

April 3, 1975

The CIA and the Man Who Was Not Oswald

Bernard Fensterwald and
George O'Toole

Six weeks before the assassination of President Kennedy on November 22, 1963, the Central Intelligence Agency sent the following teletype message to the Federal Bureau of Investigation and the Departments of State and the Navy:

Subject: Lee Henry OSWALD

1. On 1 October 1963 a reliable and sensitive source in Mexico reported that an American male, who identified himself as Lee OSWALD, contacted the Soviet Embassy in Mexico City inquiring whether the Embassy had received any news concerning a telegram which had been sent to Washington. The American was described as approximately 35 years old, with an athletic build, about six feet tall, with a receding hairline.

2. It is believed that OSWALD may be identical to Lee Henry OSWALD, born on 18 October 1939 in New Orleans, Louisiana. A former U.S. Marine who defected to the Soviet Union in October 1959 and later made arrangement through the United States Embassy in Moscow to return to the United States with his Russian-born wife, Marina Nikolaevna Pusakova, and their child.

3. The information in paragraph one is being disseminated to your representatives in Mexico City. Any further information received on this subject will be furnished you. This information is being made available to the Immigration and Naturalization Service.¹

Was the Lee Henry Oswald of the CIA message Lee Harvey Oswald? Yes, according to Richard Helms, then chief of the Agency's Clandestine Services. In a March 1964 memorandum to J. Lee Rankin, general counsel to the Warren Commission, Helms explained that "OSWALD'S middle name was

erroneously given as 'Henry' in the subject line and in paragraph two of the dissemination. . . . The maiden surname of Mrs. OSWALD was mistakenly listed as 'PUSAKOVA.'"²

But Lee Harvey Oswald was not "approximately 35 years old, with an athletic build"; he was twenty-three years old and slender.³ Apparently the CIA was concerned about the discrepancy, for on October 23 it sent the following message to the Department of the Navy:

Subject: Lee Henry OSWALD

Reference is made to CIA Out Teletype No. 74673 [the earlier message], dated 10 October 1963, regarding possible presence of subject in Mexico City. It is requested that you forward to this office as soon as possible two copies of the most recent photograph you have of subject. We will forward them to our representative in Mexico, who will attempt to determine if the Lee OSWALD in Mexico City and subject are the same individual.⁴

Since Oswald had served in the Marine Corps, which comes under the administration of the Navy, his personnel records would have included his photograph.

What the Agency did not say in this cable is that it had in its possession a photograph of the man who had apparently "identified himself" as Oswald. The man in the CIA photo was not Lee Harvey Oswald; he was, just as the Agency's "reliable and sensitive source" had described him, approximately thirty-five years old, with an athletic build and a receding hairline.

According to a memorandum by Helms, the CIA never received the Navy's pictures of Oswald and only concluded after the assassination that two different people were involved.⁵ Meanwhile, the photograph was delivered to the FBI on November 22, 1963.⁶

One can only guess at the confusion caused by the picture. The FBI needed no Navy photograph to establish that the mystery man was not Oswald—Lee Harvey Oswald was sitting handcuffed in a third-floor office of the Dallas police headquarters. The next day Special Agent Bardwell D. Odum was dispatched with the photograph to the motel where Oswald's wife and mother were hidden. He showed the picture to Mrs. Marguerite Oswald, mother of the accused assassin. Mrs. Oswald looked at the photo and told Odum she didn't recognize the man.⁷ The following day, however, shortly after her son was murdered in the basement of Dallas City Hall, Mrs. Oswald erroneously identified the mystery man. She told the press the FBI had shown her a picture of Jack Ruby the night before.

Mrs. Oswald's mistake was understandable—the mystery man bore a superficial resemblance to Jack Ruby, and in her recollection of a brief glance at the photograph, two faces became one. But the misidentification made it necessary for the Warren Commission to refer, however obliquely, to the affair of the mystery man. In the twenty-six volumes of published testimony and evidence supplementary to the Warren Report, the Commission printed the picture that was shown to Mrs. Oswald.⁸ The Warren Report contains a very brief account of the incident.

According to the Report, the CIA had provided the FBI with a photograph of "a man who, it was thought at the time, might have been associated with Oswald."⁹ The Report quoted an affidavit by Richard Helms that "the original photograph had been taken by the CIA outside of the United States sometime between July 1, 1963 and November 22, 1963."¹⁰

The Commission's explanation is both inaccurate and misleading. The implication that the CIA thought the mystery man was "associated with

Oswald" only masks the true situation. On the basis of its own evidence, the Agency must have concluded either that the mystery man was impersonating Oswald or that an unlikely chain of errors had accidentally linked both the man in the photograph and the man who "contacted" the Soviet Embassy to Lee Harvey Oswald.

The truth was further obscured by the Report's reference to the Helms affidavit, which described the circumstances in which the mystery man was photographed only in the most vague and general terms. The affidavit was dated August 7, 1964.¹¹ However, the Commission never mentioned in its Report or in its twenty-six supplementary volumes that it had obtained an earlier affidavit from Helms on July 22, 1964 in which he was much more specific.¹² "The original photograph," Helms testified, "was taken in Mexico City on October 4, 1963."¹³ (This earlier Helms affidavit was released in 1967 through the efforts of Paul Hoch, a private researcher.)

There is no available record that Richard Helms ever told the Warren Commission exactly where in Mexico City the mystery man was photographed, but the circumstances in which the photograph was given to the Commission offer a very plausible suggestion. The CIA required the FBI to crop out the background in the photo before handing it over to the Commission.¹⁴ The obvious conclusion is that the photograph was taken by a hidden surveillance camera, and the CIA wished to avoid disclosing its location. According to knowledgeable former employees of the CIA, the Soviet and Cuban embassies, among others in Mexico City, were under constant photographic surveillance at the time. It seems likely then that the man who, according to the CIA, "identified himself as Lee Oswald" was photographed leaving the Mexico City embassy of the Soviet Union or of some other communist country.

The first public hint that the mystery man may have been impersonating Oswald came in 1966, with the publication of Edward Jay Epstein's *Inquest*, a scholarly study of the Warren Commission.¹⁵ Epstein interviewed one of the Commission's legal staff who recalled the incident. He said he had asked Raymond G. Rocca, the Agency's liaison with the Commission,¹⁶ about the photograph. The lawyer later received word from the Agency that the mystery man was thought to be Oswald at the time the photograph was

given to the FBI. Why, he asked, did the Agency mistake someone so dissimilar in appearance for Lee Harvey Oswald? The CIA said they would check further and call him back. The lawyer told Epstein that they never called him back and the Warren Report contains no explanation of the Agency's mistake.¹⁷

Another piece of the puzzle fell into place early in 1971, when the National Archives released a previously classified memorandum about the mystery man from Richard Helms to the Commission's general counsel, J. Lee Rankin.¹⁸ Dated March 24, 1964, the memo informed Rankin:

On 22 and 23 November, immediately following the assassination of President Kennedy, three cabled reports were received from [deleted] in Mexico City relative to photographs of an unidentified man who visited the Cuban and Soviet Embassies in that city during October and November 1963...¹⁹

On the basis of these cables, Helms went on to say, the CIA had sent several reports to the Secret Service. Attached to the Helms memorandum were paraphrases of these reports.²⁰ Two dealt with the mystery man:

Message to the Protective Research Staff, The Secret Service, delivered by hand on 23 November 1963, at 1030 hours.

Through sources available to it, the CIA [deleted] had come into possession of a photograph of an unidentified person thought to have visited the Cuban Embassy in mid-October. This individual, it was believed at the time, might be identical with Lee Harvey OSWALD.²¹

and,

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CIA Headquarters was informed [deleted] on 23 November that several photographs of a person known to frequent the Soviet Embassy in Mexico City, and who might be identical with Lee Harvey OSWALD, had been forwarded to Washington by the hand of a United States official returning to this country.²²

Helms's covering memorandum affirmed that "the subject of the photographs mentioned in these reports is not Lee Harvey OSWALD."²³

Several photographs, then, of a mysterious stranger who kept being confused with Lee Harvey Oswald, and who had visited both the Soviet and Cuban embassies. Was it the same mystery man whose picture had been shown to Mrs. Oswald? Or was it yet another Oswald Doppelgänger?

