

CHAPTER THREE

"SEQUENCING" AND LIFTING HALL'S "VEIL OF SECRECY"

At this point, in the very same paragraph in which he states so much in support of the Commission and its Report, Hall again demonstrates the depth and scope of his knowledge of our modern history and his lawyerlike skill in addressing evidence. He states that on other matters, "new forms of analysis have been generally supportive of the Commission's findings; although it now appears that the sequencing of the shots . . . was somewhat different from that described by the Commission."

For this he has as his authority a Texas article coauthored by the would-be digger-up of Poe and Taylor, based on their conjecture that under the law that created the Hall board new evidence would emerge.

It is all impossible, every word of what is quoted above, and what those two make up or imagine.

There is no way in the world that the Commission's findings, which are not that at all but are baseless conjectures rebutted by its own evidence, can make possible for the lousy shot Oswald was, what was not possible for the best shots in the country. This we have seen, the Commission's own and irrefutable evidence.

There is no way in the world, other than in new mythology,

that any change in the "sequencing" of the shots can make the absolutely impossible at all possible. There is no Hall citation of whatever he means of can mean by those "new forms of analysis" or by this change in "sequencing" but one cannot "analyze" into truth or possibility what is not true, not possible. This is what Hall pretends he does. He does not!

There is much Hall does not say about this cockamamie effort to make the Report seem to be possible. Much that he does not say that is public and is to a degree in some of his sources. In one in particular, Gerald Posner's mistitled Case Closed.

In its five-volume report that the new President ordered of it as one of his first official acts the FBI's statements rule this made-up fiction out. The Secret Service agreed on that with the FBI. The FBI's conclusions are stated in that report, in the Commission's files known as CD 1, and we do go into that briefly. This is restated in many FBI records I have, even in those of its Exhibits division, which made an elaborate model of the assassination area on which it posted where in its belief each shot impacted. There are a number of disclosed Secret Service records in which it agrees with the FBI on the shooting.

Aside from the credible testimony that makes this fiction impossible, the testimony of the victims Connally and Tague, of Connally's wife and others, the actuality of the impossible case the Commission's lawyers make up are that it is essential for the first acknowledged bullet to have been the one that got to be known as the magic bullet and that the second of those admitted three

shots be the one the Commission said missed entirely and hit on the far end of Dealey Plaza. The entire Report's based on this "sequencing." It permits no other "sequencing." Nor does the official evidence.

It is not possible to have any change and have this still even seem to hang together.

But if there is any change that alone means the Commission was wrong and those supporting its conclusions cannot be doing that because they in fact refute those conclusions.

What Hall bases this above quotation on and he is careful not to say (which is true of much of his writing, he hints and states without detail or proof) was made up as a sales pitch to lawyers by Failure Analysis Associates (FaAA) in 1992.

Posner plagiarized it and made a big thing of it in his Case Closed and his many promotions of it on TV and in interviews.

There need be no quibble about my use of this and another unpleasant word. Plagiarize means to "the appropriation or imitation of the language, ideas and thoughts of another author or representation of them as one's own work or something appropriated and presented in this manner."

Posner presented a dishonest account of what FaAA did as done for him so persuasively that the prestigious Philadelphia Inquirer actually ran an editorial praising him for it.

For that and for more of what Posner did and got away with I also referred to him in Case Open as a shyster and as one who has trouble telling the truth even by accident.

A shyster is "a lawyer who uses unprofessional or questionable methods; one who gets along by petty sharp practices."

If in referring to him as I did I was not truthful Posner could have hailed me into court. A lawsuit often promotes books and is used to do that. He could have promoted his hardback and his coming paperback reprint.

In fact, Posner was embarrassed. He had to, grudgingly as he did, admit that the work was done not for him but for the bar association convention, to show lawyers how those techniques could be used (as used they were really misused) and he inserted a long footnote of belated reluctance and incomplete admission of that on page 317.

