

CHAPTER FIVE
"THE SPECTER OF CONSPIRACY"

On the matter of conspiracy and the Commission's determination at the outset, before it did any work at all, to state there had been no conspiracy, the grim fact is that when he also expected perpetual secrecy the Chief Justice himself laid the no-conspiracy line down to his staff. That was at his first meeting with his staff. It was on January 20, 1964.

Howard Willens who, as we have seen, was intended by Katzenbach to be his eyes and ears on the Commission, wrote a memo on that meeting in which what Warren said about this is omitted.

(Referring to Willens as Katzenbach's "eyes and ears" is much more modest than the role Commission Member Gerald Ford had. He was an informer on his associates for the FBI! It disclosed and I have a separate file of FBI internal records on this. His reward was not only favors from the FBI. It also gave him an agent's brief case with a combination lock. Although there was no official transcript of that January 22 session referred to immediately above, disclosed FBI records reflect the most detailed knowledge of what transpired there.)

However, Melvin Eisenberg, who had no special "eyes and ears" role, did record in plain English Warren's telling his staff that it had to conclude there had been no conspiracy. Otherwise it

"could conceivably lead the country into a war which could cost 40 million lives." (see Exhibit 31).

Hall and his assorted scholars attribute this to Holland, who provides no source on it. In fact it was brought to light long before Holland's mention, which was long after I obtained that record from the Commission's files, in Whitewash IV, published in 1974.

This is only one of the reasons--one of the many reasons, some without precedent in our history--Hall and his assorted scholars whose scholarship is of a character this suggests, had for not including Whitewash IV among the multitudinous works they refer to. They are, however, long on the trashy trash and trivia.

The fact is that Lyndon Johnson used this argument, what Warren told his staff, to bamboozle Warren into serving on the Commission when that was so very wrong for him and when the entire Supreme Court had told him not to. How Johnson pulled this on Warren is in disclosed transcripts on Johnson taped phone conversations.

The truth is there is no basis at all for it.

That many casualties could come only from a nuclear holocaust caused by both the United States and the Soviet Union exploding their vast nuclear arsenals. But the fact is that after the 1962 Cuba missile crisis Khrushchev and Kennedy were groping their way toward peace and disarmament. They exchanged an admitted forty letters on this. The last published report on their withholding attributed that to the United States. As Hoover himself told

Manchester, as we saw above, Kennedy and Khrushchev were getting along well. And as we also saw, there was no chance at all that the USSR or Khrushchev or the Soviet hierarchy preferred the hawk Johnson, who they would get automatically if Kennedy was killed, to the dove Kennedy.

There was no chance at all that the Soviets were behind the assassination.

But the point here that should be kept in mind other than by scholars of the Hall stripe is that Warren began not only determined to conclude that there had not been any conspiracy but he laid that line down to his staff when he first met with it.

During the Cold War there was nothing too irrational to be credited, particularly if, whether or not rational, it intended to enflame that Cold War.

But after the 1962 missile crisis, there was no reason at all to expect that Cold War to heat up or for the President to be assassinated as part of it.

There was, however, much evidence that the President was killed as the end product of a conspiracy. With the kind of scholarship reflected by Hall and practiced by those to whom he gives his fulsome credit, all the deplorable books, all those based on fact only, all those that came from the official evidence only, are excluded. With that exclusion those special kinds of scholars to whom Hall expressed his appreciation and the special kind of politics of scholarship that is Hall's, all the actual, official evidence of a conspiracy was automatically excluded in favor of the

endless collection of trivia, trash, irrationality and assorted kinds of craziness they list as the end product of what have been unprecedented dredging of the intellectual sewers.

Perhaps this should not be surprising but to me it is.

Perhaps it should not be surprising that a law journal would publish an article that is so critical of so many and publish it without any competent peer review. Or believe that Hall read all those books. Even a tiny fraction of them.

What is most surprising of all is the fact that the law review published an article of this nature without any statement of fact about the basis of it at all. That has two parts. The first is fact about the assassination of the President. The second fact about whether or not there was a conspiracy.

Hall does have impressive credentials but he had no knowledge of these matters before he was appointed to the board and the couple of days a month he worked at the board was not enough time for him to become an expert--if he had intended that. His record is that he preferred the bliss of ignorance.

He makes no showing or claim to any subject-matter expertise in his speech or his article; perhaps that was also assumed. Yet without that showing, quite separate from his virtuoso showing of subject-matter ignorance, which perhaps the law-review editors had no way of perceiving, that he does not even claim subject-matter expertise should, at the very least, have raised some questions in their mind before they published what first deceives, misleads and misinforms all who read it and do not have the subject-matter

expertise that is not common; and second, defames so many people.