Firm evidence of the existence of additional photographs of the unidentified man mentioned in the Warren Report was turned up by Robert Smith, a private researcher. In 1972 Smith, then research director for the Commission to Investigate Assassinations, was poring over some recently declassified Warren Commission documents when he found reference to the mystery photo and two other views of the same person.²⁴ Smith called his discovery to the attention of one of the authors, Bernard Fensterwald, who instituted a suit under the Freedom of Information Act for release of the two pictures. The government yielded and turned over the photographs to Fensterwald and Smith. They are published here for the first time.

The two new views of the mystery man were taken at a different time from the first picture. In the first picture, the one published in the Warren Commission volumes, he is wearing a long-sleeved dark shirt and appears empty-handed; in the two new photos he is wearing a short-sleeved white shirt and is carrying some kind of bag or pouch. The new photos also show him holding a small, passport-sized booklet and what appears to be a wallet. As in the first photograph, the backgrounds of the two new photos have been cropped out. Whoever he was, he managed to be photographed, apparently by the CIA's hidden surveillance cameras, on at least two separate occasions. And neither of the new photographs reveals any resemblance between the mystery man and Lee Harvey Oswald.

The Warren Commission concluded that Oswald had been in Mexico in late September and early October 1963. Records of Mexican Customs and Immigration, bus lines, and a Mexico City hotel indicate that Oswald entered Mexico at Nuevo Laredo on the US border on September 26, traveled by bus to Mexico City, arriving there the next morning, and returned to the United States on October 3.²⁵ Passengers on the bus to Mexico City remembered Oswald, but there is almost no eyewitness testimony to support the Commission's reconstruction of Oswald's movements after he arrived in that city.²⁶ The Commission's find-

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ing that Oswald made repeated visits to both the Soviet and Cuban embassies rests heavily upon the affidavit of one witness, a Mexican woman who worked at the Cuban Embassy.²⁷

Silvia Tirado de Duran was secretary to the Cuban Consul in Mexico City. In a sworn statement²⁸ she gave to the deputy director of Mexican Federal Security on November 23, 1963, she said that Oswald had visited the Cuban Embassy in late September to apply for a visa to visit Cuba during a planned trip to the Soviet Union. Mrs. Duran recalled a heated exchange between Oswald and the Consul when the Cuban official told him his request could not be granted immediately. She remembered making a "semiofficial" phone call to the Soviet Embassy to try to speed up action on Oswald's application. She identified the Lee Harvey Oswald who visited the Cuban Embassy as the accused assassin whose photograph appeared in the Mexican newspapers on November 23.²⁹

Apparently, the Warren Commission staff did not interview Silvia Duran, but instead relied solely on her affidavit. Whether any attempt to talk to her was made is not recorded in any available document. However, according to the Commission files, a Mexican

newspaper reporter tried to interview her in April 1964. Her husband would not permit the man to speak with her, saying "she had suffered a nervous breakdown following her interrogation by the Mexican authorities and had been prohibited by her physician... from discussing the Oswald matter further."³⁰ If this report is correct, the interrogation of Silvia Duran may have been a more emotional interview than one would conclude from the report forwarded by the Mexican police. The report gives the impression that the police were routinely collecting information about Oswald's Mexican trip for the American authorities. One question that arises is whether Duran's statement was given voluntarily, and, if not, whether her identification of Oswald as the visitor to the embassy is valid.

The Warren Commission may have omitted a full exploration of this question because it had collateral evidence of Oswald's visit to the Cuban Embassy. There were, for example, Oswald's application for a Cuban visa, bearing his photograph and signature,³¹ and a letter reportedly written by Oswald to the Soviet Embassy in Washington, referring to his visit to the Cuban Embassy.³² The address book found among Oswald's possessions,

moreover, contained Duran's name and telephone number. But the only credible eyewitness testimony that Oswald in fact visited the embassy is the statement of Silvia Duran.

When viewed in the light of the recently disclosed evidence suggesting that someone might have visited the embassy impersonating Oswald, the Commission's failure to settle completely the question of the three misidentified photos seems extraordinary. It is probable that the CIA did in fact supply an explanation of the photographs that was enough to satisfy the Commission at the time. If so, that explanation remains a part of the classified Warren Commission documents not available to the public.

Raymond Rocca (who, until his recent resignation, was the Agency's action officer for all post-Warren Report inquiries about the matter) told one of the authors that the CIA could not identify the mystery man. If this is so, we may wonder how the Agency could have offered a satisfactory explanation of the incident to the Commission. Until additional documents bearing on this matter are declassified, the conclusion that Oswald really visited the Cuban Embassy must remain in some doubt. But even if he did, the question whether someone was nevertheless trying to impersonate him remains a crucial one.

If someone posing as Oswald visited the Soviet and Cuban embassies in the early autumn of 1963, what implications might be drawn from this discovery? One obvious interpretation is that someone sought to counterfeit a fresh connection between the man who was soon to become the accused presidential assassin and the governments of those two communist countries. But it is not necessary to speculate further. If someone were trying to impersonate Oswald eight weeks before the assassination, the Warren Commission's theory of a lone assassin, unconnected with any conspiracy, is seriously undermined and the case should be reopened.

There could be, of course, an innocent explanation of how the CIA came to misidentify the mystery man as Lee Harvey Oswald: Oswald may actually have visited the Cuban and Soviet embassies. If this were the case, then somewhere in the CIA's files there should be photographs of the real Lee Harvey Oswald departing from the Soviet and Cuban embassies in Mexico City. If those photographs exist, their publication would help to settle the question. If they don't, the CIA should now explain why not. In either case, it should also disclose what it knows about the man it wrongly identified as Oswald on two separate occasions. It should explain why it believes that this man was not impersonating Oswald. All these matters should be clarified both by the CIA itself and by the congressional committees that are about to investigate its activities. □

¹Warren Commission Document 631, The National Archives, Washington, DC.

²Ibid. Her correct maiden name was Prusakova.

³*Report of the President's Commission on the Assassination of President Kennedy* (US Government Printing Office, 1964), p. 144. (Hereafter, *Report*.)

⁴Commission Document 631, op cit.

⁵Ibid.

⁶*Hearings Before the President's Commission on the Assassination of President Kennedy* (US Government Printing Office, 1964), Vol. 11, p. 469 (hereafter, *Hearings*).

⁷Ibid., p. 468.

⁸Ibid., Odum Exhibit 1.

⁹*Report*, p. 364.

¹⁰Ibid., pp. 364-365.

¹¹*Hearings*, Vol. 11, p. 469.

¹²Commission Document 1287, The National Archives, Washington, DC.

¹³Ibid.

¹⁴*Hearings*, Vol. 11, p. 469.

¹⁵Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (Viking, 1966).

¹⁶Mr. Rocca, deputy chief of the CIA's Counterintelligence Staff, was one of the four senior Agency officials who resigned, last December in the wake of *The New York Times's* revelations of illegal domestic operations by the CIA's Clandestine Services.

¹⁷Epstein, *Inquest*, p. 94.

¹⁸Commission Document 674, The National Archives, Washington, DC.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid.

²²Ibid.

²³Ibid.

²⁴Commission Document 566, The National Archives, Washington, DC, pp. 3-4.

²⁵*Report*, p. 299.

²⁶Ibid., pp. 733-736.

²⁷Ibid., p. 734. Two other witnesses told the FBI they saw Oswald at the Cuban Embassy. A Mexican private detective who had visited the embassy on October 1, 1963, identified Oswald from newspaper photographs as someone he had seen leaving the embassy on that date in the company of a Cuban. The detective was shown other photos of Oswald and failed to identify him, and the FBI seems to have concluded that he was mistaken (Commission Document 566). The Warren Report does not offer the detective's testimony as evidence of Oswald's visit. Another witness who claimed to have seen Oswald at the Cuban Embassy retracted his testimony after failing to pass a polygraph examination (*Report*, p. 308).