He proved the truth of his having trouble telling the truth even by accident in the short Author's Note at the beginning of the reprint. All he could say of me, and it bears no relationship to the content of the book, is that I was the author of Case Open and with it "found" my "first publisher." I had become a publisher to open the subject up after more than a hundred international rejections of Whitewash, without a single adverse editorial comment, such being the fear of reporting the truth about what the government had done. But Case Open was in fact my thirteenth commercial publication. As Posner knew, Whitewash and Whitewash II were both published commercially, with the first of four printings of Whitewash by Dell having been for a quarter of a million copies.

This gives us an idea of Posner and his writing, of him as one of Hall's sources and on this the source of all who copied it.

In this Posner mythology, adapted from what he cribbed from FaAA, it was that somehow Oswald fired at that live oak tree rather than at the President. Neither he nor any of those who copied from him provide the details missing above about what they believe that bullet hit to turn it both hard right and deflect it into the air with Oswald firing from more than 60 feet up, so it could traverse the length of the plaza.

It does not seem as though a mere twig or even a branch could do this. Not that it was done because it wasn't. It was made up to try to make the impossible seem to be possible.

The alleged change in sequencing, which would be contradicted by all the Commission's testimony on that point and is a mere conjecture Hall interjects without text, still can't make the impossible possible. It also requires unimaginable magic of a tree or limb of a tree, or a twig of that live oak. That tree or part of it would have had to change the direction of the imagined shot in two ways, so separating the core from the jacket of the bullet, with the jacket disappearing and the core blooming its way to the other end of Dealey Plaza and their impacting on a curbstone, leaving a visible hole in it and wounding Jim Tague with a spray of that concrete.

In addition, in that Posner account, all of this would have had to happen beginning on the side of that stout oak opposite the far end of the Plaza. So that had to be an extremely powerful bullet, to go through that tree, too. And with its unequalled magic to have left no hole in it and then turn so sharply to the right.

Hall is wise not to offer the law review's readers those new techniques he says are ignored even though they support the official assassination mythology--he says.

His source note, to the conclusions of the House assassins committee, actually means there is a conspiracy because it concluded there was a fourth shot and as we have seen, nobody in the world could have fired three shots in the time available to Oswald from the official evidence itself.

Hall has a very lengthy source note in which he pretends he is addressing fact about the "magic" or "single-bullet theory." In it he makes no mention, many books as he does mention, of the book that brought this to light, the first of the Whitewash series, or of Post Mortem, which addresses it in the greatest detail, all with official evidence, or Case Open, which refutes Posner's Case Closed, or NEVER AGAIN!, all of which the board staff at least has.

He even quotes his favorite source, Professor Michael Kurtz, Crime of the Century, 175-6, 180-1 without mention of Kurtz's testimony to the board in New Orleans.

There Kurtz testified that as a student he saw the New Orleans private-detective who is so prominent in so many assassination myths, Guy Banister, with Lee Harvey Oswald. Hall, the lawyer as well as the historian, failed to ask Kurtz if he had reported that to the FBI after the assassination when that would have been hot news if not an important lead. According to the FBI records, which I got in CA 78-0420, he did not.

Hall states that Kurtz is critical of the "deficiencies of the

neutron analysis tests." That seems to introduce more Hall magic, if not also a smidgeon by Kurtz. The FBI did not admit doing the neutron activation tests. It did not inform the Commission that it had. It was evasive on this. But in my C.A. 75-226, which sought, among other evidence, the results of those tests, which I had learned had been done at Oak Ridge by a contractor for the then Atomic Energy Commission, the FBI stonewalled giving me a single piece of paper about them. However, I had joined the successor to the Atomic Energy Commission in that suit, and it did not want to be dragged into court, especially under those circumstances. So, it gave me copies of its records. Those records, which were not public and Kurtz did not have in writing his book, say the opposite of what Kurtz says they say.

In addition they exculpate Oswald, as I reported in Post Mortem, page 437. (see Exhibit 22).

The paraffin casts of Oswald's face made by the Dallas police were tested and the new test including firing the rifle and again making paraffin casts of the faces.

The Oswald face paraffin tests did not include the chemicals that are the byproduct of firing a rifle. Those made of the test-firings at Oak Ridge did pick those chemicals up.

Paraffin tests need not be incriminating because a variety of other substances can leave those deposits. Even some soap and inks. But when there are no deposits it is exculpatory because the discharge of the rifle held to the face does leave those deposits.

