of the head were. As we said, we will publish further reports on this powerful new evidence in future issues. Meanwhile, thanks for your work in this area Mr. Gunn.

On another front, Board Chairman John Tunheim sent out an advisory on April 21st saying that the Board has received from the Senate Select Committee on Intelligence the unredacted records of the Church Committee

that had been sent to the National Archives in previously redacted form. They will be processed in a less censored format. Also, the Review Board has requested that the FBI do tests on C.E. (Warren Commission Exhibit) 567, a fragment allegedly left over from the bullet that smashed Kennedy's skull. The ARRB discovered that the HSCA had requested the Justice Department to examine what appear to be thread like particles on the fragment almost 20 years ago. In an AP report of August 13th, Steve Tilley of the National Archives has said that it is unclear whether the material got attached to the fragment either during or after the shooting. At one point, the bullet was stored in cotton wadding after it was taken into evidence. Also to be examined are four other fragments which are supposedly pieces of unidentified organic material that were, at one point, considered to be part of the bullet. Tilley believes they could be wax, perhaps the kind used to hold displays for photographers; but they are sure they are not metal. We wish the FBI was not the body conducting the tests (the recent Justice Department report on the FBI lab was highly critical), but apparently the Board is winding down and can't afford an outside, independent analysis.

The monthly meetings of the Board continue and they continue to increase the pace of declassification of documents. For instance, at the January 22nd meeting, the Board voted to release 4,835 documents from a number of sources. On April 14th, the Board held a meeting with authorities on the declassification process for input into its upcoming final report. Presumably, this was done to make specific recommendations about the declassification process for the future.

Although most of the Board members state that they expect to complete their mission on time, we note that the military records and those of the National Security Agency seem to be coming around quite slowly. For example, according to one advisory, the NSA is still releasing small amounts of records, 36 in one release.

Finally, Harry Connick has finally run out his string. Longtime readers of *Probe* will be familiar with the antics that the New Orleans DA has carried out to obstruct the Board in its pursuit of both the investigative files of Jim Garrison and the grand jury records of that inquest. On June 5th, the Board submitted the witness testimony of over forty people who appeared in New Orleans for Garrison's inquiry to the National Archives. On May 18th, the U.S. Supreme Court announced they would let stand the previous Fifth Circuit Court decision ordering Garrison's investigative files turned over to the Board. So the Board won out on both counts. Good night Harry, and good riddance. ♦



# WHAT IS TO BE DONE?

## OBJECTIVE: THE COMPLETE TRUTH OF THE JFK ASSASSINATION AND ITS COVER-UP

By Dennis Bartholomew

By October 1st the Assassination Records Review Board will be closed down after releasing over four million pages of newly declassified documents. In November, there will again be two conferences held in Dallas: one by COPA, and one by JFK Lancer. We think that these conferences would be a good starting point for beginning to plan the next step in finally bringing to resolution the truth in the JFK case. We think that plans should be discussed and strategies formulated. For example, should we push for a Truth Commission? Should we try for a Texas-based grand jury? Do we push for a Special Prosecutor? Dennis Bartholomew has tried to set forth in this article what could be done tactically to achieve any of these goals. We will forward this to both Gary Aguilar of COPA and Debra Conway of JFK Lancer Productions and push them to include a discussion of these issues at their respective conferences.—Eds.

Within a few years of the assassination of President Kennedy, private researchers were able to assemble enough evidence to show major problems with the Warren Commission conclusions. As time passed, more and more evidence was uncovered that tended to disprove the lone gunman theory. The progress of this research has accelerated in recent years as the Assassination Records Review Board continues to release thousands of previously withheld documents. Today, most students of the assassination of President Kennedy conclude that this tragic event was not the work of a lone gunman. Similarly, opinion polls consistently find that the great majority of the public does not believe that Oswald was a lone assassin.

Although there is general agreement that the assassination was not the work of one man, no one has ever been able to prove exactly who was involved in this conspiracy. Even more disturbing, the evidence surrounding the JFK assassination is still sufficiently contradictory to allow continued claims that the lone gunman theory is a plausible hypothesis. The favorable reception given to Gerald Posner's *Case Closed* demonstrates the continuing sup-

port given to the lone gunman theory by our government and our media.

Although there is a steady accumulation of new information, both from the Review Board and elsewhere, I believe it impossible that private researchers, working independently, can ever solve the JFK mystery. The Review Board has caused a great amount of previously undisclosed information to be released to the public. Much of this information has been very helpful to researchers searching for answers to the Kennedy assassination. But there have been no "smoking guns"; no documents which explicitly discuss an assassination conspiracy. Nor can we expect to find such documents. Persons involved in a conspiracy to commit murder, whether a Mafia "hit" or a covert CIA assassination, simply do not create any writings related to that conspiracy. Because the smoking gun documents do not exist, researchers reviewing documents cannot, by that means alone, find the full truth of the Kennedy assassination.

Now, as the Review Board approaches the end of its life, is the time for all interested parties to join together to develop a strategy aimed at resolving this 35-year mystery. We must consider why the truth of the Kennedy assassination has remained hidden, and what

steps must be taken to overcome the barriers to finding that truth.

### THE TRUTH OF THE JFK

#### ASSASSINATION HAS BEEN HIDDEN BY EVIDENCE-TAMPERING.

The primary reason why the full truth of the JFK conspiracy has never been revealed is that much of the evidence has been hidden or altered. A review of the literature on the JFK assassination shows that many significant witnesses were ignored, many leads were not followed, witnesses were pressured to change their testimony, other witnesses had their statements changed without authorization, articles of physical evidence were destroyed, hidden or "lost," and other pieces of evidence were altered or even totally fabricated.

In his book *Deep Politics and the Death of JFK*, Peter Dale Scott observes that:

The physical and medical evidence present ordinary citizens with a profound dilemma of credibility. Either the evidence is true, in which case the President and Governor John Connally were hit by only two bullets causing a total of eight wounds; or, if this defies our credulity, we must accept that there has been massive falsification of the evidence.

The American public generally rejects the two-bullet, lone-gunman theory, but does not realize the corollary to that rejection: massive falsification of the physical and medical evidence. The falsification of JFK evidence is readily apparent to serious students of the assassination, but the public has never been made fully aware of the reality and extent of the evidence falsification.

The Warren Commission, however, was aware of these evidence problems, as revealed by recently released records of Commission meetings. Rather than report the evidentiary problems to the public, the Warren Commission chose to shape the evidence to fit the lone gunman theory. Perhaps the most publicized example of fitting the evidence to the theory is the Review Board's recent disclosure of Gerald Ford's alteration of the draft of the Warren Report. Although the medical evi-



dence described a wound to President Kennedy's upper back at the right shoulder blade, Ford chose to characterize that wound as a neck wound instead of a back wound. From this and other releases of Warren Commission deliberations, it can be seen that the commission members had a greater interest in reaching a desired result than in reporting the full truth.

The false evidence surrounding the Kennedy assassination has been created by powerful government agencies, and supported and maintained by the Chief Executive through the President's Commission, the Warren Commission. As long as the false evidence remains in place and appears to be legitimate, private citizens will not be able to overcome this cover-up to find the full story of the assassination. To fully resolve this mystery, researchers must acknowledge that evidence falsification exists, identify the false evidence, and find a way to replace it with the truth.

#### PRIVATE RESEARCHERS NEED HELP FROM LEGAL PROCESS

Over the years private researchers have found a great deal of information related to the JFK assassination. But private investigators are very limited in the actions they can take. They can review and analyze relevant documents, to the extent that such documents exist and are available to the public. They can talk to persons with knowledge of the assassination, but only if such persons are willing to talk to them honestly. Although these limited steps have uncovered much new evidence, additional steps are needed to get to the full truth of the assassination. But private citizens do not have the authority to take these additional steps.

Private citizens do not have the authority to compel persons with knowledge about the assassination to testify about what they know. They do not have the power to compel government agencies to explain why they falsified the official record. Even if they encounter witnesses who are interested in doing so, they cannot provide protection to these witnesses if they are fearful of testifying. If persons who may have been involved in the assassination want to tell what they know, private citizens do not have the ability to grant them immunity from prosecution. What is needed is some legal framework that will give honest investigators the power to subpoena witnesses and documents, to compel testimony under oath, and to take the other steps needed to uncover the truth of this crime.

There are numerous examples of the need to have and use these legal powers. In Carol

Hewett's recent articles about Ruth and Michael Paine, she concluded that the Paines know far more about the Kennedy assassination than they have publicly disclosed. She advocated that the Paines be deposed under oath to provide whatever information they have concerning the assassination. These depositions will not happen unless interested parties have a legal basis upon which to require them. And, of course, it's not just the Paines. Private researchers have identified hundreds, if not thousands, of individuals who almost certainly have additional knowledge of either the assassination or the subsequent cover-up.

Even in situations where researchers can prove falsification of evidence, they are unable to take the next step of finding out why the false evidence was created and for what purpose. The recent research by John Armstrong is a good example of this. John has found new evidence that the Warren Commission's account of Oswald's early life is inaccurate. Several witnesses have reported that Oswald attended public schools, such as Stripling Junior High, which were omitted from the Warren Report's conclusions on Oswald's early education. Some of these witnesses reported that they turned over documentary evidence to the FBI. But Armstrong currently has no means to go to the next step and compel the FBI to explain why they withheld the documentary evidence of Oswald and to require them to produce or reconstruct that evidence. As another example Armstrong has conclusively proven that authorities intentionally replaced Oswald's Minox camera with a light meter. The next step is to find out why, for what reason, and under whose orders that evidence was falsified. To accomplish this, he would need legal authority to compel witnesses to testify and produce documents and to face legal sanctions for failure to comply. Today private researchers like Armstrong and Hewett do not have those powers and are stymied in their attempts to get to the bottom of the JFK assassination.

Private researchers are also unable to provide the necessary encouragement for witnesses who are fearful of testifying. I have had contact with one individual who claimed to have personal knowledge that William Sullivan was involved with assassination cover-up activities. Yet that person was afraid to speak out publicly for fear of adverse consequences. Needless to say, any individuals who were involved either in the assassination or the cover-up will be fearful of possible criminal activities if they come forward with their information. Here again some form of legal process is needed to provide protection, anonymity and/or immunity to encourage cooperation. Pri-

vate persons cannot provide immunity from criminal prosecution or protection to fearful witnesses. These extraordinary powers are necessary to uncover the full truth of the Kennedy assassination. But these necessary powers can only be obtained through a legal action of one form or another.

#### CONGRESSIONAL ACTION IS NEEDED TO PROVIDE NECESSARY LEGAL ASSISTANCE

Although there are many approaches that could be pursued to provide a legal basis for a new JFK investigation, I believe the best approach is to seek federal legislation to form a new investigation. A new investigation into the Kennedy assassination must follow leads into all parts of the country and should therefore be a federal action. New legislation from the U.S. Congress could be specifically tailored to fit the unique aspects of the Kennedy assassination and cover-up. The federal government would also be able to provide necessary funding. Although it may be difficult to get congress to enact this sort of legislation, I believe it would be even more difficult to persuade the state of Texas to pursue a new JFK investigation.

A few years ago, congress enacted the John F. Kennedy Assassination Records Collection Act of 1992. This legislation, although helpful, was limited to simply assembling assassination related records for release to the National Archives. What is needed now is legislation to go beyond the mere collection of records to investigate the falsification or destruction of these records. This legislation should provide for a new investigation to be directed by a prosecutor or counsel completely independent of the Justice Department. This special counsel or prosecutor would need to investigate possibly illegal acts taken by agencies within the executive branch. This investigation would be aimed at uncovering the details and the reasons behind the known cases of evidence tampering, with an intent to follow that trail to the real truth wherever possible.

The primary difficulty, of course, is how to get Congress to take action. Several years ago the movie *JFK* created intense public interest about the assassination of President Kennedy. This public interest helped lead to passage of the 1992 John F. Kennedy Assassination Records Collection Act. As time passed the public interest in the assassination gradually waned. Today even people who believe that there was a conspiracy and cover-up often take the attitude that the full truth of the conspiracy will never be known. If we want to initiate new

*continued on page 8*



## NEXT STEPS

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federal action, we need to find a way to rekindle the interest of the public and our legislators.

### PROOF OF EVIDENCE TAMPERING BY GOVERNMENT AGENTS WILL REIGNITE PUBLIC INTEREST

I suggest one approach to reviving the public's interest in the Kennedy assassination is to publicize the cover-up, the falsification of the assassination evidence. The public believes there is evidence both supporting and contradicting the lone gunman theory, and has essentially gotten tired of the what it perceives to be an insoluble debate of the details of the assassination. But the public's interest would be aroused if the debate were shifted to the question of whether government agencies deliberately falsified the evidence related to the assassination. I believe if the public can be shown convincing proof that this cover-up occurred, it would support a new attempt to find out what was hidden and why.

Over the past 34 years the accumulation of evidence of a cover-up has become so extensive that its existence cannot be denied. Private investigators have found hundreds, perhaps thousands, of examples where government officials have lost, destroyed or altered the evidence of the assassination. Current researchers are continuing to find more and more examples of falsification of the assassination evidence. But the public is unaware of the extent to which evidence related to the Kennedy assassination has been destroyed, hidden, lost, altered or otherwise falsified. If we bring attention to these cover-up activities, we can make the public aware of this intentional falsification of the assassination evidence. I believe this can mobilize the public to demand that congress find out what was hidden and why. What the public will be demanding is not a third investigation of the Kennedy assassination, but rather a first investigation of why government officials hid, ignored or falsified assassination evidence.

By focusing on the falsification of the evidence we will emphasize what is known, rather than what is not known. An investigation into the how and why of the cover-up cannot be just another fruitless search because we would be investigating already known instances of evidence tampering. This new investigation will explore the circumstances of falsified evidence and ask the hard questions: why was the evidence altered, who gave the orders to do so, and what is the true evidence?

Disclosure of the true assassination evidence will almost certainly reveal new information concerning the involvement of persons other than Oswald.

### CONVINCING PROOF OF EVIDENCE MUST BE ASSEMBLED BEFORE APPROACHING CONGRESS

But before we can mobilize the public to demand a new probe, we must first have undeniable proof of the JFK evidence-tampering. A coordinated effort by researchers and other interested citizens must identify and document hundreds, perhaps thousands, of examples of hidden or altered evidence. These must all be supported by appropriate cites and exhibits, including statements from witnesses. This information would be assembled into one "False Evidence" document. This False Evidence document could then be presented to the American public and to congress as proof that there indeed was a cover-up. This proof of false evidence would justify the request to uncover the true facts that have been hidden. Based on the sizable body of information accumulated over the years, I am confident that a very convincing case could be made to our congress and to the public.

Much of the work needed to put together the proposed False Evidence document has already been done. The instances of hidden, destroyed, lost, ignored, altered and fabricated evidence have been uncovered in over 30 years of research. Some of the leading JFK assassination books, such as *High Treason* and *Crossfire*, include laundry lists of many instances of evidence tampering. This information could be extracted from those books and supplemented by more recent findings from researchers like John Armstrong and the LaFontaines, and new information found in recent ARRB releases. To pull all this together into a coherent, persuasive document would take considerable writing and editing skills, but the basic raw material to go into that document has already been identified.

As I envision it, this False Evidence document would contain only factual, verifiable information. It would not contain any conjecture or speculation. No claims of evidence tampering would be included that are not accompanied by solid support: affidavits or statements from witnesses, testimony or exhibits from the Warren Commission or other relevant reports or records. The document would emphasize the most obvious and egregious examples of evidence tampering. Many such incidents have already been admitted: Dr. Humes' destruction of his first draft report; the break-in of the HSCA evidence safe by CIA agent Regis Blahut; the "losing" of

President Kennedy's brain. Other incidents, though not yet admitted, are clearly irrefutable, such as the FBI's attempt to convert Oswald's Minox camera into a light meter, or John Armstrong's discovery of fraudulent W-2 forms for Lee Oswald.

The proposed document should also include the long list of less obvious attempts to pervert the JFK investigation. These lesser items, such as the failure to interview witnesses who had evidence of non-Oswald activity, may appear innocuous standing alone, but assembled into one document it would show a long pattern of deliberate attempts to hide and ignore all evidence that pointed to an assassination conspiracy.

Information contained in the False Evidence document should include the following categories:

- documents showing a premature decision to prove that Oswald was a lone assassin
- false documents, fabricated by the investigating authorities or other persons
- documentary or physical evidence altered to support the lone gunman theory
- documentary or physical evidence that has been deliberately destroyed
- documentary or physical evidence that has been lost
- witnesses who allege their testimony has been altered
- witnesses who allege they were pressured to offer false testimony
- witnesses who have been coerced to remain silent about what they know

I am confident that a clear, factual recitation of the hundreds or thousands of incidents of evidence-tampering would convince most Americans that the Warren Commission's story of the Kennedy assassination was made intentionally untruthful by a number of government officials. I am also confident that significant portions of the public would then want to know why this was done and what was the true story that was hidden.