That a man is a first-rate carpenter or electrician does not qualify him for brain surgery and that Hall is a dean and a professor does not qualify him to write about and offer opinions about what he neither knows nor for that matter understands or has made the slightest effort to begin to understand.

For him to refer to me as a conspiracy theorist is, in this field, as gross an insult and defamation as is possible. He can do that only because he preserved the most determined ignorance of the field in which he assumed such serious responsibilities. If this defamation came to him from one of those to whom he extends credit, then that alone raises the most substantial questions about their suitability to be used as authorities of any kind on this subject. They may be superb on Ming China or the flora and fauna of the Antarctic but as Hall's disgrace of traditional scholarship establishes, they are propagandists, not scholars in this field.

Perhaps this is an appropriate point for the recording of Hall's credits to those to whom he expressed indebtedness:

My thanks to Barbara Tarzian, Jeff Marquis, and Kenneth Wasserman for their research support and to John Johnson, Donald G. Gifford, and Howard Leichter for their comments and suggestions about earlier versions of this Article. I am especially grateful to Sheryl Walter for her suggestions about sources and her willingness to share her extensive knowledge of the secondary literature on openness of and access to government records.

There is here not a word about any of these people having any kind of study of the official assassination information that has been available for three decades to be able to evaluate what they

read on the basis of their knowledge of that evidence. There is not even the claim to any subject-matter knowledge or expertise. With Hall quite obviously having none, there is no visible basis other than that prejudice for the opinions offered and presented as fact.

There is no way the reader or for that matter the editor has any way of knowing what originates with Hall and what he adopted from his "research support" or what he accepted from "comments and suggestions" or from what he was told about "sources" because of the serious professional degradation and most profound misrepresentation of my work. Because the baseless assault is also personal and because what Hall spoke and wrote is infamous propaganda that comes from a marriage of prejudice and ignorance I return to what is a slander of me, mentioned above.

This begins with a lie that there is a "research community" of which I am a part. It has none of the qualities of a "community" as only a subject-matter ignoramus would not know and even if it did, only subject-matter ignoramuses would not know that I am the one who writes other than those many listed, the only one whose work is limited to the official evidence and in whose work there is no theorizing of any kind, of conspiracy or any other kind.

Much of my work is of criticism of many of those others and of their inventions they seek to palm off as theorizing.

Not a few of them have denounced me for that.

Some have written the most wretchedly evil accusations against the innocent yet I am lumped with them. For example, while these special experts and authorities to whom Hall is so indebted give

the work Mortal Error as Bonar Menninger's, he is the ghost writer for Howard Donahue, an authentic firearms expert and an exceptionally good shot. Donahue made up a story that one of the President's Secret Service escort shot JFK, shot him by mistake. Donahue and his wife visited me and I explained to him and cited authorities for proof of the impossibility of what he believed. Earlier, when he had been responsible for similar newspaper stories I had written refutations of them, as he knew. Yet, and there is more that I do not include because this is in court, these supposed scholars lump him and many like him and me as "conspiracy theorists."

Hall has but a single footnote for this:

When the research community asserted that the government itself had been implicated in the assassination, n 43, the evidence that the Commission had used to discount such a possibility was available only to the government charged with having abetted the crime. The cost of secrecy was uncertainty that gained legitimacy simply because they could not be tested against the appropriate evidence.

As reported above, n 43 is, "See e.g., Harold Weisberg, Whitewash II: The FBI-Secret Service Coverup, 125 (1966) (concluding that "The FBI and Secret Service are not innocent in the Warren investigation." Because of the added uses I now make of this statement, I state that all parts of what is quoted above is a lie. It is not normal to use such words as "lie" in writing but both professionally and personally it here is more that justified.

So there can be no misunderstanding, the first definition of "lie" in the Oxford American dictionary is, "a statement that the speaker knows to be untrue."

There is no question about it Hall and the one he uses as his source or authority knew that to be a lie, as quoted above, because at that point the matter referenced was perjury at the autopsy, (which without any question, there was, but that is not the point here.)

That the federal agents were silent about this perjury and that the FBI's reports were less definitive than they could have been does not say or mean or suggest what Hall says, "the government itself had been implicated in the assassination."

Hall is off and running on that utter nonsense of Max Holland about intelligence-agency secrecy. There is and there can be no such issue in what I wrote or in what it means or can be taken to mean. Obviously, there is and was no secrecy about it when what I wrote came from and is cited to what the Commission published.