(Deposits were found on Oswald's hands but there they mean

nothing. They could have come from the boxes of books he handled or from soap if he washed his hands.)

We have a professional and independent evaluation of Professor Kurtz and his book to which Hall's board expressed so much indebtedness. It is in the Journal of American History, a prime source, by a lawyer who had almost completed a master's degree in history before he decided to become a lawyer, Jim Lesar. He was my FOIA lawyer so he also knows what we obtained in all those lawsuits and what we faced in them and used in them. (see Exhibit 23).

Kurtz, as we see, is, among other things, an expert in the impossible. He gives the number of pages of the Warren Report in saying "all 888 pages of it," as Hall also says. There are, in fact, nine hundred and twelve pages.

Hall goes into what has to be imagined, Oswald's motivation for the assassination. To begin with this assumes he was the assassin. It will and undoubtedly shock many but the actual official evidence is that he was not and could not have been. But Hall begins assuming the Report is correct and Oswald is the lone assassin and, lawyer that he is, he does this without offering any evidence at all.

Oswald's alleged motive was as a Communist. It was known he was not a Communist Party member, as J. Edgar Hoover told William Manchester when Manchester interviewed Hoover for his book on June 4, 1964. Hoover's note-taker, Cartha DeLoach, prepared a lengthy memo on this for Hoover of which we use a few pages. It is filed in the 94-48768 file, as best that FBI file number can be read from

the copy provided me, and in 62-109060. In the former the serial number is illegible. In the latter it is a duplicate or "not recorded" copy. So meaning Communist, and often saying it, Hoover and then others refer to him as a "Marxist."

Although the Commission did not dare hide it, nobody picked up from what the Commission published the fact that Oswald was virulently anti-Soviet Communist and anti-American Communist. Thus there is no possibility that his alleged "devotion" to either Soviet or American Communists could have provided any motive. The fact is that had he that "devotion" they both very much preferred the dove Kennedy to the hawk Johnson, which the assassination made inevitable.

Because this is so important among the many deliberate misrepresentations in the Report and by those who enlarge on it or theorize, use Oswald's alleged "Communism" as a motive, as Hall does, and because that was in the first book on the subject, which Hall misuses and in that reveals his knowledge of it, I here quote directly the relevant citations of the Commission's own published evidence from pages 120-23:

Having by its approach and method precluded any meaningful analysis of Oswald's politics, relationship with the government and his motives, if any, the Report then makes even more certain of the worthlessness of its conclusions by falling for the ploy of the police and engaging in semantics. It uses political words out of context and gives them a meaning diametrically opposite to reality. Throughout the Report are references to Oswald's "commitment to Communism." To most Americans this means the belief and philosophy of the American Communist Party and the Soviet Union. Above all, it connotes an attachment to the Soviet Union.

This was the opposite of the truth. The Commission knew it. All of its data proves that Oswald was not, either philosophically or by membership connected with the Communist

Party. He hated it and the government of the Soviet Union with passion and expressed his feelings with what for him was eloquence.

While seeking to mitigate this forthright misrepresentation with equally vague and undefined references to "Marxism" which most Americans equate with Communism, the Report leaves itself with as much intellectual integrity as the boy with his fingers crossed behind his back denying **b** was in the cookie jar.

Almost from the moment of his arrest, the police knew all about Oswald's background, for the FBI's Oswald, expert, James P. Hosty, Jr., participated in the first interrogation. Oswald discussed what he considered his politics without inhibition. Insofar as he or they understood what he was talking about, it is, to the degree they desired, reflected in the report of the interrogators. Appendix XI consists exclusively of these reports (H5998ff).

The moment the police heard Oswald had defected to the Soviet Union and heard from his own lips that he was a "Marxist", they ignored his frank statements about his disapproval of the Soviet Union, and the diversion and "Red Scare" were launched. It received the widest dissemination. Editorial and headline writers needed no encouragement in their speculations and inherent accusations of a Communist plot to kill the President. From that moment on, Oswald was even more friendless, the trial of any conspiracy was brushed over, and the hounds were off in the wrong direction. To this day, even in the Report, the only really serious consideration given to any possibility of a conspiracy is restricted to the involvement of the Soviet Union or Castro Cuba.