### WE NEED TO INSURE A NEW INVESTIGATION WILL NOT BE ANOTHER WHITEWASH

But even if we are successful in beginning this new investigation into the Kennedy assassination, we must ensure that this will be an "honest" investigation, and not another whitewash. It must be directed by persons that are committed to finding the full truth and who believe the obvious fact that the earlier investigations have destroyed and ignored much of the relevant evidence. This new in-



vestigation will provide the imprimatur of legal process to its findings, and will provide a public forum that cannot be ignored and will be reported by the news media.

How can this "honest" investigation be instituted? This investigation must be based on a conclusion that much of the assassination evidence is false and that a cover-up has indeed occurred. For that reason this investigation will necessarily take an adversarial stance with the FBI, the CIA, Secret Service and the military and other federal agencies. Congress must specify that this assassination investigation will be managed and directed by persons who are independent of the federal government and are not government employees. Leadership positions within this investigation should include prominent persons currently active in JFK research. People with legal backgrounds such as Dan Alcorn, Cyril Wecht, Brad Kizzia and others would be especially appropriate to this role. Many persons currently interested in the JFK research have legal backgrounds and may be willing to assist this effort on a volunteer basis. The presence of a team of knowledgeable volunteers may help to eliminate claims that a new investigation would be too expensive and time-consuming.

Although it would seem to be difficult to persuade Congress to investigate the FBI, CIA and other government agencies, we will be making this request only after having assembled many examples of improper actions by those agencies. Included among these examples will be bald admissions that some agencies would not tell the truth to the Warren Commission. For example, in recently released records of Warren Commission deliberations, former CIA Director Allen Dulles told the other members of the commission that even if Oswald really were a CIA agent, the agency would not inform the commission of that fact.

Both the FBI and the CIA have been under fire in recent years, for both malfeasance and incompetence. Now might well be the time that Congress might favor further investigation of those agencies. Congress was willing to appoint a panel of five disinterested citizens when it created the Assassination Records Review Board. Congress might now be ready to accept the argument that it must take similar steps to ensure the integrity of our proposed new investigation.

#### PROCEDURAL PROBLEMS CAN BE ADDRESSED IN LEGISLATION

I realize there will be problems to be resolved with the above procedure. One problem is that some mechanism will be needed to protect information that may still need to

be kept secret for national security purposes. But this sort of problem has already been addressed and resolved in the JFK Records Collection Act of 1992. A similar procedure could be followed here.

There will likely be jurisdictional problems related to a federal investigation into what was a state crime. If so, I believe the congress can reach an agreement to work cooperatively with the state of Texas to resolve issues of jurisdiction and states' rights. There is no legal or procedural objection to a new JFK investigation that cannot be overcome with careful legislation.

#### SUMMARY AND CONCLUSION

This article has been aimed at an audience that is already aware that there has been extensive falsification of the JFK assassination evidence. This article is not intended to convince the reader that there is a continuing cover-up of the truth of the JFK assassination, or that further investigation needs to be done. Rather this article is intended to make the point that there is a need for all interested citizens to join into a united effort to escalate our current limited activity into a serious, full-scale investigation and solution of the JFK mystery.

The above suggested "next steps" to resolving the Kennedy mystery may or may not be the best approach possible. In any case, I believe the assassination research community and other interested persons need to dialogue on what is the best approach and how to implement it. Hopefully, one of the research organizations such as CTKA, or perhaps another group, will take the lead in facilitating this dialogue. Many students of the JFK assassination are lawyers who can provide input on legal issues. Perhaps there are other, better, suggestions concerning what legal actions can assist us in resolving the JFK mystery. But whatever the best approach is, I firmly believe that now, as the ARRB comes to a close, is the time for all interested parties to come together to plan and implement our next steps towards resolving the JFK mystery.

I invite all interested persons to consider the above suggestions and offer their comments and support. Perhaps some of you are interested in working to implement these suggestions. Perhaps others may have new ideas on how to achieve our mutual goal of full resolution of the JFK assassination. I hope that CTKA, COPA, and JFK Lancer will welcome comments and suggestions from anyone who wishes to find the full answer to the JFK mystery. I believe we can soon develop and agree on a winning strategy and then begin to work together to reach this goal. ☪

## History Will Not Absolve Us



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# When Did Oswald order the Rifle?

by Raymond Gallagher

Shortly after the Mannlicher-Carcano rifle was found on the sixth floor of the Texas School Book Depository, agents of the FBI learned from retail outlets in Dallas that Crescent Firearms Inc. of New York City was the distributor of surplus 6.5 mm military rifles im-

ported from Italy. During the evening of November 22, 1963, a review of the records of Crescent Firearms revealed that the firm had shipped an Italian carbine, serial number C 2766 to Klein's Sporting Goods of Chicago.

On July 23, 1964, an affidavit was executed and supplied to the Warren Commission verifying the sale of the weapon. In that affidavit, President Louis Feldsott of Crescent Firearms explains that, on November 22, 1963 the FBI contacted him and asked if his company had any records concerning the sale of an Italian-made 6.5 mm rifle with the serial number C 2766. Feldsott concluded the affidavit by informing the Commission that "further records involving the purchase, sale, and transportation of the weapon have been turned over to the FBI."

Also, Feldsott informed the Commission: "I was able to find a record of the sale of this rifle which indicated that the weapon had been sold to Klein's Sporting Goods Inc., Chicago, Illinois on June 18, 1962. I conveyed this information to the FBI during the evening of November 22, 1963." (WC Vol. 19 p. 205)

On June 18, 1962, the day that Crescent sold the 6.5 rifles to Klein's, Lee Harvey Oswald spent the day with Pauline Bates, a Fort Worth public stenographer. She was typing a manuscript from "scraps of paper" on which Lee had recorded his impressions of the Soviet Union. June 18, 1962 was only five days after the S.S. Maasdan landed at Hoboken, New Jersey with Oswald, his wife Marina and daughter June. That date was over five months before Klein's placed the order to Crescent for the shipment of rifles that eventually contained C 2766, the one found in the depository. On 11/22/63, William Waldman of Klein's told the Bureau that the 100 rifles that included C 2766 were ordered from Crescent on January 24, 1963 and received in Chicago on February 22, 1963. (Note the apparent discrepancy in Feldsott's and Waldman's sale and

order dates.) Lee ordered his rifle on March 12, 1963 and it was delivered to him, in Dallas, on March 25, 1963.

After all the testimony and evidence has been discussed and analyzed, there is really only one item of evidence that could conceivably be used to accuse Lee Oswald of killing President Kennedy, and that is the serial number on the rifle found in the depository. And even that charge could be challenged. Evidence from official records suggests that the sixth floor rifle was not the rifle delivered to Lee Oswald in March of 1963. And it is conceivable that the depository rifle was not the rifle that Oswald was seen holding in the famous "backyard" photos taken on Neely Street

*Evidence from official records suggests that the sixth floor rifle was not the rifle delivered to Lee Oswald in March of 1963.*

by Marina Oswald on March 31, 1963 despite the claims made by advocates of Oswald's guilt. The serial number on the rifle is the key to involving and framing Oswald in the crime. Knowing the serial number of the rifle he ordered from Klein's was all that was necessary to render him the accused assassin. Buying a second rifle and installing serial number C 2766 on its barrel is only one way of framing him.

Remember that Louis Feldsott of Crescent told the FBI that C 2766 was sold to Klein's on June 18, 1962, yet Waldman at Klein's did not order the rifles until January 24, 1963. To my knowledge, no one has explained this difference. But there is an even further discrepancy. Waldman testified that Klein's received Oswald's money order of \$21.45 on March 13, 1963 and it was deposited, along with other money orders and checks, into company accounts at the First National Bank of Chicago. Waldman testified to Commission attorney David Belin that the postmark date of the order leaving Dallas was March 12th. (WC Vol.

7 p. 366) Waldman further testified that the deposit was made on the 13th and it was part of a total deposit of \$13,827.98. (Belin did not ask him to explain how, before the advent of computers, an order could be shipped 700 miles, received, processed and deposited in 24 hours.) But yet, the bank deposit slip, the extra copy provided by the bank at time of transfer, reads February 15, 1963, not March 13th. This is about one month before Oswald sent the coupon for the rifle by air mail to Chicago (see Waldman Exhibit No. 10, WC Vol. 21 p. 706.) Of course, if the February date is correct, then C 2766 could not be the correct serial number on the rifle in the so-called backyard photographs.

The rifle found on the sixth floor was not the model rifle that Oswald ordered in March of 1963 using a coupon from the February issue of *The American Rifleman* magazine (Warren Report p. 119). A copy of this ad did not appear in the Warren Commission. Instead, a copy of the November 1963 Klein's ad appears (Vol. 20 p. 174). But this ad, as pointed out by Sylvia Meagher, appeared in *Field and Stream* (Accessories After the Fact p. 48). Therefore, it has little or nothing to do with the Warren Commission's case against Oswald.

In the *Field and Stream* ad, Klein's offered a different rifle than was advertised in the February *American Rifleman*. Oswald was supposed to have ordered a version which is 36 inches long and weighed 5.5 lbs. Yet the rifle advertised in *American Rifleman* was 40 inches long and weighed 7 lbs. The Warren Commission's rifle was 40.2 inches long and, with sling and telescopic sight, weighed 8 lbs.

The FBI had contacted Harry Holmes, a post office official, on Friday night and asked him to trace a money order for \$21.95 that had been purchased on March 20, 1963. The FBI had been in contact with Klein's and had received the price and date from someone in Chicago. Since the information was not correct—Oswald's money order was for \$21.45 and he bought it on March 12th—Holmes sent his secretary to "purchase about half a dozen books on outdoor type magazines such as *Field and Stream*, with the thought that I might locate the gun to identify it..." (Vol. 7 p. 294).

When the secretary returned, Holmes found, on page 98 of the November issue of *Field and Stream*, a Klein's ad featuring a number of rifles. One of the weapons was the



Mannlicher-Carcano, priced, with a scope, at \$19.95. There was an additional charge of \$1.50 for shipping and handling. Holmes did some arithmetic and realized the true cost to be \$21.45 not \$21.95 as the FBI held. With this new information, Holmes began to search post office records for a \$21.45 money order. Holmes contacted Postal Inspector McGee of Chicago to recheck the information for accuracy. With this new information, the true money order was found providing the money order number and with it the time and date of purchase, the morning of March 12, 1963. The inspector then tore the ad from the *Field and Stream* magazine and circled the rifle in red and turned it over to the FBI and later, the Warren Commission. The Commission then displayed this (presumably) wrong ad in its evidentiary volumes. Oswald probably never saw this *Field and Stream* ad and its possible that he never saw the C 2766 numbered Mannlicher-Carcano.

To compound the doubts about this particular rifle, it was never established that the depository rifle was the weapon used to shoot at General Edwin Walker in April (attributed to Oswald by the Commission). Neither is there clear evidence that the rifle was taken to New Orleans. However, there is testimony that a rifle was returned to Dallas, at the end of September, in Ruth Paine's station wagon and placed on the floor of the Paine garage, where it may, or may not, have remained wrapped in a blanket until November 22, 1963. Marina Oswald testified that the rifle "was on board" when she left New Orleans with Ruth Paine. She also said that she had seen the rifle about three weeks before the assassination. But she also said that the rifle could have been taken at any time before the 22nd of November.

*continued on page 32*

**AFFIDAVIT OF LOUIS FELTSOTT**

The following affidavit was executed by Louis Feldsott on July 23, 1964.

PRESIDENT'S COMMISSION  
ON THE ASSASSINATION OF  
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

## STATE OF NEW YORK

County of Rockland, ss:


I, Louis Feldsott, being duly sworn say:

1. I am the President of Crescent Firearms, Inc. 2 West 37th Street, New York 18, New York.
2. On November 22, 1963, the FBI contacted me and asked if Crescent Fire-arms, Inc., had any records concerning the sale of an Italian made 6.5 m/m rifle with the serial number C 2766.
3. I was able to find a record of the sale of this rifle which indicated that the weapon had been sold to Kleins' Sporting Goods, Inc., Chicago, Illinois on June 18, 1962. I conveyed this information to the FBI during the evening of November 22, 1963.
4. Further records involving the purchase, sale, and transportation of the weapon have been turned over to the FBI.

Signed the 23rd day of July 1964.

/s/ Louis Feldsott

**LOUIS FELTSOTT**

 <p>Deposited with  <b>The First National Bank of Chicago</b>          Upon the terms and conditions of the agreement printed          on the back hereof and none other</p> <p><b>EXTRA COPY</b></p> <p>50 91144</p> <p>KLEIN'S SPORTING GOODS, INC          4340 W MADISON ST          CHGO 24 ILL</p>	Checks on other Chicago Banks		Checks on Out of Town Banks		Checks on this Bank	
	104 67		9992 43		88 24	
	DATE 2 / 15 / 63					
		Total on this Bank		88 24		
		Total Out of Town Banks		9992 43		
		Total other Chicago Banks		104 67		
		CASH SENT BY REGISTERED MAIL		2 14		
		TOTAL DEPOSIT		13827 98		

Note the circled date. Also, the sum \$13,827.98 has been darkened to make the number clear.



# THE SINS OF ROBERT BLAKEY

## PART 1: THE EARLY DAYS OF THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS

By Jim DiEugenio

**T**hankfully, the Assassination Records Review Board has declassified many of the files of the House Select Committee on Assassinations. This process is ongoing as it winds down to its termination date of October 1, 1998. But there is quite enough now available to begin to get an accurate gauge on the performance of that committee, more specifically the record of its controversial second Chief Counsel, G. Robert Blakey. It seems odd that, as of today, no one has written a book-length critique on the history and findings of the HSCA. Within four years of the issuance of the Warren Report, there were several incisive, full length analyses of that report and organization. Yet, nearly two decades after the HSCA's Final Report, there is no matching volume of the last investigation into the murder of President Kennedy—or the corresponding HSCA inquest into the assassination of Martin Luther King.

This essay will not pretend to be the comprehensive history and analysis that now cries out—screams—to be done on the HSCA. It is written as a stepping stone, an indication of what could and should be written on that topic. In the immediate aftermath of the release of the HSCA Final Report in 1979, two books were being written that proposed to perform this critical analysis. One, to be written by Ted Gandolfo, to my knowledge, never got past the unpublished manuscript stage. Another book, *Beyond Conspiracy*, an anthology by Peter Scott, Russell Stetler, Paul Hoch, and Josiah Thompson, progressed further toward publication than Gandolfo's. This too was never published. And from the version of the volume I have, it does not take on the function of critical analysis that Mark Lane or Sylvia Meagher did in the previous decade. In fact, the tone is not really critical at all. This can be seen by reading Thompson's discussion of the HSCA's version of the single bullet theory. This celebrated critic actually seems to accept what he was so skeptical about in his 1967 Warren Commission critique, *Six Seconds in Dallas*. As we shall see in part two of this essay, Blakey's version of the magic bullet theory is, in some ways, even more strained than the Warren Commission's.

### SUMMERS AND LIFTON

In the wake of the HSCA Final Report, finally issued in the summer of 1979, there were three books published on the JFK case in 1980 and 1981. David Lifton released *Best Evidence*, Anthony Summers authored *Conspiracy*, and Blakey (with co-author Dick Billings) wrote *The Plot to Kill the President*. Both Summers and Lifton seemed to take their cues from Blakey's post press conference press conference. After the Final Report was issued, Blakey called his own press conference to say that although the HSCA had come up with a finding of "probable conspiracy" without pointing the finger directly at any one, he knew that the real culprit was the Mob. His book, published by a subsidiary of the *New York Times*, reiterated that verdict in (unconvinc-

ing) detail. In the book's preface, Blakey again stated that "the evidence . . . established that organized crime was behind the plot to kill John F. Kennedy." Although the Lifton and Summers books discuss the HSCA, they are in no way rigorous analyses of that body. In fact, both books rely on some of the information published by the HSCA and both writers were privy to leaks since they had contacts inside the committee. With the benefit of hindsight, this has proven to be at least a partly questionable practice. As HSCA investigator Gaeton Fonzi once told me, the HSCA was so compartmentalized that only those people at the top really knew what the entire body was doing. These would include Blakey, his deputy on the JFK side, Gary Cornwell, and the Final Report's co-author, Billings. Relying on informants inside the committee only gave these writers a glimpse of the gestalt. With the release of the raw files of the HSCA, it seems that both Summers and Lifton were too deferential to certain important aspects of the HSCA, a point to which we will return. (An interesting sidelight should be noted at this point. Nearly all the authors mentioned thus far—Summers, Scott, Hoch, Lifton—have all been muted in their criticism of Blakey. Yet, when the subject of Jim Garrison is brought up, they have no problem venting their spleens at length on the late DA.)