²⁸Commission Document 776a, The National Archives, Washington, DC.

²⁹Ibid., p. 5.

³⁰Commission Document 963, The National Archives, Washington, DC, p. 16.

³¹*Hearings*, Commission Exhibit 2564.

³²Ibid., Commission Exhibit 15.

BERNARD FENSTERWALD is Director of the Committee to Investigate Assassinations and was Chief Counsel for Senator Edward Long's investigation of government wiretapping. **GEORGE O'TOOLE** is the former chief of the Problem Analysis Branch of the CIA. His books include a novel, *An Agent on the Other Side*, and, most recently, *The Assassination Tapes: An Electronic Probe into the Murder of John F. Kennedy and the Dallas Coverup*.



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THE DARK UNDERGROUND OF THE UNITED STATES GOVERNMENT — planned assassinations — may be coming to the surface after these many years hidden in the depths. If it is allowed to surface, it will not be a pretty picture — shattering more popular illusions about "government of the people, by the people and for the people."

Among the myriad machinations of the Central Intelligence Agency — some direct, some free-lance — the symbol of the pistol wrapped in the American flag and handed to a Mafia hitman may be too much for even its staunchest defenders.

So the congressional and executive investigations are slowly beginning, again triggered in the early pattern of the so-called "third-rate Watergate burglaries" until a flashpoint is reached to somehow penetrate the public consciousness and conscience.

In 1963, Sanford Smith, crime reporter for the Chicago Sun-Times and later Life Magazine, published the first definitive account from Justice Department sources of how the CIA had previously enlisted — in Las Vegas — Chicago rackets chief Sam Giancana and trigger-man John Roselli. Their assignment turned out to be to assassinate Fidel Castro, an assignment they gleefully undertook since Castro had expropriated theirs and other profitable mob-operated gambling casinos in Havana.

Time Magazine in its March 17, 1975, issue described this and similar CIA involvement with death plots against the Dominican Republic's Trujillo and Haiti's Duvalier — one successful, one a miss. How many others directed against other foreign and U.S. chiefs of state, present and potential?

One case-hardened Washington reporter who has been covering the Justice-FBI-CIA beat for many years commented: "What's so strange about a high-level executive getting the best technicians around to carry out an assignment. It's just good business practice to

contract for the best. A criminal mind will lead to a criminal act — no matter if it starts within a Brooks Brothers suit and an old-school tie in an executive suite."

Another Watergate Earthquake Developing? Probably not, even though all the early, similar elements are there. It could rekindle the outrage of the American people about what their Government is doing in their name — IF the facts are allowed to surface from the various investigations. But then again, so what? — when they see indicted and convicted felons from the last-exposed scandal making do with six-figure lecture fees and book contracts by simply describing how they put it all over them.

One day's news informs us that even Lt. Calley of Mai Lai atrocity fame is now a star lecturer at \$2,000 per appearance.

There's a Washington *deja vu* which feels that at least five powerful factors are working against a meaningful uncovering of the modus operandi of the CIA and its accountability generally.

•Lying and "Half-Truth-ism" by witnesses before the investigating groups. These have become endemic in Washington. The perjury statutes — the base-stones of a legal society, with purposely harsh penalties for violation (5 years on each count) — have been purposely kept under wraps by the last three administrations to protect themselves and their own. Thus, high government officials — Kissinger, Helms, Gray, *et al* — have been allowed to lie with impunity to elected Congressional representatives and, through them, to the American people.

(A groundswell to correct this situation is building within the new, reform-minded Congress and will be reported in the next issue of *Washington Watch*.)

•Patriotic Resistance (and Mental Block) out in the country that instinctively rejects the proposition of "Uncle Sam as hit man," marauding in supposedly friendly and neutral countries. It's

just too much of a switch from high school civics books.

Congressmen, reacting to their constituents for the most part, are bound to dampen their investigatory ardor accordingly.

•Ford Administration Cover-Up. There are many carryovers from the Nixon Administration in this situation — entrenched interests, both personnel and institutional — to be protected "for the good of the Party" (and the nation). Moreover, the Ford Administration has learned first-hand from the Nixon Administration "how" and "how not" to try and cover up.

Already, President Ford has told Senator Church of the Senate Select Investigating Committee that he will *not* order the CIA, FBI and his other intelligence agencies to cooperate, that he will *not* even entertain a request for Colby's own 39-page report on the CIA's domestic activities until the committee formally votes to obtain it — if then — and that he hasn't made up his mind whether Church should get the data Rockefeller's Presidential Commission is supposedly gathering. The storm flag of "executive privilege" has also quickly been run up the White House flagpole.

•The Good-Old-Boy Network that has traditionally, and as a matter of heredity, breeding and social standing, been encamped in the high echelons of administrative government (when out of exile from foundations, faculties and Wall Street firms) finds it often necessary to protect each other to protect themselves.

As reported by Columnist Pete Hamill, a recent Georgetown dinner party hosted by Tom Braden, who through his wife has a particularly sensitive relationship to Nelson Rockefeller (Rockefeller subsidized his West Coast newspaper), included this scenario:

"Senator Stuart Symington actually rose to toast the 'splendid job' Helms had done for the CIA. (Averell) Harriman seconded the toast. Kissinger joined it, and (Robert) McNamara made the most

Q. Did the CIA try to overthrow the government of Chile?

A. No, sir.

Q. Did you have any money passed to the opponents of Allende?

A. No, sir.

Q. So the stories you were involved in that are wrong entirely . . .

A. Yes, sir.

— Richard Helms,
former CIA Director,
testifying before the Senate
Foreign Relations Committee
on his Nixon appointment
as Ambassador to Iran.
February, 1973

impassioned speech of all, saying, according to conservative columnist Nick Thimmesch, that he 'wanted one and all to know that whatever Helms did, over the line or not, McNamara supported him fully.' Some guests wept. The club was joining hands around one of its own."

•Rationale of National Security. This is probably the only valid reason of them all for not making a thorough public airing of the facts. There are some things in intelligence-gathering and military operations which must remain secret for true security reasons. But when the rationale of national security is stretched to include illegal acts, anti-democratic exercises of power, or worse, it makes a mockery of the American democratic system in the eyes of its own people and around the world.

Ford is Particularly Sensitive to this last factor because he's been recently through it. Now he faces it again with the developing CIA investigations.

As subsequent events have sharpened perception, it is generally recognized now that Nixon had a deal going with Ford in naming him vice president in return for which Ford would block any serious consequences from befalling Nixon. So far he has — with a presidential pardon: done precipitously and surreptitiously for the most part, and announced abruptly that September 8th — Sunday of last year.

This Newsletter has been closely following and carefully analyzing the strange sequence of events and developments since then, reporting and highlighting several such in previous issues:

The fact that only three days before that Sunday pardon, Nixon's chief of staff, General Haig, told President Ford of "the fateful new evidence against Mr. Nixon."

Ford subsequently remembering, "The subject of this conversation was that the new disclosure would be devastating, even catastrophic, insofar as President Nixon was concerned."

What was it? Ford has never said. He was specifically asked by Congresswoman Holtzman, when he testified before the House impeachment committee (Judiciary) October 17, 1974, to explain his pardon, to make public among others the tape recordings between Nixon and himself (presently in his own presidential custody). He has never done so, and is not now moving to do so, believing, perhaps, as he has said in the past: "I do not think the public would (could) stand for it."

"The CIA had nothing to do with the (Chile) coup."

— Henry Kissinger,
testifying before the
Senate Foreign Relations
Committee on his Nixon
appointment as Secretary
of State.
September, 1973

Now the consciousness-raising revelations of CIA-directed assassination plots against Castro, Duvalier, Trujillo and others add perception and dimension to the question: Was the CIA or were CIA-alumni behind the attempted assassination of Governor George Wallace early in the 1972 presidential campaign, acting either under direct orders or with Mission Impossible-type orders.