If those among his acquaintances who told the Commission of Oswald's political beliefs, such as the Paines and George de Mohrenschildt, understood correctly, Oswald did not understand Marxism. Not a single witness or fact showed him either a Communist or pro-Communist. Every scrap of evidence from his boyhood on proved him consistently anti-Communist. Ruth Paine told FBI agent Hosty when he interviewed her in early November, that Oswald described himself as a Trotskyite and that she "found this and similar statements illogical and somewhat amusing." (R439). De Mohrenschildt at the time of the assassination occupied with a business relationship with the Haitian government, was apparently the only member of the Fort Worth Russian-speaking community for whom Oswald had any respect (R282). De Mohrenschildt was described by the Commission and some of its informants as provocative, non-conformist, eccentric, and "of the belief that some form of undemocratic government might be best for other peoples." (R283). He was an agent for French intelligence in the United States during World War II. The Commission's investigation "developed no sign of subversive or disloyal conduct" on the part of the De Mohreschildts. (R383).

Oswald is not known to have ever had any kind of personal contact with any party or any official of any part of the left, except by correspondence, and then of his initiative and of no clear significance. The total absence of such contacts, in person or otherwise, is in itself persuasive evidence that, as a matter of real fact rather than conjecture, he had no political affiliation. The searches of the Committee appear thorough and its facilities and resources of the investigation agencies are extensive.

As a 16-year-old, Oswald wrote the Young People's Socialist League asking information (R681). This is an old and well known youth group whose anti-Communism has been almost religious in its fervor.

Thereafter he wrote the Socialist Workers' Party, seeking literature, including the writings of Leon Trotsky. the Commission prints 14 pages of this correspondence (19H567-80). Again, this is an anti-Communist party and Trotsky is perhaps the best known of the former Russian Communists who fought the Soviet regime. Some of Oswald's correspondence with this group and all of his correspondence with the Communist Party (20H257-75) and Fair Play for Cuba Committee (20H511-33) make sense only when the possibility of Oswald being somebody's agent is considered.

The Report finds "Oswald had dealings" with these groups (R287). He did, in the same sense that one who writes the White House and gets a reply has "dealings" with the President.

Referring to the Communist Party U.S.A. alone, the Report states, "In September 1963, Oswald inquired how he might contact the party when he relocated in the Baltimore-Washington area, as he said he planned to do in October, and Arnold Johnson suggested in a letter of September 19 that he 'get in touch with us here (New York) and we will find some way of getting in touch with you in that city (Baltimore).'" (R288)

The Report is correct but incomplete, for on the same date Oswald made the same request of the Socialist Workers' Party (19H577). The Report's authors considered it expedient to ignore the letter to SWP. The reason for this omission and the reason for similarly false letters from Oswald to both historically antagonistic groups are worthy of consideration. In omitting all reference to the SWP, the Report gives the false impression of a non-existing affiliation with the Communist Party, else why should Oswald want to get in touch with both parties, antagonistic as they are, especially because of his own clear antipathy toward the Communist Party? One of the obvious reasons is that he was trying to penetrate them as some kind of agent. He could not have found political sympathy in or from both. It is this possibility that completely escaped the consideration of the authors of the Report and it is the most obvious consideration. Especially when thought

of in the light of Oswald's relations with the Cuban refugee groups, detailed elsewhere in this book, could this line of reasoning have led to a meaningful analysis and conclusions.

There was "no plausible evidence that Lee Harvey Oswald had any other significant contacts" with any of these groups, the Report concludes, evaluating then Oswald-initiated correspondence and requests for literature as "significant."

But Oswald's real attitude toward the Communist Party and the Soviet Union were well known to the Commission. He made no secret of them and the Russian-speaking community in Fort Worth reported his dislike. Oswald himself was well recorded in letters, drafts of speeches and notes and, in fact, in public speeches. A number of such appear in Volume 16. They are part of the Commission's record.