### HOW IT ALL BEGAN

It is important to trace the origins of the House Select Committee to understand the temper of the times in which the last investigation began, and also to briefly map out the change that occurred when Robert Blakey, Cornwell, and Billings took over for the original Chief Counsel, Richard Sprague and his Deputy Counsel Robert Tanenbaum.

After Clay Shaw's acquittal in 1969, Jim Garrison had attempted to bring Shaw up on (well-justified) perjury charges. In May of 1971, Judge Herbert Christenberry (whose wife had telegraphed Shaw their congratulations upon his earlier acquittal) threw out the charges. As Mort Sahl related to me, he and Garrison then went to the 1972 Democratic National Convention to try and make a political issue of the case with people like George McGovern who had been a friend of both John and Robert Kennedy. They were frowned upon by people in the Louisiana delegation, headed by former Warren Commissioner Hale Boggs. At this juncture the case seemed dead. But the ensuing Watergate scandal inadvertently revived it. The Senate's Republican minority report, issued by then minority counsel and now Senator Fred Thompson, saw much CIA involvement in that scandal. Thompson's boss, Senator Howard Baker, later became one of the participants in Frank Church's subsequent investigation of the Central Intelligence Agency in 1975. That committee publicly exposed a myriad of crimes conducted by both the CIA and the FBI. But there were two aspects of Church's work that impacted with force on the JFK case and helped revive it in the media. First, Church held hearings on the secret CIA plots to kill foreign leaders, most notably Fidel Castro. Second, committee members Richard Schweiker and Gary Hart conducted their own investigation of the performance of the FBI and CIA in investi-



gating the Kennedy assassination. That report remains mandatory reading today. It was a scathing indictment of both agencies which categorically exposed the breathtaking rush to judgment to nail Lee Harvey Oswald.

This was a qualitative leap up from Garrison. The New Orleans DA could only howl in the wind about what he knew to be the malfeasance, or worse, of those two agencies in the Kennedy case. Now, with access to the actual documentary record, Frank Church and the U. S. Senate were certifying that much of what Garrison said was true and warranted. Further, Church was also saying that the CIA secretly plotted the deaths of political leaders and was tracing those plots in detail. At this time, *New Orleans* magazine ran a cover story on Garrison basically saying that he had said all this before and no one had listened to him. Researcher Mary Ferrell wrote him a letter apologizing for not standing by him more staunchly. She didn't suspect in 1967 that the CIA could do such awful things.

In the midst of the tumult about Church's sensational disclosures, Robert Groden and Dick Gregory went to Geraldo Rivera who then had a network talk show at ABC. At the time, Groden had the best copy yet made of Abraham Zapruder's 26 second film of the JFK assassination. On March 6, 1975, for the first time, millions of Americans were convinced that, at the very least, Oswald had not acted alone. The effect of this public showing of the Zapruder film was, in a word, electrifying. The day after, the Kennedy assassination was topic number one in bars and barber shops across America. The case was back on the front burner. Along with the exposure of the crimes of the CIA, and the negligence of the FBI, what Warren Commission critic could have asked for more?

#### TOM DOWNING AND THE Z-FILM

One of the people who got hold of a copy of the Zapruder film at this time was the son of Congressman Thomas Downing of Virginia, who had represented the Newport News area of that state for over fifteen years. An accomplished lawyer by trade, Downing was a well-respected member of the House of Representatives. When I interviewed Downing in 1993 at his luxurious office in beautiful Newport News, he told me that his son and a friend of his named Andy Purdy had viewed the film at the University of Virginia and were shocked at what it depicted. His son made Downing watch the film and the Congressman decided that this evidence itself merited an investigation by the House. He decided to draw up a bill focusing on the formation of a committee to reinvestigate the murder of John F. Kennedy.

At the time of Downing's action, the spring of 1975, there already was a bill on the House floor (HR 204), authorizing a reinvestigation of all three assassinations of the sixties—JFK, Robert Kennedy, Martin Luther King and the attempted killing of George Wallace. Its author was Texas representative Henry Gonzalez. Gonzalez was part of the reception party when Kennedy had visited Dallas and he was at Parkland Hospital when Kennedy had died. His name is mentioned at times in the Warren Commission volumes. Gonzalez had liked Kennedy and his policies and wished to go farther than just examining only JFK's death—he wished to relate it to the other two. But his bill was stalled and had little hope of succeeding. Gonzalez decided to give way to Downing's bill and then both men made a tactical move. They decided to attach only the King case to Downing's bill in order to enlist the aid of the Black Caucus in the House.

#### DOWNING SUCCEEDS

It was an uphill battle, but the momentum kept accumulating. On September 8, 1975 Senator Schweiker introduced a Senate resolution calling for a reopening of the Kennedy case. In the House, Don Edwards' subcommittee on Constitutional Rights held hearings into allegations that Oswald had delivered a threatening letter to the Dallas headquar-

ters of the FBI just weeks before the assassination. This was the famous note that was subsequently destroyed after the assassination. With this kind of controversy playing in the papers, the Downing-Gonzalez bill was getting some help. And Downing was a determined man who made some impassioned speeches on the floor of the House. (The one he made on March 18, 1976 was a dandy. See page 16.) Finally, in September of 1976 the bill cleared the Rules Committee where it had been bottled up for months. On September 17, 1976 HR 1540 creating the House Select Committee on Assassinations was passed by a vote of 280-65.

#### THE CHOICE OF CHIEF COUNSEL

The committee was first led by Downing with Gonzalez as second in command. Once formed, it faced two immediate problems. First, Downing had decided that this would be his last term in the House of Representatives. He would step down at the end of 1976. Second, a chief counsel would have to be chosen. Both of these events were absolutely crucial to the history of this committee. Neither of them has gotten the attention or weight they deserve. Although the battle to get the HSCA authorized had been a difficult one, the newly formed committee still had plenty of ballast from the momentous events described above, all taking place from 1974-1976. Also, former Warren Commissioner Gerald Ford, who we now know was up to his neck in the spurious editing of the Warren Report, was about to leave office. Ford had done everything he could to thwart the investigations of Frank Church and his congressional counterpart Otis Pike in the House. He had even formed his own commission to preempt them. It had been headed by, of all people, Nelson Rockefeller who chose as his chief counsel former Warren Commissioner David Belin. Jimmy Carter was to be the new president and he had campaigned against the corruption symbolized by Watergate with the slogan, "I will never lie to you."

When I asked Downing if he had ever thought of staying on just to see the committee through, he replied no he had not. He was eager to return home, spend time with his family, and get back to his law practice. In retrospect, Downing's departure was a blow the committee could not sustain. Gonzalez was now slated to be eventual chairman, and as Bob Tanenbaum later told me, he hadn't the experience or the stature to carry out what would be an insurmountable task. But before leaving, Downing was determined to choose a worthy chief counsel, one who would be above reproach from both a political and professional standpoint.

Downing told me that he was mystified by reports in the media (see page 19) that he was pushing Mark Lane for that position. He never suggested him for the job since he was perceived as being too close to the subject to lead an impartial investigation. He said he opened up the subject to the committee members themselves. They nominated several people for different positions. He then pulled out the record of the original nominations made on September 29, 1976. It shows that the nomination of Richard A. Sprague was made by Gonzalez himself. Five days later, Sprague was appointed Chief Counsel and Staff Director.

Henry James could not have dreamed a more ironic stroke. As we shall see, the upcoming battle between Gonzalez and Sprague was to ensure both their ousters. But Sprague was actually a salutary choice at the time. He had just come off a brilliant legal performance in a sensational murder case, namely the conspiracy to kill reform labor leader Jock Yablonski, a conspiracy headed by corrupt union boss Tony Boyle. Sprague had been appointed special prosecutor for Washington County, Pennsylvania between 1970 and 1975. He had unraveled the complex conspiracy behind the Yablonski murders. He went through a series of five trials pyramiding upward through each level of

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## SINS OF ROBERT BLAKEY

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the conspiracy. It culminated with the conviction of Boyle, not once but twice since the original verdict had been overturned upon appeal. Previously, Sprague had made a reputation as first assistant DA in Philadelphia under, of all people, Arlen Specter. Tanenbaum told me that although Sprague liked Specter personally, he thought he was a completely political animal. And politics was something that never entered Sprague's legal ethos.

When Downing approached Sprague for the position, the former special prosecutor told him that he had no fixed opinion on what had happened in either the King or Kennedy cases. He was aware that there had been a controversy as to what and how much had been revealed to the public. So he insisted that there should be no more cover-ups. If he took the job it would have to be with the insistence that as much as possible be done in public. He also insisted on four other conditions:

1. He wanted to hire his own investigators.

2. There would be no time constraints that would allow government agencies to just stonewall and outlast the committee.

3. There had to be enough money to employ a large, efficient staff so there would be no reliance on other aspects of the government for services rendered.

4. To emphasize the non-political nature of the inquest, there would be no majority and minority counsel positions, just a chief counsel and executive director.

As Sprague related later on Ted Gandolfo's cable program in New York, if Downing would not have agreed to all four conditions, he was prepared to go back to private practice. Downing said yes, and Sprague took command. For a brief moment, the critical community thought they finally had their man in a position that could finally do something to officially change the status of the Kennedy case. As Cyril Wecht commented:

Dick Sprague was the ideal man for that job with the HSCA. Richard Sprague had probably prosecuted more murder cases than any DA in the United States. . . . He knew how the police worked. He wasn't just the kind of guy who tried the case. He worked with the police. He knew thoroughly how homicide cases were conducted. He's tough, he's tenacious, he's aggressive. He has a strong streak of independence. He was the man for the job.

Or, as Gaeton Fonzi recalled it in *The Third Decade* of November of 1984,

After talking with Sprague I was now certain he planned to conduct a strong investigation and I was never more optimistic in my life. I remember excitedly envisioning the scope and character of the investigation. It would include a major effort in Miami, with teams of investigators digging into all those unexplored corners the Warren Commission had ignored or shied away from. They would be working with squads of attorneys to put legal pressure on, to squeeze the truth from recalcitrant witnesses. There would be reams of sworn depositions, the ample use of warrants and no fear of bringing prosecutions for perjury. We would have all sorts of sophisticated investigative resources and, more important, the authority to use them. The Kennedy assassination would finally get the investigation it deserved and an honest democracy needed. There would be no more bullshit.

**Sprague directed every hired detective and researcher to attend a photographic slide show put together by a Kennedy researcher. By the end of the four hour slide show, Al Lewis told me that, of the 13 staff lawyers in attendance, only one still held out for the single bullet theory.**

And for a short time, there wasn't. Sprague hired two top deputies, one for the Kennedy side of the HSCA, and one for the King side. They both came out of New York City. Tanenbaum took the JFK side, and his friend Bob Lehner took over the MLK investigation. Sprague granted both men the freedom to pick their own staffs. Tanenbaum brought in some first class detectives from New York, like Al Gonzalez and Cliff Fenton. From an interstate homicide task force he helmed, Tanenbaum hired L. J. Delsa to work New Orleans. He hired Michael Baden and Cyril Wecht to serve as his chief medical consultants. After talking to Richard Schweiker, he decided to hire his chief field investigator, Fonzi to investigate the Florida scene. There were literally thousands of applicants for the researchers' positions on the HSCA. When I interviewed Al Lewis in Lancaster, he told me that they must have gotten at least 12,000 applications to work on the committee from young people around the country, most of them college students

who wanted to serve. Lewis was an attorney who had worked with Sprague in Philadelphia, helped on the Yablonski case, and later joined him in private practice.

The feeling on the committee, and inside the research community was that the JFK case was now going to get a really professional hearing. Jim Garrison never had the resources or the professional manpower to really helm a widespread, multi-pronged criminal task force. It looked like celebrated prosecutor Sprague now would. As Lewis related to me, one of the areas that Sprague expressed a special interest in was the medical and ballistics evidence. Sprague and

his fellow staff attorneys requested entrance into the National Archives in order to survey the existing medical evidence firsthand. They were appalled at what they saw. Coming out of big city homicide bureaus, they had studied many autopsies. Remembering back to the experience of encountering the autopsy materials in this case, a look of disbelief and disgust crossed Lewis' face. Sitting in his office on a Sunday afternoon in Lancaster, Pennsylvania I took note of that look and I commented that Harold Weisberg has written that skid row burns had received better autopsies than President Kennedy's. Lewis replied, "It's worse than that." When I asked him to elaborate, he waved me off. As Bob Tanenbaum plodded through the Warren Commission volumes, he was shocked at their incompleteness and the lack of thorough investigation. As he relates in his fictionalized treatment of the matter, *Corruption of Blood*, it struck him as being unsatisfactory for a first year assistant DA and something in which a law student could have found giant evidentiary holes.

Sprague was eager to delve into some of the better, more concrete materials that the critics had come up with. One area that he felt was important was the photographic evidence. Soon after he accepted the position, counsel Richard A. Sprague was introduced to photoanalyst-computer technician Richard E. Sprague. Sprague quickly arranged a presentation of the voluminous photos that Richard E. Sprague had collected over the years, undoubtedly the largest collection of pictures on the JFK case in any private collection. Sprague directed every hired detective and researcher to attend a photographic slide show put together by the Kennedy researcher. According to people who were there, it was a long and impressive presentation. But before the lights went down, Sprague turned to everyone in attendance and said, "I don't want anyone to leave unless I leave. And I don't plan on leaving." By



the end of Sprague's four hour slide show, Al Lewis told me that, of the 13 staff lawyers in attendance, only one still held out for the single bullet theory.

At the end of 1976, Downing and Sprague put together a report to give to the House. Transmitted to the Clerk on December 31, 1976, it is the last HSCA report that bears Downing's name. On the first page, he wrote the following:

I note, on my retirement from the House of Representatives, the fine start which has been made on this investigation, for whose initiation I have worked over the past years. It is my sincere hope that the House will see fit to proceed with the investigation in the same thorough and professional manner in which it has begun.

In retrospect, this report is the high-water mark of the committee. Relying on the Schweiker-Hart Report, it criticizes the methodology of the Warren Commission. It then proposes a staff of 170 people to man the HSCA. This would include 15 attorneys on each case, along with 25 full-time investigators. It also pushes for open hearings so "the American public will have a greater basis for confidence in ultimate conclusions." Sprague's first proposed budget is in this report. The grand total came to about 6.5 million annually. The majority of the funds were allotted to salaries for the staff. The intricacy of this budget shows just what kind of investigation Sprague was determined to carry out. There are allotments in it for fingerprint, handwriting, and document experts. Sprague wanted different types of criminalists to survey fiber, hair, and clothing evidence. Further, he wanted independent ballistics analysts, voice print analysts, translators, and computer services. In other words, Sprague's staff could have been used to discredit the previous work of the FBI and CIA for the Warren Commission. And there was one item in this proposed budget that would be used to discredit Sprague: there are allotments for polygraphs, voice stress evaluators, and miniphone recording devices. The report also urged that the committee be granted extraordinary powers to compel testimony, secure information and documents and to publish them in as raw a form as possible i.e. without censorship procedures.

### POLITICAL MANEUVERING

At around this time, the attacks on the committee and especially Chief Counsel Richard Sprague began. It was so effective that despite Sprague's stature and reputation, the overwhelming initial vote for the committee, the disbelief of the public in the official story, Sprague would be gone three months after that December report. And not only him, but Gonzalez as well. The latter would be replaced by Carl Stokes; the former by Robert Blakey. What happened in those three months of early 1977?

First, let us not overestimate the support that Downing's bill had in Congress. His bill was signed by about 135 members, or about a third of that body. According to a behind the scenes report in *Rolling Stone* (4/7/77), what finally got it out of the Rules Committee and onto the floor for a vote was some backdoor maneuvering by the Black Caucus. Both Democratic bigwigs in the House, Speaker Carl Albert and Majority Leader Tip O'Neill were against the bill. When Richard Bolling decided to run for majority leader, he wanted the caucus' support. So he switched sides on the issue and decided to vote for the bill. In order not to make it an inflammatory campaign issue, Albert and O'Neill gave in and decided to forward the bill to the floor for a vote. Further, in order to cancel any negative effect on the GOP in the '76 presidential race, the Republicans agreed not to fight the bill in return for a Democratic pledge not to exploit President Gerald Ford's dubious service on the Warren Commission. In other words, one of the reasons Downing's bill passed was pure political expediency.