There was no theory about the assassination involved in any way in any of this or in any interpretation that can rationally be placed on it.

And rather than what I wrote and Hall quotes not being "tested against the appropriate evidence" it comes and can come only from that "appropriate" and officially published evidence.

There was no other source for it, no other possible source for it.

Yet look at what Hall does and says based on that total fabrication as he seeks to make the intellectual nonsense of another subject-matter ignoramus his own!

Hall put his name on this. That means he read what he cites

and that means he is a liar in saying about me and my writing what he here does.

And all of this, mind you, all twenty-one thousand three hundred and thirty five words, the count of the Review, without any evidence of the crime at all--and that by a professor of law, among other things, and in a law review.

Both defame me, neither with any legitimate basis for it, and for a law review that surprises me.

I digress for several personal observations that relate to this infamous departure from common decency and normal scholarship by the professional scholar and expert on history and law.

When William Manchester's^s book The Death of a President appeared it shocked me that he actually said that if the President's driver and his associate had not been so old the President's life could have been saved because that is not in any sense true. The limousine was in a veritable cul de sac. It could not turn in any direction. It could do only what the able driver, who was the President's preferred driver, did, tried to get away in the one direction in which he could go.

Washington then had a radio station that was largely talk shows. I asked the Bob Raeford show to give me time to respond to Manchester on that. I never asked for time for myself but for this outrageous assault on two of the most dedicated public servants I did ask for that time. Raeford gave it to me and I used that time to give the audience a detailed account of the actualities, of the truth.

I received several anonymous phone calls from those who identified themselves as neighbors of those Secret Service agents thanking me.

I also spoke at the University of Maryland when that ~~same~~^s matter came up. I was as forceful and as vigorous in defending those men, more than those two, other men on that detail, as I could be because of other such defamations were going around.

After speaking I sat a table to sign books and to answer questions of those who did not want to ask them before the entire audience. I noticed a tall young woman dressed in conservative good taste kept on giving up her place in the line to those who came later. She did this until when she got to the table there was nobody else in the line.

She said, with tears in her eyes, "I want to thank you for what you said about my father." She was Roy Kellerman's daughter. Kellerman was the Secret Service agent in charge of that detail. He sat in the limousine next to the driver, William Greer.

Greer was so upset by having lost the President who preferred him as his driver, he had to take a medial retirement.

For another Secret Service agent who was defamed I not only arranged for him, after his retirement and when he was ill, to have counsel, I provided counsel with information he could use in the litigation.

This is not quite what Hall says and the Review printed.

Nobody asked any of that of me. And they are the men about whom Hall has me in the opposite role, of making accusations

against them and against their agency and of conspiracy against the government itself.

Hall has defamed me. His defamation is also professional but the defamations by the FBI in particular are much more serious and even more dishonest.

It even filed my Freedom of Information requests in "national security" files!

As "subversive matter."

Freedom of Information requests are filed under a federal law. They are a universal right established by that law.

I have prima facia cases of interferences in my rights, including my supposedly Constitutionally guaranteed right to publish, by both the FBI and the CIA. This writing is about the JFK assassination. Mine, remember, was the first book on that subject. I was informed by the friend handling it for me that when a major British publisher of the day decided to do the book subject to a reading by an eminent scholar, that scholar killed the book. He was connected with British intelligence and he was, from government documents I have, an "asset" of United States intelligence.

That same friend, a professional man well-known in his field internationally, introduced a copy of that manuscript to a major German publisher of that day. He liked it. Wrote me immediately and then, getting no answer, wrote me two more times. On getting no answer either of those times, mailed the manuscript back to me.

Not one of those letters reached me and neither did the returned manuscript!

That coincided in time with what the Church Committee exposed, the interception of foreign mail by the FBI for the CIA.

My friend also got me a respected British agent. I sent him chapters of Whitewash II as I completed them. I heard nothing from him and working with the intensity required I did not phone him. Then, out of the blue, I got a cable from him telling me all the mail that I had sent him and had not reached him for two months got there that one day.

The board of which Hall is a member is supposed to be bringing to light all the information that relates in anyway to the assassination and its investigations. From the board's definition of what is an "assassination record" that it published in the Federal Register it defined out the violation of the Constitution and all American principles in the federal government's interference with publication.