Toward the end of their stay in New Orleans, the Oswalds went to Battles Wharf, Alabama, to participate in a seminar. He unburdened himself of his anti-Soviet feelings. Marina got a thank you note from Robert J. Fitzpatrick of the Society of Jesus, in which she was asked to convey "thanks to your husband, too, for his good report to our seminar. Perhaps we do not agree with him regarding some of his conclusions but we all respect him for his idealism" (16H243).

Oswald's hatred of the Communist Party and the Soviet Union exude from 150 consecutive pages of his notes in the same volume, as well as from other exhibits (16H283-434). For example, in Exhibit 97 he raged, "The Communist Party of the United States has betrayed itself! It has turned itself into the traditional lever of a foreign power to overthrow the government of the United States, not in the name of freedom or high ideals, but in servile conformity to the wishes of the Soviet Union. . . (the leaders) have shown themselves to be willing, gullible messengers of the Kremlin's Internationalist propaganda . . . The Soviets have committed crimes unsurpassed . . . individual suppression and regimentation . . . deportations . . . and the murder of history, the prostitution of art and culture. The communist movement in the U.S., personalized by the Communist Party, U.S.A., has turned itself into a 'valuable gold coin' of the Kremlin. It has failed to denounce any actions of the Soviet Government when similar actions of the U.S. Government bring pious protest." (Spelling improved).

The Report quotes some of this as well as " . . . I hate the U.S.S.R. and Socialist system. . . ." (R399).

He also described himself as one with "many personal reasons to know and hate and mistrust Communism" (16H442).

Even his oft-mentioned notes on Russia, widely discussed but unquoted in the press, are a narrative full of the kind of information intelligence agencies, including our own, seek about other countries, especially the Soviet Union. It includes such items as the location of an airport, the layout

of a city, and all sorts of intimate details of the electronics factory in which he worked, including what it produced, its rate of production, the number of employees engaged in various pursuits and other such non-travelogue data.

It is abundantly clear that the Report distorts and misrepresents the Commission's information on Oswald's politics. It both says and implies the opposite of the truth. It pretends a man whose hatred of the Soviet Union boiled in his guts was a protagonist of that political system and perpetuates a lie foisted off on an innocent public by the police. In such a Report, by such a Commission, dealing with such a tragedy, this is unpardonable. Can there be any reason for this except a desire to 'fool the public'? How many more people, here and abroad, were willing to accept what might have otherwise been unacceptable conclusions, how many were less critical than they might have been of the Commission, because of this pretense that Oswald had a "commitment to Communism," that he somehow was an agent of a hated political force? The Report concludes that he was serving no foreign government and that he was the agent of none (R21-2). But the Report repeats the false representation of Oswald's politics. The Commission instead should have inquired into who created and broadcast this deception and with what motives. As a result, the Commission's own motives are suspect.

Can Hall or those he used to help and on whose work he drew have possibly read Whitewash and concluded that Oswald was any kind of "red" or could have that kind of motive.

Can a concerned historian or a caring lawyer be silent with this the actuality, this and so much like it? Hall is silent other than in support of the official assassination mythology.

But reason is not a consideration with the Warren Report or those who like Hall support it.

(In that same interview Hoover volunteered that Kennedy and Khrushchev were getting along rather well and that he had entered the assassination case illegally and immediately because killing a President than was not a federal crime. That of course gave him

control and control is what he wanted and needed).

There remains the obscure but irrefutable fact, from the Commission's own evidence, that Oswald was not and could not have been the assassin. So on that basis also he had no such imagined motive. Hall and the Report do imagine it.

Here Hall goes heavily for Holland on that myth of his about secrecy about how the Commission was right because it was wrong in withholding the secret.

Which as fact, rather than as myth, had nothing to do with the assassination itself.

In making this phony case Hall actually refers back to his footnote that as we saw above could not have been more dishonest when he took out of context what I wrote in Whitewash about the federal agents being present at the autopsy and being silent when they should not have been, the line he misused being "the FBI and the Secret Service are not innocent." Without any checking those words seem to be appropriate as he uses them but with checking they are the most conscious dishonesty. They do not relate in any way to what Hall says here.