In January of 1977, the expediency started blowing the other way. As a confidential source told me, both the FBI and the CIA began

lobbying against a reauthorization of the bill. The FBI concentrated on the King case; the CIA on the Kennedy case. Two congressmen carrying a lot of water in this regard were Bob Bauman of Maryland (soon to be deposed in a sex scandal), and John Ashbrook of Ohio. Bauman would lead both floor fights against the HSCA in January and in March. Ashbrook had that memorable conversation with Tanenbaum depicted in Gaeton Fonzi's *The Last Investigation*. It concluded with, "Well, we really don't mind funding the Kennedy assassination, although I didn't think much of the man but we'll be damned if we're going to fund that nigger King's."

### THE ASSAULT ON SPRAGUE

Supplementing these political shenanigans was a propaganda campaign carried out by the three major dailies: the *Los Angeles Times*, *New York Times*, and *Washington Post*. Once Sprague's budget made it clear that this would not be a rerun of the Warren Commission, those three dailies, who had bought so heavily into the "Oswald-did-it" scenario, trained their heavy guns on Sprague. The *Los Angeles Times* trotted out old war-horse Jack Nelson. As we have seen in *Probe* (Vol. 5 #3), Nelson was the *Times* initial hit man on Jim Garrison back in 1967. By his own admission, Nelson got much of his information on Garrison in New Orleans from former FBI agent Aaron Kohn. In December of 1976 Nelson hit hard at Sprague's proposed use of telephone recording devices and voice-activated stress evaluators. Then, the *New York Times* chimed in. As Mark Lane has noted in *Plausible Denial*, the *Times* switched their reporters on the HSCA. They started with Ben Franklin who seemed to like Sprague. They then switched over to David Burnham, an interesting choice. Burnham was the reporter who Karen Silkwood was supposed to meet the night she was—either by design or accident—driven off the road and killed. The evidence she was to bring to the meeting—proof of contamination to workers in a nuclear energy plant—mysteriously disappeared. Burnham spent a good deal of time going through the microfilm of Philadelphia newspapers and wrote an article (1/2/77) which focused on five points of fairly irrelevant controversy in Sprague's illustrious 18 year career in the Philadelphia DA's office. (Predictably, Burnham left out the telling point that Sprague left the DA's office because he was fired when he exposed a lie that his new boss had told to the state Attorney General.) To fill out this questionable trio, the *Post* put longtime CIA ally Walter Pincus on the HSCA beat. Pincus latest assignment in that regard was the smear job the *Post* did on Gary Webb's momentous Contra/crack cocaine story of 1996. Bauman dutifully quoted Pincus during the debate on the House floor of February 2, 1977 in these terms: "Mr. Walter Pincus calls it [the HSCA] perhaps the worst example of congressional inquiry run amok."

When I interviewed former HSCA photographic consultant Chris Sharrett, he vividly remembered the impact of the early articles, especially Burnham's. He and some of the staff were at a dinner one night after the first wave of articles had surfaced. Sprague had tried to laugh off the attacks during the meal. But on the drive back Sharrett recalled a dark but articulate premonition going through his mind, "It's Garrison all over again." In fact, as with the Garrison inquiry, there was another strange assignment switch at the time of the HSCA. Nicholas Horrock had been an intelligence reporter for the *New York Times* who went over to *Newsweek* to cover the committee. As Jerry Policoff noted on the *MacNeil/Lehrer Report* (2/24/77):

I think one of the unfortunate things is that Nick Horrock has been the recipient of some of the leaks from the intelligence agencies that I think are designed to push any further investigation of the Kennedy assassination in a particular direction—in a direction that leads away from any involvement, either in the assassination or in any cover-up, from the intelligence agencies.

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## Rep. Downing's Plea for Justice

*The following text has been excerpted from former Representative Thomas Downing's March 18, 1976 speech on the House floor in which he urged his colleagues to pass his bill to reopen the JFK case. We can only hope that such sentiments appear in Congress again when the Review Board closes. Who will be the next to show the courage, perception and passion of Tom Downing?—Eds.*

Mr. Speaker, I have served in this House for 17 years. I hope I have served conscientiously and honorably. At the end of this session I shall retire from the House and return to private pursuits.

Until a few weeks ago I thought that I would return to my home district with a feeling of accomplishment and satisfaction. However in the past few weeks, certain events have transpired in this House which concern me deeply and which lead me to believe either that I do not understand the House half as well as I thought I did, or that the House is undergoing a deep and fundamental transformation.

Until now, it has seemed to me that, although Congress might not have dealt with all problems wisely, it has not been its policy to simply and doggedly refuse to look at a serious national problem no matter how difficult, no matter how distressing. Yet I fear that is precisely what it is doing today. It is simply and doggedly refusing to look at the problem of who executed our former president, John F. Kennedy, and why he was executed.

I do not exaggerate. I have chosen my words carefully, and I mean precisely what I say: We do not know who killed John F. Kennedy or why and the House apparently is uninterested and, in my opinion, shamefully unwilling even to attempt to find the answers.

The Rules Committee will not listen to any of the evidence for the passage of the resolutions. It will not listen to evidence that a real and very serious problem exists. Despite our appeals, they refuse to give me and the other hundred odd sponsors even a hearing on the merits.

This is not only difficult for the many, many Members who have sponsored the proposed legislation to understand, it is a regrettably poor answer to approximately 80 percent of the American people who do not believe that their leader was cut down by a "lone nut."

Why would there be reluctance on the part of the leadership and the committee? Have they been told by the intelligence community, which, incidentally, possibly acted as sole investigator for the Warren Commission, what really did happen to our young president, and why? Do they know who was behind the killing? Is it too horrible for the American people to face?

You will recall that there was a reluctance on the part of many to approach the impeachment program two years ago. Many cautioned that such a public exposure would be more than the American public could stand. However, we did our duty, the Republic did not collapse, the American public did not fall apart, and the country was better off knowing the truth.

And over on the Senate side, when the Church committee began to look into foreign assassinations and assassination attempts by U. S. agencies, we heard the same cries that the public could not stand it. Yet, Senator Church and his colleagues did their duty.

They carefully examined a number of U.S. sponsored murder attempts abroad and printed the results in a thick report. Again, the pillars of the Republic did not crumble.

Why is it that we seem to think the public can assimilate the truth about the killings of foreign leaders but cannot tolerate—and is not entitled to—the truth about the assassination of their own popular, elected president?

It would seem strange to me that the wrongful death of their own president is of less concern to the American people than the deaths of the leaders of Vietnam, the Congo, the Dominican Republic, Haiti, etc. Yet, it is that truth that is being withheld from them.

A mass of evidence has come to light which indicates that the Warren Commission unfortunately made no real effort to get to the bottom of the killing. They were prohibited in many instances by the U.S. intelligence community which acted collectively as their sole investigator. Evidence which has come vividly and dramatically to light in recent months was withheld from the Commission. Some of it has been revealed by committees and subcommittees of this House. It points to a cover-up. The American people deserved better than that.

The question is frequently put: "Even if you are right, what is to be gained by reopening the Kennedy case?" Our answer from the beginning has been "the truth." But this answer does not seem to satisfy. One would think that truth about the death of a President in a democracy such as ours would be sufficient. After all, if a President is eliminated not by a "lone nut" but for political reasons, is not the whole fabric of our form of government in direct danger if we cover up the political motivations and go on as if nothing happened?

Mr. Speaker, in the 11 months since I became convinced of the need for a reinvestigation of the assassination. I have learned a great deal about the circumstances surrounding the death of the late beloved John F. Kennedy. I have learned far more than I ever expected that I could learn. I am frank to admit that I have learned far more than I ever wanted to learn.

This matter, obviously, remains high on the American agenda now, more than 12 years later. It is an issue which cannot die until our people are satisfied that they know the truth, all of the truth. That is why 125 members of the Congress have joined me, sponsoring a resolution to establish a committee to investigate a crime which so many Americans consider to be an unsolved crime.

What argument can be offered against such an investigation or against permitting Congress to at least vote on this question? That it is too expensive? Are we not willing to authorize a \$350,000 investigation into how one reporter secured a report? Are we not willing to provide 10 full-time independent investigators in that search? [Downing is referring to the extensive and expensive effort to investigate who had leaked the Pike Report to CBS reporter Dan Schorr.]

Many Americans believe that it is more urgent and now more important to determine who killed President Kennedy. I believe that most of the Members of this House would also agree. I believe further that credibility in our institutions can only be enhanced by our full and public commitment to all of the truth. I believe that our people, those we represent on this floor, those who in overwhelming numbers have stated that they do not believe they have been told all of the truth, are entitled to the facts and that this issue will not pass until the American people are satisfied that the truth had been told. ♦



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Horrock, who was on that show, did not deny Policoff's charges. But consider his closing comments as a gauge to their accuracy:

I think it was a highly difficult, really impossible investigation to re-open, a murder of a man twelve years—fifteen years—gone by and to find the witnesses and then have all this circus as the starting point. I don't think it's going to serve the purposes.

The circus that Horrock refers to above is the battle that broke out between Sprague and Gonzalez right after Downing left in January of 1977. The conventional wisdom, as expressed by George Lardner of the *Post* for example, maintains that there were two causes of the mutual self-destruction. First, Gonzalez resented being passed over by the Democratic leadership for the original chairmanship. Secondly, Gonzalez, for an as yet undetermined reason, seemed to agree with some of the early press criticisms of Sprague and asked him to lighten up on his proposed budget by firing some people. Sprague refused. As this confrontation got heated, something strange and unprecedented took place. Most of the committee members sided with Sprague. This split, the chairman on one side and Sprague and the committee members on the other, grew wider until the inevitable tragic denouement in March of 1977.

### THE MOLE IN SPRAGUE'S OFFICE

As I noted, the above is the conventional story that is usually related, surprisingly, in very few books on the assassination. But was there something deeper at work? On the aforementioned MacNeil/Lehrer program, Lehrer (surprisingly) mentioned that the campaign against the committee "is right out of the COINTELPRO guidebook for destroying someone." Policoff, who had some extraordinary sources while reporting on the committee for *New Times*, mentioned to me that he had heard that there was a mole inside the committee who was secretly reporting back to Gonzalez' office. If this were so, that individual would be in a wonderful position to destabilize any kind of relationship between the new and insecure chairman and the tough, politically naive chief counsel. In this regard, consider the comments of Gail Beagle of Gonzalez' staff as recorded in the April 7, 1977 issue of *Rolling Stone*:

"Carl Albert shot us down last fall," she said, referring to Downing's appointment as chairman. "It's not so much the insult of his not naming you [Gonzalez as chairman], it's that you don't have control of the groundwork." As for Sprague, she called him "just a babe in the woods when it comes to Congress."

Beagle's comments certainly would play upon Gonzalez' resentment of the Downing appointment and his fear of being upstaged by Sprague in his first chairman assignment. (In fact, Gonzalez' insecurity about this would grow until, on the floor of the House, he would state that the real reason for his being bypassed for Downing was his Mexican heritage.)

But even more to Policoff's point was an article I discovered in the *New Orleans States Item* of March 5, 1977, right after Gonzalez had quit the committee and begun his harangues on the House floor railing

against Sprague. The banner to this article reads: "I was the spy on JFK probers." The first sentence is this, "A woman said yesterday she was the 'spy' on the staff of the House Assassinations Committee's chief counsel for the committee's chairman." The story goes on to detail the activities of one Edyth Baish. Ms. Baish says that she wanted Gonzalez to know of:

the details I saw as disruptive. . . . It is of the utmost importance that it be understood by all that I was acting on my own and not under instruction of any other person. I was the spy who kept the chairman's office informed on what was going on over at the committee offices. I guess there isn't any other word for it. But it was my own idea and I did it because I found it necessary, my duty, to report at great length and in fine detail the conditions and happenings within the staff offices. . . . [Emphasis added.]

The story goes on to say that Baish had been recommended to Sprague for a position by Gail Beagle. Was she really acting on her own then? Or did she know that the more detail and length she reported at, the higher the probability of enraging Gonzalez?

This point is quite important. For as *Rolling Stone* (4/7/77) related, Richardson Preyer, who had done his best to neutralize Bauman's efforts to terminate the committee, had also tried to arrange a détente inside the committee to at least survive the upcoming March 30th vote for reauthorization. But on February 10th, without consulting the committee, Gonzalez fired Sprague. According to the article, the reason for the dismissal was that Gonzalez had heard that Sprague had poked fun at him at a staff meeting, something that Sprague denied he had done. The likely source for this story would be Baish or Beagle. It would

be this attempted firing that would lead to the ousters of both Gonzalez and Sprague and result in the appointment of Robert Blakey as chief counsel.

### EXIT GONZALEZ, ENTER STOKES

As noted above, the other eleven committee members sided with Sprague. They rushed a letter to him telling him not to leave town but stay in his office. Gonzalez then tried to subvert Sprague's progress by other means. He cut off long-distance dialing privileges; he told Attorney General Griffin Bell to keep Sprague's investigators from reviewing FBI documents; he sent security guards over to retrieve stationery with his imprint on it.

Incredibly, the committee not only backed Sprague, it informally drew up rules for him legitimizing the use of the electronic gadgetry the media had made so much hay about previously. At a public meeting of the committee on February 16, 1977 Gonzalez made a personal attack on Sprague and called him "a rattlesnake." When Preyer tried to defend Sprague, Gonzalez said, "I know your intense desire to be chairman of this committee." Preyer moved to adjourn and the rest of the membership walked out. Gonzalez continued the meeting with only the press present and went ahead with his personal attack accusing Sprague of usurping control of his committee. Right after this demeaning public performance, Gonzalez fell sick with a severe case of the flu and flew back to San Antonio. Two weeks later, ill and exhausted, Gonzalez called Sprague an "unconscionable scoundrel" and then resigned the chairmanship of the committee he had fought so hard and long to create.

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With Gonzalez gone, Carl Stokes became the new overall chairman with Preyer helming the JFK side and Walter Fauntroy the MLK panel. Sprague tried to keep the committee working through March e.g. there was an interrogation of Santo Trafficante on March 16th. Sprague also agreed to halve his proposed budget with the reservation that this would likely lengthen the investigation. But the handwriting was on the wall. The committee's enemies now had the perfect pretext to kill the HSCA: a chief counsel had not only survived a firing attempt by a chairman, he had actually forced the chairman to resign. This was not acceptable behavior on Capitol Hill. And Gonzalez was granted extra time to rant against Sprague on the floor of the House for hours on end day after day. On March 28th, Sprague issued his last report. It recommended that the House continue their investigation of both cases. But it was clear that if those investigations were to continue, they would have to do so without Sprague.

### SPRAGUE FALLS

The vote to actually reauthorize the committee came on the last day of March, 1977. The night before the vote, Sprague was called to Stokes' office to meet with four members of the committee. They gave him some bad news. The preliminary vote tally revealed that the only way the HSCA would survive was if Sprague quit. Sprague decided to resign that night. His resignation was accepted the next day at 10:00 A.M. As a result, the HSCA survived the vote and was reconstituted by a tally of 230-181.

Although Tanenbaum was asked to assume Sprague's position, he refused. He and Lewis stayed on for a few months afterward to try and bridge the gap between Sprague's departure and the appointment of a new chief counsel. The problem was that it was difficult to find someone willing to take the job after the Sprague debacle. Two men mentioned in the media as having turned the job down were former Watergate special prosecutor Archibald Cox and former Supreme Court Justice Arthur Goldberg. Lewis confirmed to me that he himself had tried to recruit Goldberg for the position. He got in contact with Goldberg to feel him out and he seemed amenable to taking the job but one condition had to be fulfilled before he would say yes. He wanted assurance that he would have the full cooperation of the Central Intelligence Agency. Lewis then called him over to his office and suggested that they go right to the top for an answer to that question. With both men in the room, Lewis called up Stansfield Turner, Carter's appointed Director of Central Intelligence. Lewis explained the situation to him and then stepped aside and gave Goldberg the phone. Goldberg popped the question about full cooperation to Turner. A long silence followed. Goldberg finally turned to Lewis and said, "I think I lost the connection." Lewis said, "Why don't you say something to see if he's still there?" Goldberg asked Turner if he was still on the line and Turner replied he was. Goldberg asked for an answer to his question about CIA cooperation. Turner responded, "I thought my silence was my answer." That was it for Goldberg.