I sent it government documents proving some of what I alleged above several years ago. The board had done much that yields no information about the assassination and gets its name in the papers. It has accepted and makes freely available all the defamations of others and of me by many agencies, in my case without response when I sought to invoke the Privacy Act. But if it has done a thing to make the records of the anti-American federal acts that are part of the assassination investigation, certainly as much if not more than some of the existing deposits the board is raiding to make itself look good, the board has not let me know, has not responded to those letters.

For looking into those things Hall has not time.

For defamation from the depths of his ignorance in lengthy articles, for that he has ample time.

All, and this cannot be repeated too often, without a word of fact about the assassination or any evidence in the assassination or in any investigation of it.

Scholarship at the dawn of the twenty-first century?

Law as it is taught in Ohio to those who become lawyers?

With this better understanding of Hall we return to the first words of his introduction, words designed to lay a basis for the preconception with which he begins his article:

The specter of conspiracy has haunted Americans throughout the second half of the twentieth century.

Having said this Hall then says it is not limited to that half of the century, and that "this phenomenon is not unique to the modern era." If what Hall refers to as "the specter of conspiracy" is a "phenomenon" that is not unique to the modern era, how about the actuality of conspiracy?

That has not been commonplace throughout man's history? Going back to the earliest recorded days? It has not been commonplace during Hall's lifetime that includes The Watergate and a wide variety of political and criminal conspiracies?

The actuality is that conspiracies are as old as man. They exist when they are conceived as yielding what those who conspire want.

Not having a small mind to be hobglobined by consistency Hall next refers first to Senator Joseph McCarthy and then to holocaust deniers.

Neither has a thing to do with whether or not there had been a conspiracy of any kind in the assassination of President Kennedy.

This is a topic that in all this verbosity of irrelevance and defamation of more than twenty-one thousand words Hall never does get to.

Yet without establishing that there was no such conspiracy how in the world can he as dean, historian, professor of law or writer write all he wrote saying there was no conspiracy and ridicule and denounce all who do not agree with him?

Does this reflect how he teaches history and has others teach it?

How he teaches the law to others who will practice it?

Fact has no relevance in history?

None in law?

Instead--and as he substitutes for fact--he launches into his account of the Rosenbergs, the holocaust deniers, the bonus march (of the first half of the century), Oliver Stone's movie JFK, the Watergate, odds and ends about the mafia and then an assortment of books said to be on the assassination of the President.

All those that have nothing to do with what is required by honesty, by decency, by common sense, by scholarship, all requiring that he prove there had not been any conspiracy before he is critical of what says there had been a conspiracy.

There is as much legitimacy as if he said the world is flat and then criticized those who do not agree, beginning with Christopher Columbus.

With all of this kind of impressive meaninglessness he runs on for pages, without any point making even the slightest effort to prove what is essential for an honest man to write an honest speech or article critical of those who he says theorize there had been a conspiracy (whether or not they actually said it, as not one of my books did.)

This kind of intellectual trash takes up about the first quarter of his propoganda in which he pretends to be addressing the "virulence of the national appetite for bogus revelation."

This alone is bogus enough but it is only the beginning.

This article is supposedly about theorized conspiracy but in all those many thousands of word for which Hall found time with all his university and board responsibilities, as historian and as lawyer he does not define conspiracy, does not say what it is or can be or means.

That is not necessary for a speech/article when denial of the holocaust is? When going back to Joe McCarthy is?

Not a single element of conspiracy should be mentioned?

How what he condemns does not qualify as writing about any conspiracy needs no mention?

At the end of this part he says what is fantasy:

"This article addresses the Kennedy murder, generally. . . ."

It does not in any way, no matter how remote, no matter how words are tortured.

That is satisfactory to an editor of a law review?

First of all the dean/historian/professor is too ignorant

about "the Kennedy murder" to say a word about it.

He is so incredibly ignorant about even the Warren Report that he says it was issued "a year after the assassination." In fact, it was ten months later.

He is so ignorant of the books about which he spoke, that he says my Whitewash, Contract on America, and Conspiracy, "quickly appeared."

This is true of Whitewash only. The Scheim book, Contract on America, which is about organized crime, not the assassination, did not appear for twenty years, in 1983. Tony Summers' Conspiracy was seventeen years after the assassination.

Twenty years, or even seventeen years, is "quickly" to Hall?

The first book to follow Whitewash was Inquest. It appeared at the end of June, 1966.

What Hall did like and takes from Max Holland is his fabrication that all that was wrong was secrecy and that while the secrecy was wrong it was the right thing. None of this gibberish has any relevance at all, not to the act of the crime a matter in which Holland rivals Hall in his determined ignorance.