Hall deliberately misuses it as proof of what it is not and was not, of the imagined "veil of secrecy thrown over the intelligence sources and methods to prevent the Commissioners and their defenders from rebutting their detractors."

This because I write with complete accuracy that when the four federal agents were aware of perjury about the autopsy and were silent, "the FBI and the Secret Service are not innocent." Hall

adds to this quotation what I did not write or even hint at, "in the Warren investigation." As we saw above and I have repeated, that referred to the lying about what happened at the autopsy, to those four federal agents only, and to nothing else at all, and it was a week prior to appointment of the Commission.

There is no reasonable or honest way of interpreting what I actually wrote as referring in any way, as they do not in any way, to the alleged "veil of secrecy thrown over the intelligence sources and methods to prevent the Commissioners and their defenders from rebutting their detractors."

That imagined "veil of secrecy" did not, in any event, relate to the assassination itself. But the truth is that Hall is deliberately dishonest in this.

It is not honest in another way that cannot be accidental. He is talking about the intelligence agencies and the assassination when in actual fact there is no real connection in the actual assassination evidence. What he then says is that "the Church Committee probed matters that touched on matters relating to the assassination and provided, most spectacularly, information about Operation Mongoose" and under it the "murder of Castro and other leaders "

As we have seen, after the solution to the Cuba missile crisis there was a better chance of cows jumping over the moon than of Castro getting Kennedy killed. Historian that Hall is, he should have known this. He also should have known what the Pulitzer historian, Arthur Schlesinger, Jr., wrote the OAH after he read the

version of the article Hall used in its newsletter.

Schlesinger wrote that, as we have seen with the CIA's own internal records, "The Kennedy brothers did not concoct the scheme to assassinate Castro with the help of organized crime. As the Church Committee report . . . shows, the scheme was concocted in the Eisenhower administration . . . As for Operation Mongoose, that was a foolish and futile effort, but it was not a assassination project." (OAH Newsletter, May 1997).

To Hall this is all "matters relating to the assassination," which is totally false, and that "most spectacular." What is really "spectacular" in this is that Hall could be, dean and all that he is, and lawyer, too, this dishonest, this ignorant, or both.

(Actually, he had Mongoose a scheme "to murder Castro and other leaders of hostile nations," or he is even more "spectacular," if that is the word.)

Soon Hall goes into the Rockefeller Commission. He is still on that Holland concoction that has no relationship to the fact of the assassination, intelligence agency secrecy. This forms a natural link to his not mentioning my Photographic Whitewash. Remember, he is arguing that the Warren Report is correct and all who do not agree with it are indulging "the national appetite for bogus [sic!] revelation."

Gerald Ford, who appointed the Rockefeller, selected to run it the most slack-jawed of the Warren Commission assistant counsels with whom Ford in those days had close contact. He developed a respect for David Belin. Belin thus ran the Rockefeller Commission.

As Hall fails to mention here, that Commission was also directed to look into the CIA and the assassination. While there is much that can be written about this, I restrict myself to a probable reason for Hall and all those fine people on whose work he drew failing to mention my Photographic Whitewash. One of the best of possible reasons in that in it I reproduce in facsimile what Belin and his Commission got from the CIA and suppressed from their report. It disproves the Warren Commission's conclusions that depend on the first shot having been fired at Frame 210 of the Zapruder film.

Without wasting words and letting those CIA records Belin et al suppressed speak for themselves I introduce those pages of that book by stating that the National Photographic Interpretation Center of the CIA is the best such institution we have. It examined the Zapruder film, which the Commission used as its timing device and as its clock on the assassination. The NPIC made its own analysis and used that of others. In not a single instance did anyone agree that the first shot was fired at Frame 210 and, without that, the irrefutable Commission evidence is that Oswald could not have fired it. (see Exhibit 24).

Hall is a historian? A lawyer who believes in our law? Dean in a major university and a professor who teaches the coming generation that includes our coming leaders?

He describes himself with this record he makes for himself as a professional historian, as a lawyer and as a person.

And, of course, as of sufficient subject-matter expertise to sit on his board and decide what is and what is not related to the assassination of President Kennedy.