### BLAKEY TAKES THE HELM

Finally, on June 20, 1977 Carl Stokes announced that the committee had found a replacement for Sprague. He was G. Robert Blakey, then a law professor at Cornell University. Blakey was an organized crime specialist who had served in Bobby Kennedy's Justice Department from 1960-64. At the joint Stokes-Blakey press conference announcing his appointment, Blakey stated that, "The purpose of this news conference is to announce there will not be any more news conferences." Blakey went on to quote Thomas Dewey when he was appointed special prosecutor in New York City to investigate organized crime:

In general, it is my belief that a talking prosecutor is not a working prosecutor. ... It is my sincere hope that the work we are doing vanishes from the newspapers. (Washington Post 6/21/77)

Blakey also added that he would do all he could to make the news blackout stick. In fact, Blakey never called another press conference until the report was finished. And one of his first acts was to abolish the press office.

Stokes added another announcement to Blakey's pronouncement. The committee would adopt a new rule declaring that "all information"

would be kept confidential "during the preliminary evidence-gathering phase" in order to protect the witnesses and the "integrity of the process of the investigation." Stokes went on, "As to the substance of this investigation, it shall be policy of this committee and its staff not to comment until this investigatory phase is completed." Clearly, Stokes' new rules seem inspired by his new counsel since they are pretty much a reversal of Sprague's intent to do as much in the open as possible. The *States Item* had written about Sprague:

The challenge, he says, is in trying to repair the faith of the people who no longer believe public officials have told the truth about assassinations. ... "I thought to myself, what a breath of fresh air it would be if this can be done on a high-level basis that would really show the nation what dedicated professionals can do." (12/9/76)

Blakey never expressed any such sentiments. He never even seemed cognizant that such a problem even existed.

Another interesting point about Blakey's initial public comments was his reference to Tom Dewey. Dewey's investigation was a real criminal prosecution i.e. the point was to indict, convict, and place people behind bars. Sprague was trying to get as close to that kind of investigation as possible, but it was never Blakey's aim and he likely knew it at the time he made the Dewey reference. As Edwin Lopez Soto revealed at a conference in Chicago in 1993, he was with Blakey at the time he accepted the position. Lopez was one of the Cornell students that Blakey recruited for the HSCA. This is what he had to say about Blakey's prosecutorial zeal around the time of his acceptance of the chief counsel's job:

I felt pretty positive about going into work with the committee. Fairly soon thereafter I was bitterly disappointed and it didn't take much time at all. I remember being on a flight with Blakey about a month into the investigation in which Blakey told me that, "Ed, you're talking about investigating here and we're not an investigative body. We are a congressional committee. We are a legislative body. Our job is to put together a report. We don't have indictment powers; we don't have perjury powers; we don't have subpoena powers. Keep that in mind when



you work." And that conversation really colored the rest of my tenure on the committee."

Besides the fact that Blakey's version of what a congressional committee can and can't do is questionable, the above statement shows that his analogy to Tom Dewey's function was fatuous, and probably knowingly so. Which leaves the question: If he did not intend to even approach a real investigation, what was the need for such secrecy?

## DODD AND BLAKEY

There had long been a debate as to how Blakey entered the picture in the first place. That debate can now be settled. Jerry Policoff told me that he learned that his name originated in Dodd's office. In the preface (p. xii) to Blakey's Kennedy assassination book, the following statement appears: "And I was quite surprised when I got a call from Congressman Christopher Dodd of Connecticut, who asked if I would accept the position of Chief Counsel and Staff Director of the Committee." There is confirmation for this from the other end too. In George Lardner's *Washington Post* article mentioned above, he writes that Dodd headed the "task force" to find a successor to Sprague and although many candidates were mentioned, Dodd said that "Blakey was our principal choice."

Dodd's view of Blakey as the "principal choice" could be significant in light of the results that Blakey ultimately achieved (to be discussed in part two of this piece). In Tanenbaum's fictionalized account of the HSCA, he makes quite clear his suspicions about "Henry Dobbs, Democrat of Connecticut," clearly based on Chris Dodd, Democrat of Connecticut. Lisa Pease took Tanenbaum's cue and wrote what is clearly the most penetrating and comprehensive examination of Thomas Dodd—Chris Dodd's father—and his possible actions in the Oswald affair, his ties to the CIA, and his hatred of John Kennedy (*Probe* Vol. 3 Nos. 5 & 6.) Blakey, of course, never pursued any of those potentially rewarding angles of investigation. In fact, as we shall later see, he consciously discouraged them. It is hard to believe that Dodd, from studying Blakey's career, would not know that the new counsel would not have certain ingrained predilections which would steer him toward certain areas and make others unattractive.

There were other significant differences between Sprague and Blakey. Sprague always insisted that there could and should have been no time limit on the investigation. Yet, as Policoff wrote in *Gallery* (July, 1979): "Blakey made it clear the committee would go out of existence when its current two year mandate (of which eighteen

months remained) expired." Policoff means that since Blakey did not come in until six months after the committee came up for a vote in January of 1977, he did not even have a full two years to investigate. This approach greatly restricted the avenues that could be pursued since it put clear time constraints on the inquiry. There could be no long court battles over access to records, and the CIA and FBI knew they could now bury the HSCA in reams of paper since it would be impossible for the committee to read it all. As we now know through the ARRB's work, there were many depositories of the Pentagon and the National Security Agency that Blakey never saw. The huge collection that the HSCA secured from the CIA, the so-called "segregated collection," was still in redacted form as of 1996 when the ARRB started sifting through it.

This relates to Blakey's deal with the intelligence agencies. Since he was not going to confront them head on, he had to negotiate some kind of arrangement to secure some sort of access to classified files. To do so, HSCA researchers had to agree to sign secrecy agreements before being able to read such materials. As Ed Lopez reported in Chicago, not only could he not make copies of documents, the CIA would not even let him keep the notes he took upon reviewing files! He asked researchers to request them through the ARRB since the CIA probably still has them. Finally, any information published by the HSCA based upon classified files had to be cleared through the proper agency before publication. In other words, the CIA, FBI, Secret Service etc. had the right to review and censor anything they felt was sensitive to "national security" or "sources and methods" of intelligence gathering. With the work of the ARRB, we now know just how widely these agencies interpret the above two rubrics. This is why the Ed Lopez-Dan Hardway report on Oswald's alleged activities in Mexico City was not printed

June 20, 1977

### Letters to the Editors

Time Magazine  
Time-Life Building  
Rockefeller Center  
New York, New York 10020

### To the Editors:

I wish to take issue with a statement that appears in your article, "The Question of Conspiracy" (*The Nation*, June 20), regarding the investigation of the assassination of Dr. Martin Luther King, Jr. You state, "Incredibly, when (the House Select Committee on Assassinations) was first set up, it offered the job of chief counsel to the totally biased (Mark) Lane."

At the time of the formation of the committee, I served as special assistant to its first chairman, Thomas N. Downing. I also served as press officer to the fledgling committee for its first three months. I can state unequivocally that at no time during the formation of the committee was Mark Lane ever given serious consideration for any staff position, let alone that of chief counsel. In fact, Mr. Lane actively lobbied (sic) for an appointment to the staff and was told in no uncertain terms that such an appointment would be out of the question.

I hope this will serve to correct any misapprehensions arising as a result of your article.

Sincerely,

Gus Edwards

by the HSCA. As Lopez stated in 1993, in their conference with the CIA to review that report, the Agency censors took six hours to get through the first page. There were over 300 pages in that report. Blakey threw in the towel and decided to classify the report. The public would not see it for another 15 years.

Sprague made it clear that he would make no such agreements or clearances with any executive intelligence agencies. (Or as Lewis related what Tanenbaum had said at the time, "I'll be damned if they will investigate us before we investigate them.") He and Tanenbaum considered their committee a co-equal branch of the government which would be able to demand access to classified files through its House mandate. As Lewis told me, Sprague was determined to track down

*continued on page 20*



## SINS OF ROBERT BLAKEY

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every relevant piece of paper at every agency. He was going to begin his investigation by securing employee lists at various offices of the CIA and FBI and then, starting at the bottom, he would interview all the secretaries and filing clerks to find out the keys to the filing system, the number codes, where the files were stored, and what information corresponded to the numbering system. When I asked Lewis if Sprague really would have stuck that kind of investigation out, he smiled at me. "You don't know Dick Sprague," he replied. "The guy is relentless."

### SPRAGUE REFLECTS

Once he had resigned, Sprague fired back at some of his critics. In a story in the *New Orleans States Item* (4/12/77), he said that Congress was not the place to conduct any kind of serious investigation. "In a crime investigation you need somebody in command," he said. "It can't be politicians who are thinking of what headlines and votes they may garner." He also accused the press of "doing a hatchet job on me." But was there more to Sprague's ouster? Joe Rauh, a prominent liberal civil rights attorney watched the Sprague controversy from close quarters. He knew Sprague and liked him personally even though they had some political differences. After Sprague left town Rauh told Jerry Policoff, "You know, I never thought the Kennedy case was a conspiracy until now. But if they can do that to Dick Sprague it must have been."

Sprague himself came to have a wider respectus on his ouster. On Ted Gandolfo's program, he said that what occurred between him and Gonzalez was bigger than just a professional dispute. He felt it was really a sideshow that the press used as a diversion. He added that as long as he wasn't investigating, just recruiting and hiring staff, "we were the fair-haired boys of the media. If you look at the *New York Times*, they wrote at that time an editorial favorable to me and the investigation because at that time we weren't rocking any boats." But as he got more familiar with the controversial facts of both cases, he wanted to present those disputes in public with the press on hand. He wanted to conduct public tests to determine if, for example, the single-bullet theory was possible, if the bullet that killed King actually came from Ray's rifle. Sprague added, "This is as far as I got. I never got to do a real investigation. It was thwarted right there when this idea got out."

Sprague also added that there seemed to be another sensitive area he was breaching at the time. That was the mystery of Lee Harvey Oswald. Sprague noted to Gandolfo the oddity of an American defector not being debriefed by the CIA upon his return to America. Sprague wanted to find out why not. And if not, he wanted to see the records of the other defectors and have the CIA explain to him what made the Oswald case unique. Sprague was also very interested in the idea of an Oswald double in Mexico City. He and Tanenbaum had called David Phillips in for questioning and found his answers about the lack of CIA surveillance on Oswald's activities there quite unconvincing. Sprague was also interested in former Director Richard Helms, who had tried to intimidate the Kennedy family into not supporting the committee. Sprague had heard of this and he told Policoff that "was one of the things I wanted to look into. Ultimately I wanted to go to Helms." (*Gallery*, July 1979) As House Minority leader John Rhodes

said before Sprague left, the counsel had announced plans to probe "deeply into the methods of the FBI and CIA."

### BLAKEY AND THE CRITICS

As the reader can see, Sprague was going to pursue many of the areas that the critics had already written about as being prime areas of controversy and which, some of them felt, the FBI and CIA had either whitewashed, or actively covered up evidence. In other words, in his study of the Warren Commission versus the critics, he had sided with the critics. In fact, he had contracted with some of them to serve as professional consultants to the committee.

And this was another Sprague policy reversed by Blakey. Richard E. Sprague had been one of the consultants hired. The two had developed an excellent rapport and when I talked to the late photoanalyst at his Virginia home in '93 he told me that Sprague would call him often on matters of photographic evidence. He added that in the eighteen months Blakey helmed the investigation, he got exactly one phone call.

Chris Sharrett has said that he thought that one of the reasons for signing the non-disclosure agreements was to weed out some of the critics from the HSCA staff. He said he had real problems with those agreements and he eventually decided to leave the committee when he saw where Blakey was headed. He felt that Blakey intended to keep a few critics around but only for the purpose of discrediting them.

In this regard Blakey sponsored a two day "critics' conference" in September of 1977. People like Paul Hoch, Peter Scott, Mary Ferrell, Sylvia Meagher, and Gary Shaw were invited to speak to Blakey and other members of the staff. This ended up being a free-form kind of discussion on what the critics thought should be the focus of the HSCA. In looking at the declassified summary of this meeting, what is striking about it is how few of the suggestions were actually pursued or how weakly they were pursued. The critics clearly felt that the key to the assassination was Oswald and that he should be the focus of an unbridled investigation by the HSCA. Evidently, Blakey did not see it that way. If one surveys the HSCA volumes, Ruby and organized crime seem to be the real interest there. And as subsequent work by John Newman and John Armstrong show, Blakey's inquiry into Oswald was hardly unfettered. Some of the people the critics suggested for close questioning seem good choices. Unfortunately, there is little evidence that the HSCA talked to many of them e.g. Ed Butler, Alton Ochsner, Patrick Frawley, Billy Lord, Harry Dean, Max Clark, Lonnie Hudkins. The whole "critic's conference" was so perfunctory, so contrived, and such a one-shot deal that Shaw came away feeling that the real intent of the meeting was that Blakey could now say that he allowed the critics their input into the investigation.

### BLAKEY VS. LANE

But perhaps the most revealing insight into Blakey's attitude toward the critics was his relationship with Mark Lane, especially as shown through the Oliver Patterson episode. Lane occupied a peculiar place in the critic's pantheon at the time. He was one of the very few who had a high public profile and was well-schooled in both the King and Kennedy cases. Initially, he was fairly close to the committee and was an acquaintance of Sprague. He was serving as James Earl Ray's attorney and later became very frustrated with Blakey's performance and the treatment afforded his client. William Pepper relates an incident in his book *Orders to Kill* in which a shouting match took



place in Congressman Walter Fauntroy's office. Pepper describes the episode as follows:

After the meeting, an argument erupted between Blakey and Lane. I stepped between them as Blakey was telling Lane that if he kept it up there was no question that he'd be taken care of once and for all. I was shocked. (pp. 91-92)

It appears Blakey had already tried to "take care" of Lane a few months earlier, hence the "once and for all" phraseology.

Oliver Patterson had been an undercover operative for the FBI during the sixties, mostly in the St. Louis area. Many of his assignments had been infiltration jobs on rightwing groups like the Minutemen. Patterson had quit the Bureau in the early seventies. But in January of 1978, Jim Haggerty of the Bureau's St. Louis office arranged to meet Patterson for lunch. Haggerty told Patterson that the HSCA intended to subpoena him about his past undercover work. Shortly afterward, two of Blakey's investigators, Conrad Baetz and Mel Waxman showed up at Patterson's home. They proposed that Patterson be reactivated, except they wanted him to work for the HSCA. Ray's brother Jerry had once met Patterson when he was associated with J. B. Stoner of the National States Rights Party. They wanted Patterson to reestablish his association with Jerry Ray.

Patterson did so. He also began phoning James Earl Ray's attorney, Mark Lane. In both instances, his questions were penned by Baetz i.e. the House Select Committee. In April of 1978 the HSCA conveniently arranged to have Patterson appear in executive session at about the same time as Jerry Ray. Both men were put up in the same room at the Capitol Hill Quality Inn. When Jerry went to testify, Patterson was directed by Baetz to go through Ray's things to find a hair sample (I leave it to the reader's imagination as to the purpose of the sample.) But Patterson also found letters, some of them from the alleged assassin. Patterson called Baetz and the HSCA investigator told him to copy the letters. He would see that Ray was detained a bit longer with the committee.

#### PATTERSON SWITCHES SIDES

Unfortunately for Blakey and the HSCA, Lane was tipped off as to Patterson's real function by Patterson's girlfriend Susan Wadsworth. Baetz had arranged for Patterson's activities to culminate with a press conference in August in St. Louis. The press conference was arranged by the HSCA in conjunction with, no surprise, reporter Nicholas Horrock, previously named by Policoff as being an intelligence asset. The press conference was to be a "discreditation gimmick" in which Blakey's HSCA was to scuttle its adversaries, including Mark Lane who was to be characterized as being a closet homosexual. But Lane had gotten to Patterson first with his knowledge of his true role and Patterson decided to switch sides. Horrock had arranged for the *New York Times* to cover the conference through reporter Anthony Marro. But when Marro saw that Lane was there and that two local TV stations were also on hand, he turned and walked briskly away. Lane followed him, shouting, "Don't you want to hear the truth?"

Patterson later revealed just how stacked the deck was with the HSCA. He said that at his appearances before the committee he responded to staff "interrogation" by reading scripted answers supplied on note cards. Needless to say, Blakey and Stokes denied it all and whitewashed the whole episode. But nothing could explain away the checks Patterson had collected from the committee. (For synopses of the Patterson affair see July 1979 *Gallery*, Pepper pp. 64-65, and James Earl Ray's *Tennessee Waltz* pp. 193-197.)

Perhaps nothing characterizes what happened to the HSCA under Blakey more than the incredible Patterson affair. In part two, we will examine some of the HSCA's questionable findings about the evidence and explore another revealing incident similar to Patterson: the Regis Blahut incident. ♦

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## CNN and Tailwind

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Operation Tailwind. According to the CNN/Time report, members of the Special Forces used nerve gas to extract soldiers after a raid on a village that had been targeted because of the presence of American defectors.