The Godfather-gang mentality of the Nixon White House at the time was such that even the slightest hint from the Chief was enough to send the plumbers off on wild errands of correction — equipped with cameras, wigs, voice alteration devices and other deadly spy toys from Helms' CIA arsenal. Once, when the word came down that Nixon was annoyed by a picket across the street from the White House, one of the gangs set out to do him in and had to be restrained.

Nixon's Boswells — criminal and straight — have subsequently reported in their books and lectures that the then President was more concerned with George Wallace than with George McGovern. He vocally saw Wallace almost certainly winning the electoral votes of most Southern states.

The White House had a clear motive for taking Wallace out. This concern, seeping through the sick atmosphere of the Nixon White House, would be enough to set off the wildest of schemes.

Since then, the evidence — albeit circumstantial — and the coincidences have piled up: Would-be Wallace assassin, Arthur Bremer, barely literate, yet writing (and leaving behind) — like the assassins of John and Robert Kennedy — a surprisingly well-written diary. Bremer stalking Wallace for a long time via expensive hotels, yet with no obvious resources himself. Wallace himself feels that the White House plumbers were somehow behind the 1972 attempt. Mrs. Wallace has published similar suspicions.

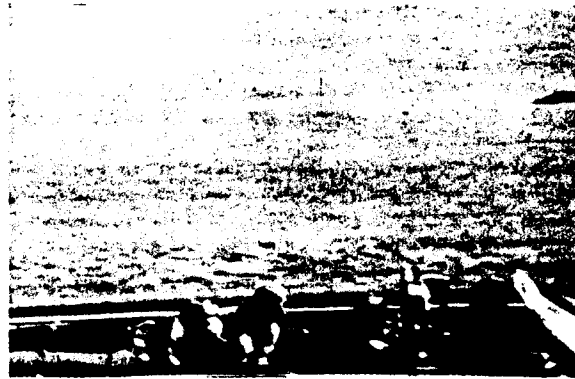
Among the reasons Ford presented to the country for his full and unequivocal pardon of Richard Nixon was the hope that it would stop further national division over the Watergate Administration — and, unspokenly, that it would stop further investigations into new areas by the Special Prosecutor.

But instead, there are now *two* prongs of an investigation to continue to stave off: the new one into the CIA (which could lead back to the Nixon White House and Administration), and the ongoing one by the Special Prosecutor's office — not as intense or visible as in the Jaworski days before The Pardon — but still vigorously seeking access to what's in the "other" White House tapes.

Despite his full pardon, obviously there is much in those tapes that Nixon wishes to keep forever secret. His lawyers are using every legal device possi-

The new director of CIA, William E. Colby, has told Congress the Nixon Administration had authorized more than \$8-million for covert CIA activities between 1970 and 1973 to make it impossible for the Allende Government to govern. Mr. Colby, testifying in secret before the House Armed Services Subcommittee on Intelligence in April, 1974, maintained that all of the agency's operations against the Allende regime, including an unsuccessful attempt to bribe members of the Chilean Congress, had been approved in advance by the 40 Committee. That is a secret intelligence review panel in Washington headed by Mr. Kissinger.

— New York Times account
Sept. 8, 1974



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

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

Simply stated, the commission found that three bullets were fired that day in Dealey Plaza, all from the rear. The final, fatal shot hit the President in the back of the head. The second shot missed completely and struck the pavement, wounding a bystander. The first, the "magic" bullet, struck President Kennedy in the back just below the neck, passed through his neck into the back of Governor Connally, smashed through Connally's rib and out his chest below his right nipple, and continued on to strike his wrist, finally winding up in Connally's thigh. In short, one shot, seven holes.

If there were only one assassin, firing from the sixth floor of the School Book Depository, the commission's the-

ory made sense. Indeed, it was the only theory that could account for a lone assassin, since the alleged murder weapon, a 1940 vintage Italian-made Mannlicher-Carcano, was a clumsy, single shot, difficult to operate weapon. Tests conducted by the commission determined that it was physically impossible to shoot and load the Carcano more than three times in the 5.6 seconds between the first time the President was hit and the final, fatal shot.

The trouble began when the commission attempted to duplicate Oswald's alleged marksmanship. First, they found that the rifle was fitted with a left-handed scope; Oswald was right-handed. Then, too, shims had to be inserted to make the scope accurate. Ignoring the fact that Oswald's Marine records showed him to be a

A petition backing a reinvestigation has collected more than 250,000 signatures on the West Coast alone

poor shot, the commission had three master marksmen from the National Rifle Association recreate the events in Dallas by hitting a level, stationary target. None of them could. Of course, Oswald could have been lucky. As for the one and a half seconds that elapse between the time the Zapruder film shows the President to be hit and Governor Connally bunching up and slumping over, the commission suggested that Connally was merely experiencing a "delayed reaction" to having his chest torn open by a high-powered rifle bullet.

Totally inexplicable is how the bullet that purportedly did all this damage (and was later conveniently discovered on the governor's stretcher in a corridor of Parkland Hospital) emerged so

miraculously intact, virtually undeformed, with only 2.5 grains missing from its normal weight. The commission itself had a similar bullet fired into the wrist bone of a cadaver and found that the bullet was mangled.

The most damning evidence, though, comes from the most unlikely source: J. Edgar Hoover. In a letter to the commission not included in the original 26 volumes of evidence and testimony, Hoover reveals that the magic bullet and bullet fragments were subsequently subjected to spectrographic analysis. That test, Hoover reports, was inconclusive. However, there was an additional test, a Neutron Activation Analysis, a highly sophisticated technique that measures the differences in material that has been bombarded with radiation down to parts per billion and sometimes even less. In his letter to the commission, Hoover blandly reports that while "minor variations" were found between the fragments taken from President Kennedy's body and those taken from Governor Connally's body, those differences were not judged to be "sufficient." To the layman, that explanation sounds fine, and certainly the commission did not question it. But the beauty of NAA is that the size of differences between particles are meaningless. Virtually any difference, however minute, is not only "sufficient" but irrefutable. Unless atoms changed their structure that day in Dallas, John Kennedy and John Connally were wounded by separate bullets.

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

Abraham Zapruder, a Dallas dress

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

Though a few frames are unaccountably missing, and though the film has been spliced twice, the 22-second Zapruder film is startling enough. We see the lead motorcycles turning onto Elm Street, and behind them the President's blue Lincoln. Kennedy is smiling, waving to the crowds. Then, for a few seconds, the car disappears behind a freeway sign. When it emerges, Kennedy has been hit. His hands are clenched, and he is bringing his arms up to his throat. Connally, apparently unhurt, turns back to his right trying to see what has happened. He turns around and is beginning to turn to his left when his cheeks suddenly puff, his hair goes askew, and he is driven downward in the car. In the rear seat Mrs. Kennedy has now begun to lean over her stricken husband, who has begun to fall forward and to the left. The car continues on, almost coasting down the hill. Seconds pass. One one thousand, two one thousand, three one thousand, four one thousand, five one thousand, six. . . . And then, for a fraction of an instant, the President's head is thrown forward a few inches, a blur, lost in the sudden violent impact that tears away the right side of his head in a shower of blood and brains and throws him backward in the car at a speed of 104 miles per hour.

Until recently, these pictures have been seen by a comparative handful of people. *Life* magazine, which bought Zapruder's film for \$25,000, suppressed the fatal frames for reasons of "taste." To most researchers who have seen the Zapruder film, the conclusion is obvious: the final shot comes from the right and to the front, and can only have been fired from the grassy knoll. Josiah Thompson, a Haverford College Professor who was hired by *Life* to work on its investigation of the assassination (and then left when the editors would not accept his evidence of a conspiracy), has studied the Zapruder film more closely and longer than anyone. His conclusion, based on the film, is that there were at least four shots. The first, fired from the School Book Depository, which struck the President in the back. The second, fired from the roof of the nearby County Records Building, which hit Connally. And a final, double impact: a third shot, which hits the President in the back of the head, and a fourth,

which hits him in the head and is fired from the front.