The only acknowledged uses of Sarin to date had been the gassing of passengers in a Tokyo subway and Saddam Hussein's gassing of Kurds in the 1980s. The special report included statements from Admiral Thomas Moorer that the use of such weapons would have required approval from the Nixon White House likely through the National Security Advisor, Henry Kissinger. If the CNN/Time story was acknowledged to be true, Kissinger and other high-level government officials could theoretically face prosecution for war crimes.

The first day after the broadcast aired, Special Forces members launched a campaign against CNN. Veterans bombarded CNN management with letters, faxes, e-mails and phone calls demanding that the story be retracted. "Command Post" Web sites manned by Special Forces personnel listed who to call and what to say. Media insiders call this kind of campaign "Astroturf," a coordinated operation meant to look like a grass roots effort. The Pentagon officially denied that Sarin gas was used, or would have been available in the Vietnam theater. Defense Secretary William S. Cohen called for an official investigation into the matter.

To their initial credit, CNN management originally stood behind the story, just as editor Jerry Ceppos had originally defended Gary Webb's reporting. But when heavyweights such as Colin Powell, Henry Kissinger and Richard Helms started calling the executive suite, CNN News Group chairman Tom Johnson and CNN U.S. president Richard Kaplan started to cave. Johnson told Stephen Brill in a recent interview that Powell told him, "Tom, if you've got facts on this, you'd better get it out because it doesn't feel right, doesn't smell right," and, "I think it's going to blow up in your face." Kaplan had initially told his group on a conference call that this wasn't a "journalism problem," but "a PR problem," and more specifically, a Colin Powell problem.

By June 20, David Kohler, the CNN general counsel who had vetted the Tailwind story before it aired, called Floyd Abrams, asking him to do an independent report. In just ten days, Abrams and Kohler together claimed to have reinvestigated the evidence and interviews collected over a period of eight months and to have found it wanting. The Abrams-Kohler report (AK Report) was released on July 2nd. The report claimed that, while the journalists honestly recorded what they heard and sincerely told what they knew, they had not provided enough balance and could not conclusively substantiate the conclusions in the Tailwind report. The AK Report recommended that CNN retract the story and apologize to the veterans, which CNN and Time subsequently did. CNN demanded the resignations of producers Hill, Oliver and Smith. Hill resigned as requested, but Oliver and Smith refused to step down and were fired. Arnett just barely kept his job by claiming he was only a talking head (despite his having conducted several important interviews). The Defense Department released their own review (DD Report) of the allegations and also determined them to be false. Tear gas, not nerve gas, was used in Tailwind, the Pentagon and several veterans reported. Veterans continue to call for Arnett, Johnson and Kaplan to be fired, and some have even filed suit against CNN.

The Big One recently hit April Oliver and Jack Smith in the form of the Operation Tailwind episode. And Big Dog got off the porch. As with the others, Oliver and Smith have truth on their side. And as with the others, truth is no defense against Big Dog in the short term. Telling the truth about covert operations all too often proves to be a journalistic "Valley of Death."

CNN and Time based their retractions upon the recommendations set forth in the AK Report. But was the AK Report correct? Was the Tailwind broadcast so unbalanced? Was documentation lacking?

Producers Oliver and Smith were muzzled by CNN during the review process. They had been led to believe that the report would be candid, truthful, and fair. Finding the AK Report to be none of these, the producers responded with a long rebuttal of their own. (Both the AK Report and the rebuttal can be found on the Internet.) A comparison of the two reveals the AK Report to be so seriously flawed that one must question the integrity of those who prepared it.

### Unmasking the AK Report

The opening section of the AK Report includes the following statement: "We . . . utilized the services of independent investigators retained by us." [Emphasis added.] This statement is so misleading that it borders on dishonesty. In the July 20 edition of *Editor and Publisher*,

Allan Wolper published an article exposing these investigators as five former CIA officials now working for Kroll Associates—Brian Jenkins, Charles Englehart, Ted Price, Norb Garrett, and David Rosenthal. All had been on active duty during the Vietnam War. Jenkins used to be a briefer to Henry Kissinger, and had been a Green Beret in Vietnam. Englehart's wife still works at CIA, and Englehart left the CIA in 1997 after having served for thirty years. Price had been at CIA thirty-five years before joining Kroll, and had served at one point as

the chief of clandestine services. Garrett had a thirty-year history with the CIA and had served as director of CIA congressional affairs. Rosenthal had been a senior vice president at Merrill Lynch, and had worked for the CIA for twenty years. (There is no mention of whether or not these assignments were concurrent.) Kroll Associates is a division of Kroll-O'Gara, a publicly traded company (Nasdaq: KROG) whose wholly owned subsidiary, O'Gara-Hess & Eisenhardt Armoring Company, provides military vehicles to the U.S. Army and Air Force. It strains credulity that a firm so financially tied to the government would want to give credence to a report that damaged their client. And lastly, in the first statement of Moorer's quoted in the AK Report, Moorer states unequivocally that Operation Tailwind was:

an operation conducted by the CIA. It was not unlike the Bay of Pigs situation, which was also conducted by the CIA, planned and conducted by the CIA.

Moorer is even more explicit about who would be responsible for authorizing the use of nerve gas:

Well, you should ask [former CIA director] Mr. Helms this question, because it's his responsibility to or whoever has his position, at the time, to get authorization or to feel that he may not need authorization, and in some cases he already has authority.

The AK Report hints that its purpose was to absolve CNN upper management from any liability associated with the report:

Since this report is highly critical of the reporting on Operation Tailwind, it may be useful to set forth at the outset precisely what information CNN news management understood supported the underlying conclusions of the broadcast. [Emphasis added.]

The AK Report purports to attack what it considered to be the "five pillars" of the CNN broadcast: Admiral Moorer, confidential sources, participants, SOG veterans and A1 pilots, and experts on the symptoms of nerve gas. But each attack is flawed in significant ways.



## Admiral Moorer

The AK Report starts by making a vague slur against Admiral Moorer, citing his age (87) and the fact that he lives in an "assisted-care retirement home." As Oliver and Smith wrote in their rebuttal, "The clear insinuation is that Admiral Moorer is somehow mentally impaired by reason of his age and where he lives. For the record, Admiral Moorer lives with his wife in a luxurious and elegant retirement home. He is healthy and active enough to play golf."

The insinuation of instability however is in no way as outrageous as what the AK Report does with Moorer's comments to Oliver. Some of Moorer's most confirmatory statements are not even mentioned in the AK Report, while his earliest denials are given focus. Whenever one asks any high level official about a black operation, the first (and often only) statement one receives is a denial. But Oliver was persistent, and as she acquired new information, she returned to Moorer. The more she told him what she had from other sources, the more he gave away in return. Consider the following exchange referenced in the AK Report:

Q: I think there is [sic] some historic issues at play here. If the US used nerve gas in combat in Vietnam, it is worthy to report. And it has some important policy implications for today, with the debate over the chemical weapons convention.

A [Moorer]: Treaties will never stop people from using this weapon. But you have said the important word—history. And that I can respect.

You have to use every resource in your command to win. The U.S. is the garden spot of the world and people here don't understand how others live, or what it can take to win.

I would have used any weapon, any tactic and any move to defend the security of the United States.

The AK Report inexplicably omits the very next question and answer from Moorer, which is clearly supportive of the thesis of the broadcast:

Q: So that would include GB [nerve gas], weaponized in the U.S. arsenal. We know there was four million pounds of it manufactured . . . and that it was stored at NKP [the Nakhon Phanom Air Force base in Thailand].

A: (Nods yes.) But you are not going to report that we were using some illegal weapon are you . . . because remember it wasn't technically illegal yet.

The deliberate exclusion of this exchange damages the credibility of the AK Report. A more damning exchange appears without comment in the AK Report:

Q: And what's your understanding of how often it [nerve gas] was applied during this [the Vietnam] war?

A: Well, I don't have any figures to tell you how many times. I've never made a point of counting that up. I'm sure that you can find out that from those who have used them. [Emphasis added.]

If the answer is "never," there is nothing to count, and Moorer's statement makes no sense. If the gas was known to have been used more than once, his answer makes perfect sense. And his reference to "those who have used them" implies certainty that nerve gas *had* been used.

In the end, Moorer read and approved the entire transcript of the show before it was aired. After the broadcast, a Pentagon spokesperson drafted a statement for Moorer to read. The statement included

the phrase, "I did not confirm the use of Sarin gas by U.S. military forces during Operation Tailwind." Moorer amended the statement to read, "I did not *authorize* the use of Sarin gas by U. S. military forces during Operation Tailwind," adding, "However, I later learned of the operation, including the use of nerve gas on the mission." After talking to the Pentagon, Moorer was about to change the last sentence to include the word "rumors." When confronted by Oliver and Smith, Moorer admitted they were not "rumors" but "verbal statements" of the use of nerve gas.

When the AK Report was made public, CNN *Newsstand* broadcast the findings from the AK Report in a disingenuous manner. Examine the trick the producers pulled here:

Bruce Morton, CNN Correspondent: . . . Abrams found [that] CNN journalists involved believed they had the story, and slighted evidence which suggested they didn't. . . . Take CNN's handling of retired Admiral Thomas Moorer. In the broadcast, this question and answer involving CBU-15, nerve gas.

(Tape rolls)

Oliver: So, CBU-15 was a top secret weapon?

Moorer: When it was, it should have been. Let me put it that way.

Oliver: What's your understanding of how often it was applied during this war?

Moorer: Well, I don't have any figures to tell you how many times. I never made a point of counting that up. I'm sure you can find out that from those who used them.

Oliver: So isn't it fair to say that Tailwind proved that CBU-15, GB, is an effective weapon?

Moorer: Yes, I think, but I think that was already known. Otherwise it would never have been manufactured.

(End tape)

Morton: Is he saying it was used there? Maybe. But the broadcast did not use this exchange.

(Clip from unused tape rolls)

Oliver: Was the first time that the U.S. ever used what's known as a lethal nerve gas in combat. Are you—how much awareness to you have of this?

Moorer: None. And what you should do, when you make a statement like that, is get—you said you've been told by people, so get all those people in front of this camera . . .

Oliver: We have.

Moorer: . . . and let them tell you that that was the case.

Oliver: We have gotten them in front of the camera.

Moorer: But I don't have the information to confirm what they've said.

Had the exchange happened in this order, one would have grave doubts about relying on Moorer for confirmation. But the final exchange was from the *earliest* conversation, and the confirmatory exchange was from a *later* conversation, after Oliver had gained Moorer's trust. For CNN to present its own story in such a defamatory way shows the extent to which CNN executives were willing to grovel to make this story go away. One CNN executive was quite explicit about his goals. According to Oliver, Jim Connor, acting executive producer for *Newsstand*, made the following comment:

We're going to try and kill this thing, drive a stake through its heart, and bury it so it's gone.

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## CNN and Tailwind

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One of the steps CNN has taken to bury this story has been to remove the transcript of the "Valley of Death" segment not only from its own site, but from the archives of transcript vendors as well. The other step CNN has taken has been to offer "settlement" money where no lawsuit has been threatened, as in the case of Admiral Moorer. Wouldn't that be better termed "hush money"?

### The Confidential Sources

The "Valley of Death" report relied on three unnamed, high level officials. The AK Report exerts only a weak attack on these sources. The AK Report claims that the first source was only guessing about the use of nerve gas, citing the source's statement, "it had to be nerve agent used." But this source had been the original lead for the story. The source was a highly placed military official who told Oliver that an agent stronger than BZ (a mind-bending gas) had been used on Operation Tailwind. When asked whether the offensive use of a nerve agent was unusual, the source had replied, "I know of only one instance of this, this one [Tailwind]. There could be others but I don't think it was widespread." [Emphasis added.]

The AK Report's attack on the second source is even weaker. The report suggests that because questions were given and answers received through an intermediary, "there is thus no way for us to assess the precise questions asked of and answered by the source." Even so, the AK Report adds, "we believe that the statements of the source were properly viewed by CNN as lending considerable support to the broadcast." The AK Report dismisses the third source, a former senior military officer, by saying his statements were ambiguous. How ambiguous is this?

Q: Was Tailwind unique in the large number of lives that CBU-15 saved?

A: It was unique because of the agents used. I don't think you can say it was unique because of the large number of lives saved. It would not have been used unless it had given us a significant advantage.

Q: And when you mean agent, you mean CBU-15, GB, right?

A: Remember it was a major decision to escalate to decide use of that agent. It was not risk free. But it was felt that it was unlikely that the NVA would complain. They were not supposed to be in Laos. They were unlikely to come to the United Nations and complain about the weapon.

Q: Because it would expose them being in Laos. That's interesting. I have been scratching my head about that, about why they didn't say something about this.

A: Well the NVA said the only troops they had in Laos were the Viet Cong. We frequently complained about how Sihanouk and other were in fact giving sanctuary to the NVA.

Q: Again we are on background here. So it was decided then that the agent CBU-15/GB could be used because the Vietnamese were unlikely to complain.

A: Yes, in a covert operation in Laos.

The AK Report argues that the last question and answer in the

above is hypothetical and claims other answers are weak. The strongest confirmation, however, is predictably missing from the AK Report:

Q: Just one last time, your own personal understanding of Tailwind is that it was a mission in which CBU-15, GB, was used at least twice on the village base camp and on extraction, and that the target was a group of American defectors.

A: You are not going to use my name on this are you?

Q: No, sir, you are on background as a senior military official.

A: Yeah. That's my view.

### Repressed Memory Hogwash

Lieutenant Robert Van Buskirk was the primary on-the-ground spokesperson for CNN regarding the Tailwind episode, and provided the most outspoken account of what transpired. Those wishing to discredit the story must first deal with Van Buskirk.

One of the weirdest allegations in the AK Report was that Van Buskirk had suffered from "repressed memory syndrome." The AK Report claims Van Buskirk had stated this himself "in spectacularly self-destructive fashion." Van Buskirk calls this "hogwash." The Oliver/Smith Rebuttal tracks this statement to Evan Thomas at *Newsweek*. Thomas explained that Van Buskirk had answered affirmatively a question in which Thomas had used the term repressed memory. As the Rebuttal notes, "By the AK Report's own standards (which it appears to apply selectively), and any reasonable standard, this falls far short of being

a statement by Van Buskirk that he suffers from 'repressed memory syndrome.'" Why would Thomas suggest that it was?

Evan Thomas authored *The Very Best Men*, an uncritical account of some of the CIA's biggest Cold War operators. When the Iran-Contra report was completed, Thomas told Parry, then a reporter for *Newsweek*, "We don't want more than two sentences on the report." Evan Thomas' father had edited William Manchester's book in defense of the Warren Commission Report, and had edited the book of Stalin's defecting daughter, Alliluyeva Svetlana. He assigned CIA asset Priscilla Johnson McMillan to translate the work. In short, both father and son were quite cozy with the CIA. Would Thomas (Jr.) stoop to slurring a former veteran to protect the Agency?

Certainly Abrams and his CIA investigators did. The AK Report tries to discredit Van Buskirk by referring to his having taken prescription drugs for a nervous condition. Clearly, the implication is that the man may have been in a drug-induced state, or spoke incorrectly out of some nervous paranoia. But Van Buskirk was not on medication when he participated in Tailwind, nor was he on medication when he gave interviews to CNN.

The AK Report also claimed that Van Buskirk "overstates the certainty" of his knowledge of the use of nerve gas because he originally referred to it as CBU-19. But what is someone more likely to remember? That nerve gas was used, or the exact CBU number? The AK Report also noted that Van Buskirk had not mentioned the use of nerve gas in a book he had written which made reference to Tailwind. In the first cold call to Van Buskirk from the CNN producers, he re-



ferred to the gas used in Operation Tailwind as "lethal nerve gas" and added, "I didn't really talk about the gas [in my book] because it was too top secret." On the first cold call, Van Buskirk gave CNN the following statements:

"You know they teach Tailwind now down at Fort Bragg as the way to do a SLAM operation behind enemy lines . . . I just don't know how much they teach the gas." . . . this CIA guy chased me down a few years ago and told me . . . I know that the U.S. has only used lethal nerve gas twice in its history, and one of the times was on the date, I think it was September 13, 1970, mentioned in your book, but I didn't know on what operation until I read your book." "The rest of the enemy all died from the gas." "Oh yeah, it was lethal war gas. Course they didn't tell us too much . . ." "It came out of NKP. An AIE was carrying it." "It wasn't no incapacitating gas in that CBU-19."

Clearly, Van Buskirk provided multiple statements confirming the use of a lethal gas. Van Buskirk had also recounted his memory of the original briefing:

boy was that briefing interesting with Abrams. There was a CIA agent in the briefing . . . And there was this Air Force Colonel in there screaming, 'This is insane, we're not flying this stuff.'

The leader of the hatchet force involved in Tailwind was Eugene McCarley. But McCarley had been injured early, and command had passed to Van Buskirk. When he felt the forces were trapped beyond hope, he requested permission to use the lethal gas, the "baddest of the bad:"

The stuff they put in the CBU-19s it made us sick. The enemy was off on the hilltop, and started to come down on us. We had no choice. I had no choice. We were dead meat so I called out for the baddest of the bad. The rotors of the choppers kept it off us, and pushed it away from us.

The symptoms Van Buskirk described were classic nerve gas exposure symptoms:

My unit puked their brains out. We all got amoebic dysentery. Everyone's nose ran and all this mucous started coming out of everyone's nostrils. Lots of enemy started having seizures . . .

Van Buskirk's descriptions were matched by those of other participants in Tailwind who described the enemy vomiting and convulsing like dying bugs—symptoms not associated with tear gas exposure.

The AK Report winds up its commentary on Van Buskirk with the following: "It was unacceptable to ignore his medical history, the inconsistency between his book and what he said on the air, and the ambiguity in his recollections of the gas." This statement is both false and hypocritical. His medical history was irrelevant, the inconsistency was explained in the first cold call, and his recollections, with the sole exception of the CBU number, were anything but ambiguous. In addition, the AK Report did not provide full disclosure on its own talking heads, whose credibility on the matter is far more questionable than Van Buskirk's.

## AK Sources McCarley, Bishop and Rose

The AK Report relies heavily on the statements of Captain Eugene McCarley, who was the leader of the Tailwind group until he was wounded, when control passed to Van Buskirk (a fact not mentioned in the AK Report). McCarley had told Peter Arnett on camera that the use of nerve gas in Tailwind was "very possible." The AK Report acknowledges this, but adds:

In an interview with us McCarley has denounced his treatment on the broadcast. He states that after saying that the use of the nerve gas "was possible," he then

said that it had never been used by any of his troops, in fact, was not [sic] in the Vietnam Theater at all.

The AK Report complains that "McCarley is obviously a particularly important figure in Operation Tailwind. As the ground leader of the operation, his views were entitled to significant weight . . ." But the AK Report does not share damning information regarding McCarley's credibility. On videotape, McCarley told CNN:

if operating across border [into Laos] is considered unethical or deniable, then I reckon I'm denying it.

In other words, McCarley is clearly ready to lie for his country, even on subjects long exposed! That the AK Report relies on his word shows the lack of integrity of the report writers, revealing them more interested in discreditation than fact-finding.

The AK Report quoted pilot Art Bishop as supporting evidence that tear gas was used, not nerve gas. On camera for CNN, Bishop

said, "In my opinion it was just as I was briefed—tear gas." But in an e-mail message not referenced in the AK Report, Bishop also wrote, "It could have been popcorn." He also said,

as I recall the story we were given was that it was tear gas. If we had nerve gas at NKP, it would have been really hard to take care of. I never heard about it. Course there was tight security there. And you can never really go by what you are told.

(In the interests of balance, the Tailwind producers had included Bishop's comment that tear gas was used in their

final cut, but Kaplan excised the comments in favor of some introductory commentary.)

The third most-emphasized source in the AK Report was medic Gary Michael "Doc" Rose. The AK Report complained:

The failure to use Gary Michael "Doc" Rose, the medic awarded the Distinguished Service Cross (and nominated for the Congressional Medal of Honor) for his participation in Tailwind is also troubling. Rose told a CNN producer on three occasions that the gas used in Tailwind was not GB nerve gas. Subsequent to the report, the medic stated that "[i]t burned like CS [tear gas] in the eyes, my throat felt like CS, and my skin felt like CS . . . once you are exposed to it, there is no question in your mind what it is."

What the AK Report omitted was that Rose initially denied that any gas was used! He then said a liquid gas was used that was "a lot stronger" than CS, and described it as "incapacitating." And when called after the initial broadcast by Amy Kasarda of CNN, he complained only that the wrong gas mask had been depicted. According to Kasarda, "[h]e had no critique of any other aspect of the show. In fact he volunteered a supporting statement." He told CNN:

I hadn't remembered until your broadcast, but it seems to me I was told to take extra atrophine [a Sarin gas antidote] with me on this mission. [Emphasis added.]

Not surprisingly, the AK Report did not accuse this favored medical witness of exhibiting "repressed memory syndrome."

## Credible Evidence

Without belaboring the point, the original CNN "Valley of Death" report had more than the common minimum of two sources for major allegations. No less than five sources indicated knowledge of other Americans in the camp attacked. At least three witnesses indicated the presence of women and children at the camp. Several people confirmed the use of an incapacitating gas agent which caused vomiting

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## CNN and Tailwind

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and convulsions. Several said the gas could not have been tear gas.

Several also talked about the government's desire for secrecy regarding the gas. Jay Graves, a member of a SOG reconnaissance team during Tailwind, told CNN, "Course they tried to call it sleeping gas. And then they tried to call it nothing but tear gas, probably because everyone was talking about all the casualties and all, and they wanted to cover it up." Mike Hagen told CNN, "It was definitely obvious it wasn't CS gas." Asked what the gas was, Hagen replied unequivocally, "Nerve gas. The Government don't want it called that. They want to call it an incapacitating agent, or some other form. But it was nerve gas." Craig Schmidt, another Tailwind participant, said, "It was probably nerve gas. What would be surprising would be if they ever admitted it."

Pilots who flew in Laos provided some of the most provocative confirmatory statements. One pilot even admitted to personally having dropped GB [Sarin] "three or four times." This pilot also stated, "We did not have extensive briefings on it. It was kinda hush hush." Why would the use of tear gas, which the Pentagon freely admitted using, require "hush hush" treatment? Another pilot told CNN that, although he didn't think he had carried nerve gas, the gas had been "a bit more potent than tear gas. It gave us the runs, as well as burning of the eyes and throat." He added, "If what you are saying is true there is a conspiracy here. That conspiracy puts me at risk." In the end, this pilot confirmed that he was certain nerve gas had been available, although he knew of no use of it:

I will not dispute we loaded it. I will not dispute it was flown from time to time. But whether or not we used it or not I cannot comment, I don't know that even from bar talk.

A third source was an A1 pilot at NKP, an alleged nerve gas storage site. He gave CNN the following statements:

We used [incapacitating gas] all the time on SAR [search and rescue missions]. It was nerve gas. . . . It was definitely used. Incapacitating agent would do the job on extractions. . . . The bodies would be laying out flopping there like dead bugs. But we were told this agent would not kill you. . . . There's plenty of testimony that we did use nerve gas out there in Laos. There are a lot of guys who live around here who will tell you that. We did use exactly that. Nerve gas. What kind of nerve gas, I don't exactly know. This was all classified. . . . Access to it was controlled. Its code name was classified.

During the interview, a description of GB was read to the pilot, and his response noted:

Q: GB is an odorless, colorless gas that can cause choking, vomiting, and convulsions, then knock you out, possibly death.

A: That sounds like it.

A fourth pilot told CNN, "CBU-15 is the magic number." CBU-15 is a cluster bomb unit that contains Sarin gas.

### Sarin or other nerve agent?

Despite the plethora of witnesses who cite "GB" and "CBU-15" as the agent used, there is another possible explanation. Van Buskirk claimed he was not a source for Sarin. Yet he was a source for nerve gas use. Is there necessarily a conflict here? The DD Report focuses on the alleged use of "Sarin" as opposed to "nerve gas," and denies it was available in Southeast Asia or that it was used. Sarin is always capitalized in military manuals, implying that it is the brand name of

there was a telephone tree warning broadcast about you. We were told if you called not to talk about the gas. But I thought that was off the wall. I am an old man. I don't have secrets. You are doing a public service by trying to get the truth.

a chemical compound. If one were to manufacture the generic equivalent, one could deny that "Sarin" was used, when in fact the same chemical compound was in use. And there are other nerve gases in the "G-series" besides Sarin which are never mentioned in denials. These include Tabun, Soman, and GF, any of which can cause paralysis and subsequent death upon exposure to a sufficient concentration. And there are more nerve gases beyond the G-series. One can't help but wonder if the Pentagon and other bodies are denying emphatically that "Sarin" was used to cover the use of a different nerve agent.

On the other hand, the Pentagon lied about the Gulf of Tonkin incident. Perhaps their current denials deserve no credibility on any grounds. The DD Report also claims that had Sarin been used, its toxicity was so great that the men on the mission would likely have died. But when Sarin was used in the Toyko subway, although several hundred people were affected, only twelve died.

The DD report likewise maintains that there were only two defectors in the entire Vietnam conflict. Given that soldiers had not always volunteered to serve, and given the unpopularity of the war at home, this seems an absurd representation. Moorer even spoke of the problem of the defector issue in an exchange also missing from the AK Report:

A: You get into a PR game here. You can't have soldiers writing home, dear mom, yesterday I saw a defector and he was American but we had to shoot him. That would hit the papers sooner or later and LBJ would be mad.

Q: So a big PR problem?

A: Sure.

Q: So this was sensitive.

A: It's very sensitive subject matter. Many mothers and fathers do not believe their sons would defect. If you kill

a defector it's a big PR problem.

The DD Report states unequivocally that "No evidence could be found that Sarin was ever transported to Southeast Asia (Vietnam, Cambodia, and Thailand)." Note the omission of "Laos" from that list. But the DD report makes no reference to that fact that Melvin Laird, the Secretary of Defense during the Vietnam conflict, had publicly stated that a small amount of nerve gas was sent to the war zone in 1967, although he had no knowledge of its use. Where did this gas go? Where is it now?

Whatever the truth of the matter, tear gas is not a satisfactory explanation. There would be no need for the level of secrecy indicated by the men involved. And tear gas cannot explain the nerve gas exposure symptoms witnessed by so many. In addition, several men reported how difficult it was to get permission for the use of the gas, a scenario that would be absurd if the agent was merely tear gas.

Mike Sheppard, who worked reconnaissance during Tailwind, told CNN, "We were told that it took White House approval to use this gas because of the secret nature of this type of weapon." Sheppard also said that the only time he could confirm for certain the use of the gas was in Tailwind. A SOG Commando echoed this point, saying, "You had to have a six hour lead time to get approval to use it." When asked if the gas used was GB, the Commando replied, "Oh yeah. That's what they chatter us."

Marine chopper crew chief John Snipes came forward after the CNN broadcast to provide the following statement:

They told us that it would not be tear gas, it was some other kind of gas, what they called knockout gas. That it would put you to sleep.

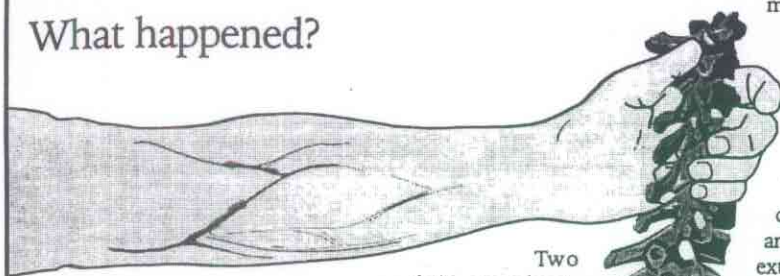
Afterwards, they told us that to use the gas, that they had to wake up President Nixon to get him to sign off on it.

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# Here, Mr. Turner: You appear to have lost this.

Dear Mr. Ted Turner:  
What happened?



Two of the very best producers you have, April Oliver and Jack Smith, came to CNN management with the story of a lifetime—the first confirmed use of nerve gas by the U.S. in a black operation run by the Studies and Observations Group (SOG) called Tailwind. CNN attorney David Kohler vetted the story before it went on the air.

April Oliver warned Tom Johnson, Richard Kaplan, and others that this story would likely be vehemently denied, and to expect opposition from people such as Henry Kissinger, a man directly implicated in the chain of authorization, as well as from the CIA and the Pentagon.

After the program aired on June 6, 1998, what happened?

CNN management hired a bunch of CIA men, one a former chief of clandestine operations, to review a story about one of the CIA's own operations, one that potentially involved war crimes. Does it make sense to ask such men to investigate a story that reveals the secrets of an employer whose secrets they have sworn to protect?

When these men, in conjunction with attorney Kohler and the corporate attorney Floyd Abrams served up a report that used evidence in a manner so selectively as to border on the dishonest, this report was used as an excuse to fire the producers and retract the story. Was that fair?

You claimed, after the retraction, that "Nothing has upset me as much in my whole life," adding that it was worse than the death of your father.

We agree.

We think that when a network has a solid story, is aware of potential ramifications, airs the story, and then waffles at the first sign of disgruntlement from high government officials, that is a terrible, horrible thing. In fact, it endangers our democracy.

What is the point of watching news if not to learn important information that helps us make decisions in voting booths? The people deserve to know what the CIA and the Pentagon did during the Vietnam War. The people deserve to know if war crimes have been committed. And CNN has a duty to

provide the people that information. By retracting such a well-documented story, you have failed the people utterly in your endeavor to provide important news to the citizens of our country.

The Abrams report never claimed the story wasn't true. And quite to the contrary, the report pointed out many cases in which the producers had a plethora of evidence that enabled CNN management to have a comfort level airing the broadcast. The report only claims that there wasn't evidence that proved beyond any shadow of a doubt that the US had used nerve gas to extract defectors during the Tailwind operation. But you have allowed news outlets to misrepresent their findings enough to assert the story was "false." Why?

The only "proof" it appears Abrams would consider would be a full admission from the Pentagon and the CIA. Lacking that, Abrams and his CIA investigators can claim forever that there is no proof. If such a standard is to be accepted, we might as well rename our country after Orwell's Oceania and adopt "newspeak." Evidence is useless against such a standard.

If it follows that the truth will set you free, what happens when lies are allowed to go unchallenged?

There is a battle going on for the heart and soul of this country. One side wants to tell the truth about covert operations, and is willing to take their battles to the halls of Congress if necessary. The other side just wants to be accepted by the powers that be, to be invited to parties, not to rock the boat. When the history of this episode is complete, on which side of the battlefield do you want to be found, Mr. Turner?

You cannot retract the retraction. But you can do something. Start by releasing the transcript of the "Valley of Death" broadcast which has been pulled not only from the CNN Web site, but from the vendors who normally carry CNN transcripts. Then follow the story. If the story was considered "insupportable," allow the producers to present additional support. Give air time to new interviews, such as the one already in the can of a veteran who came forward after the broadcast to tell of a similar event in Cambodia.

If you can't help us learn important truths about our past, what is the point of continuing in your venture?

Take a stand, Mr. Turner. Do it before any more time is lost. You owe it to your viewers and to your country.

**CTKA**

Citizens for Truth about the Kennedy Assassination

P.O. Box 3317 Culver City CA 90231 / 310.838.9496



## CNN and Tailwind

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Why would anyone need to wake the president to get approval to use tear gas?

The Commando also provided insight into a more recent operation when Oliver originally reached him:

there was a telephone tree warning broadcast about you. We were told if you called not to talk about the gas. But I thought that was off the wall. I am an old man. I don't have secrets. You are doing a public service by trying to get the truth.

### The Other Broadcast

The Commando's comments describe the sentiment that made "Valley of Death" possible. On September 14, 1997, CNN had aired on its show *Impact* a segment about the Special Forces in Laos, produced by April Oliver and others, and anchored by Peter Arnett. This report featured an astonishing admission on camera from one of SOG's leaders, Jack Singlaub, the former OSS veteran. Singlaub told CNN that during the secret war in Laos, "I had requested that I be provided, through the scientific community, an incapacitating agent." Singlaub further elaborated, "An incapacitating agent is where you incapacitate everyone temporarily and then sort out the guys that are armed from the ones that are not. That's certainly more humanitarian than killing everyone." When asked whether this incapacitating agent could cause paralysis, Singlaub replied, "Oh yes, yes. Absolutely yes. That's what it does . . . It essentially puts you to sleep and you are limp."

Arnett then summarized additional comments from Singlaub:

Singlaub describes several incapacitating agents in SOG's arsenal as "affecting the human nervous system." He also claims some could "permanently" incapacitate. Singlaub admits the chemicals were sometimes lethal.

Harvard bio-chemist Mattheu Meselson, an expert on chemical warfare, spoke next:

If we used lethal agents, we ourselves would have said that was prohibited by the Geneva Protocol. And we had claimed we were abiding by the Geneva Protocol, so if that was customary international law, that would also be a war crime.