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

Zapruder himself thought there had been one. He later testified that he had heard shots whistle past his right ear. His film, according to some investigators, not only records the assassination but one of the killers. The "figure" is seen in frame 413, toward the end of the film, as the presidential limousine disappears behind some bushes before entering the tunnel. In those bushes is a dark shadow that, to some, appears to be the head and arms of a man, who appears to be pointing a rifle. There are many doubts, even among conspiracy theorists, over whether

Taken together, these happenings form a mosaic of a man in, around, aided and abetted by intelligence agencies through the last six years of his life

the shadow is actually a man. Final proof or disproof awaits image enhancement tests, which are currently being conducted at Cornell University.

A clearer image of a man, pointing what seems to be a gun, appears in a film taken by Orville Nix, who was standing across Elm Street from Zapruder at the time of the assassination. Extreme blow-ups of the 8mm frame, though very hazy, seem to show a man pointing what could be a long-barreled, sighted pistol from behind a cream-colored Rambler station wagon parked behind the grassy knoll. Later, the picture was shown to Lee Bowers, a railroad worker, who witnessed the assassination from a nearby switching tower and told the Warren Commission he had seen unusual "commotion" near the stockade fence just as the shots rang out. "That's exactly what I saw," Bowers said of the picture. A few months later,

Bowers was killed when his car struck a bridge abutment. He had been driving in daylight, on an open road and at moderate speed, when his car suddenly swerved off the side of the road. (Bowers was one of 17 witnesses connected to the Kennedy, Oswald or J.D. Tippit murders to die under strange circumstances within three years of the assassination. Five died of what were officially listed as "natural" causes; the other 12 were victims of murder, accidents or suicide. The actuarial odds of such a string of deaths have been reckoned at 100 trillion to 1.)

The Grassy Knoll and Other Curiosities

If the commission was willing to credit Oswald with extraordinary gifts of marksmanship and mobility, it was not quite prepared to admit he had the power of bi-location as well. Thus, the possibility of an assassin or assassins firing on the motorcade from the direction of the grassy knoll to the right of Elm Street was ruled out.

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

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

Another policeman who ran to the knoll was Joe Smith, who had been directing traffic at the corner of Houston and Elm when he was summoned by a woman who cried, "They are shooting the President from the bushes." What Smith discovered on the knoll is the most chilling story of all. As he related his story to the FBI: "I pulled my gun from my holster and I thought, 'This is silly. I don't know who I am looking for,' and I put it back.

ble in their demand for ownership and control of the tapes and other material.

Court orders have kept the files closed during this complicated litigation over their control and ownership. But recently the U.S. Court of Appeals has indicated it will add the Court's weight to the Special Prosecutor's if it cannot soon get an agreement on access. Then, the long-delayed scrutiny can begin.

The Special Prosecutor is anxious to get along with his work of closing out the investigation and filing reports, and now with the concurrent inquiries into the CIA, its work may be more important than ever.

QUESTIONS TO BE ASKED, ANSWERS TO BE GIVEN? — In its 28 years in a 199-year-old Republic, the CIA has built up an inordinate number of important questions to be asked of it.

What part did the CIA play in the overthrow and murder of South Vietnam's President Ngo Dinh Diem during a military uprising in 1963?

What part did the CIA play in the 1954 overthrow of the elected government of Guatemala after it doubled the wages of coffee workers and expropriated 225,000 acres of United Fruit Company holdings?

What part did the CIA play against the Huks in the Philippines in the 1950's, and the subsequent backing of Dictator Marcos to end constitutional government in that former American Commonwealth?

What part did the CIA play in the overthrow of Prince Sihanouk in Cambodia in 1970 preceding the bombing and invasion of that country and its continuing destruction to this day?

Where was the CIA in the Belgian Congo in the early 1960's when Patrice Lumumba was murdered?

What role did the CIA have in the burglarizing of foreign embassies in Washington, including the Chilean Embassy in 1972?

What is the CIA's affiliation with the U.S. missionary agencies abroad — the Peace Corps, ACTION, AID, and other quasi-government business and religious groups with overseas activities?

In a televised interview broadcast in Mexico City a few weeks ago, the former president of Costa Rica, Jose Figueres said he had worked for the CIA in "20,000 ways" since it was founded. He said he believed other South American presidents had also done so.

When Mr. Kissinger took office in 1969, Cambodia was an exceptionally tranquil country despite the Vietnamese Communists' use of eastern border areas. In 1969 American planes began bombing Cambodia, secretly. In 1970 a coup installed Lon Nol, provoking civil war. American troops invaded. Massive U.S. involvement in Cambodia began. Mr. Kissinger was a principal author of all that policy, pushing it against Congressional resistance.

The "objective results" are not in doubt. From a demiparadise where the poorest family lived well from its garden, Cambodia has become a charred wasteland of starving refugees.

Columnist Anthony Lewis
New York Times.

AND THE BEAT GOES ON . . .

Meanwhile, the man so well indentified with Venezuela and Latin America, whom Ford has designated as his chief domestic policy planner — Nelson Rockefeller — is plugging along with his own CIA investigation of domestic surveillance activities — legal or no — conducted through a hand-picked panel and with no bombshells of revelation expected. The pervasive feeling in Washington is that if CIA activities are to be truly ventilated, it will have to be done by Congressional, not White House, investigation.

However, it is just as well for Rockefeller that he is busy at this time with the Presidential Commission chairmanship and presiding over filibuster debates and otherwise in the Senate — rather than becoming overly identified with domestic planning for the entire country.

His expert staff and public relations aides are keeping him "low profile" in this role — where normally they would not — in the light of two burgeoning fiscal scandals with national overtones he helped create and then fortunately left behind as New York's last Republican Governor.

One involves a widespread nursing home scandal, in which the wheeler-dealer builder and operator was able to rip off and divert public funds intended for the aged to make himself a multi-millionaire. The greedy operator was able to reach right into the Governor's office for high-level influence on contracts and arrangements, dealing with Rockefeller's right-hand men.

The continuing state investigating commission has been trying to ascertain Rockefeller's direct role in the dealings, but "arranging for a statement (for the state commission) from Mr. Rockefeller has been a delicate thing because he is now a national executive," as the commission's chairman so delicately put it. Maryland state officials had a similar problem with a previous Republican Vice President.

The beneficial fall-out from this particular state scandal has been to focus national attention on a national problem. As a result, a wave of corrective bills has been introduced in both the House and Senate intended to improve the quality of medical and nursing home care for the aged — and close loopholes in nursing home ownership disclosure requirements.

The other fiscal scandal, and much more important to New York and the Nation in assessing the fiscal integrity Rockefeller brings to his new national domestic planning job, involves the sudden default of \$100 million of short-term debt by the Rockefeller-created public housing agency called the Urban Development Corporation, which in turn has cast extreme doubt on the additional \$1.1 billion in bonds the UDC has floated over the past seven years.

Rockefeller was not only closely identified with UDC, he conceived it, it was his personal baby — when New York State voters otherwise refused to go along with his spending, which had already put the state in the highest tax brackets in the country.

In 1961, Rockefeller was rebuffed — and not used to being rebuffed — got together with a noted Wall Street bond lawyer to figure out a way to circumvent the legal requirements for a public bond referendum to OK his expensive and ambitious series of public works. The lawyer was John Mitchell, who was yet to achieve Watergate fame.

The two of them came up with an "un-guaranteed" state bond — a new type of New York bond — that was not backed by the state's "full faith and credit," a binding legal commitment, but only by the state's so-called "moral obligation" to pay it off if something went wrong. The need for the voters' OK was thus eliminated. Subsequently, 20 other states, figuring what's good enough for the Rockefellers and New York in getting around taxpayer approval must be good enough for them, issued similar un-

backed securities worth an estimated \$7.5 billion.

With the multi-millions assured from the new-type bond (Rockefeller had no trouble getting Brother David of Chase Manhattan and five other investment banks to peddle it to the investing public), he hired one of his long string of subsidized officials to run it — gifting him with a \$31,389 gratuity and \$145,000 loan out of his \$2-million kitty for that purpose.