In this broadcast lay the genesis of both the "Valley of Death" report and the parallel cover-up effort that was undertaken. Army General William Tangney related on camera how SOG operations "were very heavily compartmented so that you had access to that very small discreet piece that you are involved in." Most of the SOG veterans who have called for a boycott of CNN were never directly involved in Tailwind, and by Tangney's own admission were unlikely to know for a fact what was used during the mission. John Plaster, a SOG veteran who has been one of the leading opponents to the CNN Tailwind report, stated to the camera in the September broadcast, "Deniability was a major concern. That means that you have to allow the United States the ability to deny you were ever there."

Bernard Shaw closed the segment with this tag:

Initially, the Pentagon confirmed to *Impact* that SOG teams did indeed employ a chemical incapacitating agent called BZ. The Pentagon later amended that statement to say that SOG merely had ready access to agent BZ. According to their spokesperson, agent BZ is a nonlethal chemical agent which temporarily causes paralysis and psychosis. But, chemical weapon experts we consulted say agent BZ can have lethal side effects.

The September broadcast also touched on Americans killing Americans, and that Laos was a place for experimenting with new weapons. To date, CNN has never retracted nor been challenged for this broadcast. Belated denials from Singlaub have no credibility in light of his comments during this earlier broadcast.

And is Singlaub credible in any case? During the Iran Contra episode, Singlaub exposed his willingness to lie for a cause to Robert Parry. After North's downed plane was exposed in the media, the White House and NSC were in a panic. Elliot Abrams decided to pin responsibility for the operation on Singlaub. But no one had told Singlaub. When asked by reporters if it was true, Singlaub had responded that he had nothing to do with the downed plane. Parry called Singlaub later to find out what happened, and recounted the episode in a 1993 speech:

He told me that he *would* have taken the fall if he'd only known that he was *supposed* to take the fall, but they hadn't told him he was supposed to take the fall, so, crazily enough, he told the truth.

In September, it seems likely that Singlaub had again—crazily enough—told the truth. When the June report wreaked havoc in higher circles, perhaps Singlaub felt compelled once again to protect his associates.

Oliver stated in a phone interview that her lead source on Tailwind contacted her because of this September broadcast. The source told her CNN was close, very close, but that they needed to dig deeper. The source pointed Oliver to a book and a chapter. The chapter described Operation Tailwind. The source indicated that an agent more powerful than BZ had been used. Other people came to Oliver saying that because CNN had "told it right once," they were willing to go on background and in some cases on the record about their experiences. Contrary to the allegations that the producers set out to confirm "deeply held beliefs," the story had *come to them*.

A commonly repeated canard was that the reporters had "fallen in love with their story." This characterization is reminiscent of instructions the CIA gave its media assets during New Orleans District Attorney Jim Garrison's investigation into the assassination of President Kennedy. CIA document #1035-960, dated 4/1/67, contained the following directive:

Our play should point out, as applicable, that the [Warren Report] critics are (I) wedded to theories adopted before the evidence was in, (II) politically motivated, (III) financially interested, (IV) hasty and inaccurate in their research, or (V) *infatuated with their own theories*. [Emphasis added.]

The most disturbing part of the Tailwind brouhaha has been the lack of interest in the actual facts by the bulk of the media. It is as if the press lives in Orwell's Oceania, where the truth is whatever the government says. Those rare journalists who, out of duty, naivete, bravery or any combination thereof, tell the truth become targets for disparagement and ridicule. Orwell's 1984 protagonist Winston Smith was arrested for writing, "Freedom is the freedom to say that two plus two makes four." We seem dangerously close to losing that sort of freedom in journalism. Gary Webb drew this image graphically in his comments to Bowden in *Esquire* (9/98):

The trail is littered with bodies. You go down the last ten years, and there is a skeleton here and a skeleton there of somebody that found out about it and wrote about it. I thought that this is the truth, what can they do to you if you tell the truth?

Webb, Parry, and now Oliver have found that answer the hard way. But the journalists aren't the only ones who have been shortchanged. A democracy's legitimacy is measured by the extent to which the media challenges corruption. When the media joins hands with the government, what then? Thomas Jefferson once articulated our ultimate choice, and gave us his decision. We would do well to heed his advice:

Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

Any government or agency that cannot withstand the exposure of its activities does not deserve to exist. Neither does any news organization that cannot distinguish facts from self-serving denials. ♦



# ACTION ALERTS

To the Honorable Janet Reno:

My brother is Sirhan B. Sirhan and I write to you on his behalf.

About six years ago, in an effort to learn something about the evidence which might help him with his memory block, my brother appointed me and a researcher friend to examine not only the evidence but also the official records.

I should here point out that the official investigative report was sealed for twenty years.

In our very careful research we discovered irrefutable proof of evidence tampering, bullet substitutions, different test guns, substitution of evidence envelopes and the destruction of evidence.

As a direct result of our shocking discoveries, my brother's researcher was banned from the evidence which is housed in the California State Archives at Sacramento.

I turn to you to please investigate why our researcher was suddenly banned from the evidence.

As this country's top law enforcement officer, no one can shut the door in your face as has happened to our little research team.

Please help me. I ask that you investigate who ordered our researcher to shut down, and I ask that you restore her access to the evidence so that we can finalize our study.

I wish to thank you for your effort in this matter.

Sincerely yours,

Adel Sirhan

The California State Archives have banned Sirhan Sirhan's researcher from reviewing key evidence at the State Archives!

Sirhan has only appointed two researchers to his case: Rose Mangan and his brother Adel, whose letter to Janet Reno on this matter appears at left. Rose Lynn Mangan has been told, in writing, that she could no longer examine non-microfilm evidence.

Anyone has a right to face their accusers. In Sirhan's case, one accuser is the evidence itself. His lawyers stipulated to the evidence without even investigating the legitimacy of it. *No one should be denied access to records pertaining to their own defense!*

Please write to the head of the California State Archives to request that Sirhan's appointed researchers be granted the ability to photograph the physical evidence.

The ban came about after Mangan, through diligent research, found hard proof of evidence tampering during the trial of Scott Enyart vs. the Los Angeles police (regarding his missing photos taken the night Robert Kennedy was killed). After testifying in court that she could prove evidence tampering, she was told that she could no longer have access to the physical evidence.

Mangan has stated that she has no need to handle any of the evidence herself. All she is requesting is permission to photograph the evidence. The archives is denying her even this.

Please write immediately to protest this outrageous act by the California State Archives. Send copies to CTKA and the media as well.

**Protest the ban by writing to:**

Walter P. Gray, III  
Chief, Archives and Museum Division  
California State Archives  
1020 "O" Street  
Sacramento, CA 95814

## CNN is hiding evidence of nerve gas use during the Vietnam War.

It was bad enough that CNN management made their retraction of the well-documented Tailwind story. But they have now taken extreme steps to bury the evidence from that story. The transcript of the broadcast has been removed from the archives of vendor companies who offer the transcript at CNN's request. Historians and other concerned parties should have access to the on-camera statements by direct participants as this is primary evidence. The *Time* article based on the Tailwind report is still available. Why is CNN hiding the transcript?

In addition, CNN is sitting on a tape of an interview made after the Tailwind show aired in which another veteran has claimed that a similar operation took place in Cambodia. Ask CNN why they have abandoned further evidence of war crimes.

Feel free to send CNN (and other news organizations) copies of the Tailwind article and the open letter to Ted Turner. You can reach Ted and the rest of CNN management at:

CNN  
1 CNN Center  
PO Box 105366  
Atlanta, GA 30348

You can also reach the CNN comment line at:

404-0827-0234

*Thank you for your past and present activism!*

September-October, 1998

**PROBE**



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# Notebook

## The Revenge of Webb (Pt. 2)

Last issue we noted Gary Webb's new and excellent book *Dark Alliance* and how it goes even further in proving his charges against the CIA and the contras for their involvement in the drug trade. Webb actually used the first part of the recent CIA's Inspector General's report on that subject for his book. Inspector General Fred Hitz made this report in the wake of the sensation that Webb's 1996 stories caused. They appear to support Webb's charges—in both a general and specific way—about Agency complicity in cocaine smuggling. Evidently, the second part of the report is even more potent than the first part. CIA Director George Tenet does not want to declassify it in any form. Sen. John Kerry, who conducted his own inquiry into the matter and issued a report in 1987, was allowed to read the report and wrote Tenet urging him to declassify the report writing that "much of this information is already in the public domain." According to Robert Parry, and a report in the *L. A. Times* (7/18/98), the CIA knew that about 50 members of the contras—who the Agency created and supplied—were involved in narcotics smuggling into this country. How did the *Times* know the number? They, along with other media outlets, were invited to a CIA briefing on the report. In other words, the CIA was allowed to create the first spin on the report. Reminds us of Jerry Ford and J. Edgar Hoover leaking the results of the Warren Commission and FBI investigation to the press in 1964.

## The Revenge of Webb (Pt. 3)

The mainstream press has grown more craven as the links between media, big business, and the CIA become less and less distinguishable. (An excellent example of this is *American Spectator*, which has been revealed now to be a money laundering device for CIA advocate Richard Mellon Scaife.) But amazingly, honest stuff still manages to break into print, albeit with less and less frequency. For an example, see the September 1998 issue of *Esquire* which features a long profile of Webb and his work written by journalist (that word is carefully chosen and used) Charles Bowden. In this story, Bowden finds yet another witness, former DEA officer Hector Berrellez, who backs up Webb on both the general charges of CIA activity in the drug trade and on the specific Meneses-Blandon ring which supplied Ricky Ross in California. Don't ask us to explain how this happened only two years after Webb was vilified. It took Jim Garrison 25 years to get back into the spotlight. Either the establishment thinks that the "CIA and drugs" story is less damaging than the JFK case, or *Esquire* is having serious circulation problems. Whatever the cause, the story is a good one which we recommend to our readers.

## Clinton's Declassification Order

Three years ago President Clinton signed an executive order declassifying millions of documents that had been kept secret by the executive intelligence agencies. By one count, the FBI has 7.8 billion pages of secret material in its files. Most of us familiar with the declassification process knew that complying with this order would be a charade for these agencies. Well, the *L. A. Times* finally owned up to that fact. On July 21st they ran an editorial attacking the FBI

and CIA for dragging their feet on this process. Shocking, shocking they say that our government should still be keeping Cold War secrets at this time. We wonder what the ARRB Report will say about all the excuses used for noncompliance e.g. secret sources and methods, privacy concerns, and the rest of the canards that have been used to stall the public from knowing the truth about its collective past. Or if the *Times* will report on the worst of it. After all, look what they did to Gary Webb when he told the truth about the CIA. This strikes us as operative breast-beating to make the *Times* look good with its readers as it gets back to its usual bias and cover-ups.

## More on the Castro Plots

In our last Notebook, we noted that the Cuban American National Foundation was behind the publication of a recent (awful) book on the JFK case, *Did Castro Kill Kennedy?* The book was actually given good reviews by both *The Fourth Decade* and *JFK Quarterly*. We noted that the CANF was not a credible source on this subject because of their ties to the government and the CIA and the fact that they were under suspicion themselves for trying to assassinate Castro. (None of this information got into the above two reviews.) Well now it's more than just suspicion in the assassination plots. The Associated Press reported on August 26th that seven Cuban exiles, including a director of the CANF, are now under indictment for plotting to murder Castro. This is the first time our government has chosen to prosecute such plots. The CANF plots began four years ago, well before the above book was published. We implied the book was disinformation last issue; we stand by and further that charge in this edition.

## Reno and the MLK Case

As we went to press, the *Los Angeles Times* (8/27/98) ran a story announcing that Attorney General Janet Reno, at the request of the King family, had approved a reopening of the Justice Department investigation into the Martin Luther King case. But it appears that this will be only a "threshold" type investigation i.e. it will cover only a narrow aspect of the controversial case to see if those leads point to anything more significant. Specifically, the inquest will follow up on the allegations of former FBI agent Donald Wilson and Memphis restaurant owner Lloyd Jowers. Wilson claims to have retrieved papers from Ray's car that included the name "Raul" with a phone number (Ray has always insisted he was manipulated by this character). In 1993, Jowers told ABC's Sam Donaldson that he was part of a plot to kill King. Jowers has since gone into hiding and since he was not granted immunity by the proper Tennessee authorities, has been intent on discrediting himself. One good thing about Reno's new mini-inquiry is that she will not conduct it with FBI agents. She chose to man it with Justice Department civil rights lawyers and criminal division investigators. Barry Kowlaski, who did such a good job in the second Rodney King trial will helm it. On another front in the King case, Jerry Ray is doing everything he can to gain custody of the alleged murder weapon that was supposedly used in the shooting of King. He told *Probe's* Lisa Pease that the reason he wants the rifle is so that he can ensure that adequate ballistic tests are performed.

## Errata

Subscriber and strong CTKA backer Pearl Gladstone wrote us to point out an error in our MLK cover story last issue. The device used to sight in a rifle is a "collimator." We had it spelled "colonator." It helps align the scope of the rifle with the bullet path out the rifle's barrel.



# The Rifle

continued from page 11

According to his wife Marina, Oswald had a rifle in New Orleans. In the late summer of 1963, she saw him "practice working the bolt" while sitting on the screened front porch of their Magazine Street apartment. But there is no reason to be assured that it was the rifle in question. It is possible that he bought another rifle from Klein's in New Orleans or could have

*Because of the serious evidentiary problems presented here in the tracing of rifle C 2766 can we really believe the Warren Commission when it tells us this is the rifle Oswald used to kill Kennedy?*

been given one by the likes of David Ferrie.

After moving to New Orleans, Oswald went to work for William Reilly and his coffee company. Next door to the Reilly Coffee Company was the Crescent City Garage. Here Oswald spent hours reading gun magazines and discussing guns with its manager Adrian Alba. After Oswald was arrested, coupons and ads cut from these magazines were found among his personal possessions. One of the coupons was from a Klein's Sporting Goods ad. The torn edges of the coupon matched the torn page in one of the Crescent garage's magazines. Apparently, he had obtained the ad with the intention of dealing with Klein's; it is even possible that he had already done so while working at Reilly's. And in fact, there is some interesting testimony that appears in the Warren Commission relating to this point. A man named Eric Rogers testified before the Commission in July of 1964. He spoke to Wesley Liebel in New Orleans. (Liebel seems to

## Previews of Coming Attractions

*What Really Happened at the Bay of Pigs?* Jim DiEugenio takes a long look at Operation Zapata using the top-secret newly declassified CIA Inspector General's Report by Lyman Kirkpatrick.

*The New Files on Jim Garrison:* We excerpt Bill Davy's new book on the Garrison investigation. The author of the best profile on Clay Shaw widens his focus using scores of newly released documents to assemble the most current and accurate summary of what really happened in New Orleans.

*Jeremy Gunn's Investigation of the Medical Evidence:* Millicent Cranor gives our readers their first look at the reams of files recently released by the ARRB on former director Jeremy Gunn's quest for the truth about JFK's autopsy.

*More on the HSCA:* We excerpt Stewart Galanor's new book *Cover Up* which contains examinations of what the House Select Committee did with some of the crucial evidence e.g. witnesses in Dealey Plaza, the autopsy, and ballistics analysis.

*Angleton, Oswald, and the CIA:* Lisa Pease assembles evidence linking legendary counter-intelligence chief James Angleton with Oswald and the assassination cover-up. Was Angleton Oswald's ultimate handler?

*The Media and the Assassination:* Professor Donald Gibson surveys the structure and ownership of the media in 1963 and how this influenced the reporting on the story.

*The coup attempt against FDR:* Barbara LaMonica examines the forces and tactics used in this earlier Wall Street attempt to neutralize Roosevelt's New Deal.

have specialized in the New Orleans aspects of the investigation.) On page 461 of Volume 11, the following exchange takes place:

Liebel: Did you ever see Oswald sitting on the front porch?

Mr. Rogers: Oh, yes; with books, reading.

Liebel: Did he read a lot?

Mr. Rogers: Yes.

Liebel: Did you ever see any rifle or firearms of any type in his possession at that time?

Mr. Rogers: No; I never. We did see one time some—the mailman brought a big package in. I wouldn't say what it was, of course. I guess they checked that through the mail.

Liebel: When was that?

Mr. Rogers: It was in the summer, some time before he left, somewhere around that time.

What was in the package? Did Liebel ever find out? Did he try? Because of the serious evidentiary problems presented here in the tracing of rifle C 2766 can we really believe the Warren Commission when it tells us this is the rifle Oswald used to kill Kennedy? Because of this and other failed tests, the Warren Commission failed in its assignment and is responsible for much of the protestation, some of it commercial and bizarre, that has flooded the market since. ♦

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