Under the jerry-built structure, he ran it badly, and was thrown out of that job when the new Democratic Governor took over the crisis in January: Of UDC's 189 separate commercial and residential projects, only 70 have been completed, and only four of these are profitable.

The fall-out from this "crisis of confidence," however, continues profitable for the banks: what Brother Nelson has sown, Brother David is reaping, but it's all Catch-22 to the taxpayers.

The City of New York — like most — is having to borrow money in these recessionary times to fund necessary municipal services. The city borrows money through the sale of notes and bonds, usually to major banks acting as underwriters. The banks then re-sell the issues to investors at a profit.

The \$100-million boo-boo of Rockefeller-conceived UDC bonds has "so disturbed" the banks and the money-market generally that they feel compelled to raise the interest rates on related city borrowings. New York City's latest \$537-

million borrowing from the banks produced an interest rate of 8.69 per cent, which will cost the New York taxpayers \$44.5 million over the next year.

New Yorkers are waiting to see whether Nelson Rockefeller can run the domestic fiscal affairs of the Nation as well as he ran New York's.

BIRDS OF A FEATHER . . . ETC. Ex-President Nixon took his first real social evening out last month since The Pardon when he attended an 11-couple party thrown at the 220-acre Palm Springs estate of Walter Annenberg, his former Ambassador to Great Britain.

The occasion and the guest list, which included Ronald Reagan, Bob Hope, a couple of industrialists from Standard Oil and Firestone, along with Nixon standbys Rose Mary Woods and Ron Ziegler, were rife with historical ironies which escaped the notice of the social pages.

No one, while they plowed through the Iranian caviar, Russian vodka, Chateaubriand and Dom Perignon provided by the gracious Annenberg host and hostess, thought this party or their Party should be accused of harboring and pardoning unconvicted criminals. They empathized too well with the Head Guest for that.

Host Annenberg, for one, was himself indicted in 1940 for — like among Nixon's many illegal acts — income tax evasion on the millions of dollars garnered from the family's shady horse-racing wire which paralleled the syndicate's own at the time.

Like Nixon, he never served time, for, like Nixon, other men took the rap in prison — in this instance, Annenberg's father, Moses, who agreed to pony up \$9.5 million in back taxes and penalties and serve three years in the same Lewisburg Federal Prison (where so many Watergate figures were to serve later) if charges against his son Walter and fourteen other associates were dropped. The federal judge who sentenced Moses Annenberg on June 6, 1940, was James H. Wilkerson, the man who had sent Al Capone to prison.

Seated next to the host was another guest at the Nixon party, Frank Sinatra, whose long-time friendship with Joseph Fischetti, the cousin of Al Capone, along with Willie Moretti, Lucky Luciano and a raft of other criminals, had earlier blacklisted him from continuing to hold Nevada casino interests valued at \$3.5 million.

The Nevada Gaming Commission, in an often unsuccessful effort to make the best of a dirty business, has listed gangsters they consider the worst in the national crime syndicates, and has ordered all holding Nevada gaming interests not to associate with them in any way.

In 1963, a particularly noted gangster took up house-guesting at Frank Sinatra's Cal-Neva Hotel and Casino on Lake Tahoe. Sinatra lost his gambling license and 50% interest in the hotel over the matter. That gangster: the same Sam Giancana who helps the CIA take care of Cuban dictators.

It was that kind of a Party at the Annenbergs for the Nixons.

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"When you have eliminated the impossible, whatever remains, however improbable, must be the truth."

—Sherlock Holmes

The greatest cover-up of all

By Robert Sam Anson

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

Even now, 11 and a half years since that sunny day in Dallas, it is the murder no one will ever forget. Two presidents have come and gone, a war, rebellions, changes without number. And still the image persists. A young president, pledged "to do better," riding in an open limousine, waving to cheering crowds. A turn, then another turn, and the car is heading past a tall building, slowly gliding toward the tunnel that lies just beyond a grassy knoll. The wife of the governor turns toward him and smiles. "You can't say the people of Dallas don't love you, Mr. President." There is no answer, only a sharp, popping

noise, a sound like firecrackers. In that moment everything changes.

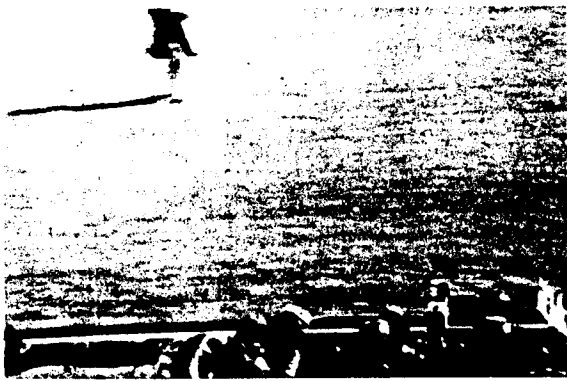
The furies that were released with the assassination of John Fitzgerald Kennedy have never gone away. Nor have the doubts that have surrounded the circumstances of his killing. The Warren Com-

The "dirty rumors" the Warren Commission tried to squash have not gone away. Now Watergate and new evidence have forced another look. The conclusion: a conspiracy for sure

mission's verdict that a "deranged" young man named Lee Harvey Oswald, acting alone, murdered President Kennedy and seriously wounded Governor John Connally, only to be killed himself two days later by another deranged, lone assassin named Jack Ruby, raised as many questions as it answered. Two years after the

publication of the commission's findings—a report and 26 volumes of documents and testimony, based on 25,000 interviews—the Gallup and Harris polls found that nearly two-thirds of the American people disbelieved its conclusions.

They were not the only doubters. Lyndon Johnson, who had appointed the commission, went to his grave believing that his predecessor had been the victim of a "communist" conspiracy. John Connally loudly proclaimed his objections to the commission's finding that he had been wounded by the same bullet that had allegedly passed through the President's throat. The commission's version of Connally's wounding was crucial, since, as one commission lawyer put it, "more shots means more assassins." Several members of the commission itself were less than convinced of the accuracy of the report they signed. Rep. Hale Boggs of Louisiana, a commission member, was particularly upset by many of the findings and wanted to issue a minority report, until the commission agreed to insert "probables" in front of many items that had been marked certainties. Even so, Boggs was less than satisfied. Until his mysterious disappearance in a light plane flying over Alaska in 1972, he continued to tell friends that the Warren Commission was in error. Similarly, the late Senator Richard Russell, who had been placed on the commission in deference to his power as chairman of the Armed Ser-



vices Committee, made slight secret of his disenchantment with the commission's report and encouraged private investigators to challenge its findings. "I never believed that he [Oswald] did it without any consultation or encouragement whatsoever," Russell said in 1970. "Too many things caused me to doubt that he planned it all by himself." And then there were the witnesses to the assassination itself. Fifty-two of them insisted that at least some of the shots that killed President Kennedy came from in front of him, from the direction of the infamous grassy knoll. The commission discounted all of them.

Small wonder, then, that the commission's report proved a breeding ground for skeptics. In the years immediately following the assassination, 26 books and dozens of articles, some of them serious, some simply scurrilous, challenged the finding that Oswald acted alone or, in the opinion of many of the doubters—including Mark Lane and Sylvia Meagher, author of the seminal *Accessories After the Fact*—at all. By 1967, the holes in the Warren Commission report had become so numerous and obvious, and the public furor about them so great, that several congressmen were demanding a new investigation. Then, another one of those coincidences. In New Orleans a district attorney named Jim Garrison, a figure of large ambition and unsavory reputation, indicted Clay Shaw, director of the New Orleans Trade Mart, for conspiracy to murder John Kennedy. Garrison claimed that Shaw was the ringleader of a CIA cabal. He proved only that Clay was a devotee of kinky homosexuality. After a ludicrous trial, in which Garrison made almost no attempt to produce evidence, Shaw was acquitted. Subsequently, Shaw died and Garrison was driven from office. The Warren Commission's critics were scattered in disarray.

Now the critics have returned, stronger than before. Armed with sophis-

ticated new technology and a raft of Freedom of Information lawsuits, they have uncovered additional evidence pointing to the existence of a conspiracy—a conspiracy in which Lee Harvey Oswald was not involved, if indeed there ever was a Lee Harvey Oswald. Within the last few months, Congressman Henry Gonzalez, a Democrat from San Antonio, has introduced a resolution calling for a congressional investigation of the assassination. A petition backing it has collected more than 250,000 signatures on the West Coast alone. A bootlegged copy of the long-suppressed Zapruder film, showing President Kennedy being driven violently backward by a shot that rips off the top of his head, has been shown on national television twice. Perhaps most significant of all, the Justice Department, according to reliable sources, has very quietly begun a high-level, internal review of Oswald's background. In the past, rumors have circulated that Oswald was an agent of one or more intelligence agencies, perhaps including the FBI. Now, the rumors are taking on some substance.

Much of the evidence that is being gone over today is precisely the same ground that the critics went over a decade ago. What has changed is belief. The strongest selling point of the Warren Commission is not what it said but the people who said it: some of the most respected men in the land, among them the chief justice of the United States, two directors of the CIA and a man who a decade later would assume the presidency, Gerald R. Ford. If a senior public figure stated something in 1964, there was a tendency to take him at his word. In the aftermath of Watergate and Vietnam, few people are prepared to believe anything that comes out of Washington. In a sense, that is part of the problem. As Mark Lane, who has returned to investigating the assassination after sojourns into Vietnam protests and Indian rights struggles, puts it: "It's not a question any longer of persuading people to disbelieve the War-

ren Commission report. They are ready to believe almost any explanation, however crazy, as long as it doesn't come from the government."

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

The commission and the critics

Impossible, said the commission, from the moment it began its work. Conspiracy was the one thing the commission did not want to hear, much less discover. Earl Warren, who had accepted the chairmanship of the commission only after considerable arm-twisting from President Johnson, made it clear at the first, secret staff meeting of the commission that his mission and theirs was more political than investigatory. He had taken the job, Warren told the commission, because the President had convinced him that if rumors about a conspiracy were not squelched, it could conceivably lead the country into war. As Melvin Eisenberg, a commission lawyer, later recalled the chief justice's charge in a memo, "He placed emphasis on quenching rumors, and precluding further speculation such as that which has surrounded the death of Lincoln."

Thus, under extreme political pressures, the commission set about its task.



Just as I did, he [the man at whom Smith had been pointing his weapon] showed me he was a Secret Service agent." There is only one problem. The Secret Service's own records show there were no Secret Service men on the grassy knoll.

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

Across the street from the Book Depository is the Dal-Tex Building, and assassination theorists have long speculated that some of the shots on the motorcade could have come from there as well as from the Book Depository. The cops evidently had the same idea, too, because, after the shooting, they picked up a young man who had been in the building "without a good excuse," as the police report puts it. Just who the young man was is impossible to say. While the records show he was taken to the sheriff's of-

fice, his name does not appear, nor does any alibi. Evidently, he just disappeared.

The debate over what did or did not go on at both the grassy knoll and the Dal-Tex Building might well be resolved by a thorough examination of the wounds in President Kennedy's brain. Just for this reason, the brain was removed after the autopsy and "set" in Formalin. Eventually, it was transported, along with other medical evidence, to the National Archives. When Dr. Cyril Wecht, the corner of Allegheny County, Pa., and one of the few independent experts to examine the autopsy photographs and X-rays, sought to locate the brain at the archives, he made a grisly discovery. It, too, had disappeared.

The Oswald Connection

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

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

Physical evidence linking Oswald to the assassination was strangely inconclusive. A paraffin test turned up traces of nitrates on his hands but not on his cheek, and was ultimately dismissed by both the FBI and the commission as unreliable. A partial palm print was found on the weapon, but police were unable to prove it was Oswald's. The gun itself had been purchased through the mail by an A. Hidell. Dallas police claimed that they found Oswald carrying phony identification for an A. Hidell, yet the accompanying photograph does not look like Lee Harvey Oswald.

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

In any case, there is serious question whether the man holding the rifle is Lee Harvey Oswald at all. Several professional photo analysts have flatly branded the picture as a fake. They point out that the V-shaped shadow under the nose is identical in both photos, even though Oswald's head is tilted in one and erect in another. In the first photo Oswald is standing at an angle so oddly out of kilter that, in trying to duplicate it, one invariably falls over. Other photo analysis techniques, such as the red-blue transparency test, find a disparity in the skin tones of Oswald's head and those of his arm and hands. A comparison of the head in the photograph and Oswald's head in booking photos from the Dallas Police Department reveals that the Oswald arrested in Dallas had a rather narrow, pointed chin. The chin of the man standing in the back yard seems decidedly broad and squarish, leading critics of the Warren Commission to speculate that the back yard photo is of another man, with a cropped head shot of Lee Oswald laid atop it just above the chin. Finally,

when the two back yard photographs are laid next to each other, a startling inconsistency emerges. Though the body of the second photo is smaller than the first (since the picture was taken from farther away), the size of the two heads are virtually identical. Either the pictures are fakes, planted to incriminate Oswald in the assassination, or Oswald managed to grow nearly half a foot in the few minutes between the taking of the first and the second pictures.

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

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

Oswald himself claimed that he

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

In 1969 Jesse Curry, who had been chief of the Dallas Police Department at the time of the assassination, said: "We don't have any proof that Oswald fired the rifle. No one has been able to put him in that building with the gun in his hand." No one, Curry should have said, except the Warren Commission.

Secret Agent Man

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

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

Carr's information sent shock waves through the commission. Just how seriously the members of the commission viewed the story is shown in a "TOP SECRET" transcript of a closed commission meeting. The recently declassified transcript quotes an alarmed J. Lee Rankin, chief counsel for the commission, saying, "We do have a dirty rumor that is very bad for the Commission . . . and it is very damaging for the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission." The problem, as commission member and former

CIA Director Allen Dulles quickly notes, is how to go about it, since, if Oswald were an FBI agent, Hoover would claim he wasn't. Or as Dulles aptly puts it: "I think under any circumstances. . . Mr. Hoover would certainly say he didn't have anything to do with this fellow. . . . If he [Hoover] says no, I didn't have anything to do with it, you can't prove what the facts are." When Dulles' fellow commissioners ask him whether he would lie, even under oath, if he were put in the same spot, Dulles bluntly tells them yes, as would any official in the CIA.

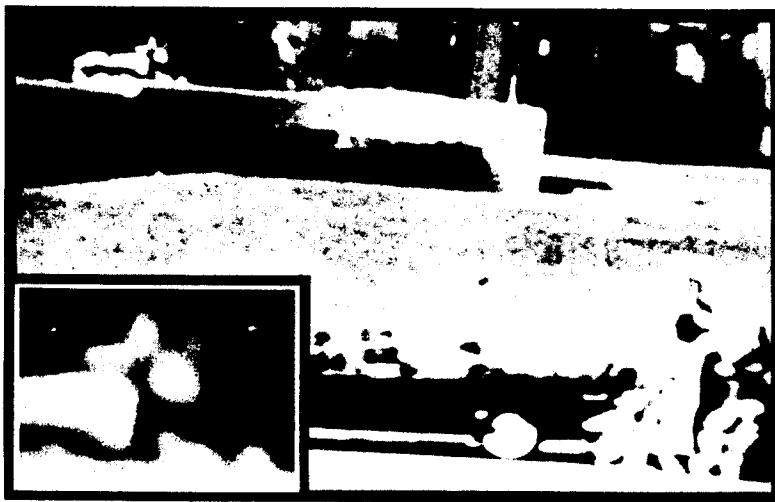
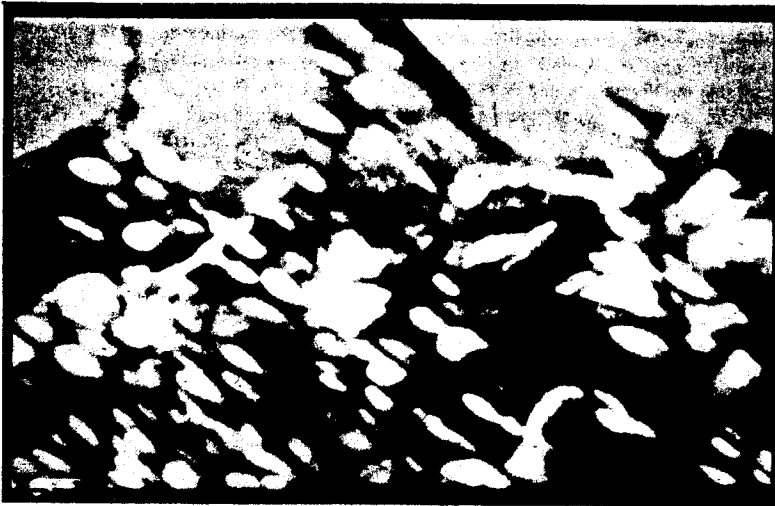
For whatever it is worth, then, Hoover and the CIA both dutifully denied that Oswald had ever been their agent. All that remains to contradict them is a series of unlikely events, which, depending on how they are construed, make a powerful case for coincidence or conspiracy.

First, there is the matter of Oswald's Marine record. One of his duty stations overseas was Atsugi, Japan, where he worked as a radar operator and learned Russian, or so it is said, in his spare time. According to those familiar with the workings of the agency, Atsugi is one of the largest CIA bases in the world. In the past, it has been the launching pad for covert operators dropped into Communist China, as well as a base for the agency's U-2s. If Oswald worked at Atsugi, the argument goes, he was almost surely an agency man.

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

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

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



Top, Zapruder frame 413. At the bottom right the head of a man seems to emerge from the leaves. If you look harder, you can see a rifle pointing toward the top left-hand corner—or can you? Bottom, the Nix film. A man, apparently bracing himself on the roof of a car, seems to be aiming a gun in the direction of the President.

only plausible explanation is that Oswald reached Finland by noncommercial means. In the minds of the critics, the CIA made the means available.

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

1962—the CIA was questioning ordinary tourists about what they had seen in Russia. Oswald, the defector and self-proclaimed betrayer of military secrets, was merely met at the plane by Spas T. Raikin, whom the Warren Commission identified as an official of the Travellers Aid. What the commission did not note is that Mr. Raikin was the former secretary general of the American Friends of Anti-Bolshevik Bloc of Nations, a group with extensive ties to intelligence agencies in the Far East and Europe.

Back in Texas, Oswald and Marina were taken under the wing of Dallas's large and heavily CIA-infiltrated White Russian community. Few people

extended more kindnesses to the Oswalds than George deMohrenshildt, a wealthy oil geologist who boasted that he had worked for French intelligence during the war. DeMohrenshildt took the Oswalds to parties and introduced the young unskilled worker and his bride to his circle of socially prominent friends. Quite possibly, deMohrenshildt also reminisced about the eight-month hiking trip he and his wife had recently taken in 1960 through Central America. Such tale-telling would not be unusual. According to the Warren Commission, deMohrenshildt had already filed a lengthy written and filmed report of his travels with "The U.S. Government." By "happenstance," the commission writes, the deMohrenshildts' travel itinerary put them in Guatemala City (the jumping-off point for the invaders) at the time of the Bay of Pigs invasion.

Despite the aid of people like the deMohrenshildts, Oswald was apparently unable to get and keep steady work. At least, that was the stated reason why he moved to New Orleans in April of 1963. Oswald did not fare much better on the job market, but he did come in contact with some interesting people. One of them, according to nine witnesses including several law officers, was Clay Shaw. Although Shaw's participation in an assassination conspiracy has never been proven to anyone's satisfaction, Garrison did make a convincing case that Shaw was connected to the CIA, which would hardly be unusual since both New Orleans and the Trade Mart of which Shaw was director are centers of CIA activity in the Caribbean. Moreover, Victor Marchetti, the former executive assistant to CIA Director Richard Helms and author of *The CIA and the Cult of Intelligence*, now quotes Helms as telling his senior staff people at the time of the Garrison trial that Shaw had been a "contract" employee of the agency.

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

If it is unusual for a self-proclaimed "Marxist" to demand to see the FBI, it is no more out of character than Oswald's other labors on behalf of Castro's Cuba. Some of Oswald's leaflets, for instance, were stamped with the ad-

dress "544 Camp Street." The commission could find no evidence that Oswald ever kept an office at that address, but in its search it found that an anti-Castro group had. That group was the Cuban Revolutionary Committee, a CIA creation put together by none other than E. Howard Hunt.

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

If it were truly a mixup, it bears some explanation. Oswald did, in fact, travel to Mexico City, and his name appears on a visa application filed with the Soviet Embassy. Confirmation comes both from embassy records and from one William G. Gaudet, whose name immediately follows Oswald's on the roster of Mexican travel permits. The Oswald-Gaudet sequence is another one of those coincidences that seemed to have dogged Lee Harvey Oswald throughout his life. For Mr. Gaudet, who lists his occupation as editor of the *Latin American Traveller*, is also an admitted former employee of the CIA.

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

Taken singly, any one of these

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

Deduction, however, is not proof. And, in the absence of official explanation, the common-sense linking of a series of incredible occurrences is all that is left to critics of the Warren Commission. The recent disclosures that the FBI was involved in the wholesale planting and buying of double agents in radical groups during the 1960s, coupled with the revelations that the CIA was involved not once but several times in assassination plots against Castro and, according to *Time* magazine, carried out such plots against Francois Duvalier and Rafael Trujillo, provides added impetus to critics who are ready, in any case, to blame most of the world's troubles on the

What Oswald's connections to U.S. intelligence do provide is a rationale for the cover-up that followed the assassination

machinations of U.S. intelligence. Lyndon Johnson himself termed the CIA's operations in the Caribbean "a damn murder incorporated."

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

The Ubiquitous Mr. Hunt
Lee Harvey Oswald was not the on-

ly suspect the police arrested that day in Dallas. Nine other men were picked up after the assassination and, after questioning, quickly turned loose. There is a photo of the cops leading away three of the men from the scene. Just who they were is officially unknown; they were released before anyone bothered to take their names. In the Warren Commission report, they are referred to as "tramps." In the photo one of those tramps bears a passing resemblance to Frank Sturgis, one of the Watergate Cubans. The older man looks remarkably like America's favorite spy: author, burglar, black-mailer, assassination devotee E. Howard Hunt.

The resemblance is so striking that some assassination buffs, notably comedian Dick Gregory, have charged that the photograph not only looks like E. Howard Hunt but is E. Howard Hunt. The staff of the Rockefeller CIA Commission, headed by David Belin, has obligingly promised to check the matter out. Belin's eagerness to investigate is understandable. For although the photo of one of the tramps looks a bit like Hunt today, it resembles him not at all 11 and a half years ago. More to the point, Hunt has an iron-clad alibi. At the moment John Kennedy was killed, he was having lunch in Washington.

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

For Hunt to be involved, however peripherally, with Oswald and the events surrounding the assassination is perfectly in keeping with Hunt's image of himself as the master spy and conspirator. In *Give Us This Day*, his account of the Bay of Pigs invasion (in which he served as the CIA's political officer), Hunt writes bitterly of the invasion's "betrayal" at the hands of Kennedy, who, according to Hunt, sought "to whitewash the New Frontier by heaping guilt on the CIA." The betrayal, as far as Hunt and his Cuban comrades were concerned, involved Kennedy's stopping of air support and an assassination attempt on Castro that was to coincide with the landing. The Bay of Pigs was not the first time Hunt recommended assassination, or the last. In 1960 Hunt tried to sell a Castro as-



The familiar photograph of Oswald holding the murder weapon (a *Life* cover in 1964) may be a fake. An enlargement (middle) reveals a much stronger chin than the pointed cleft one in Oswald's police mug shot (far left). Experts believe a photo of Oswald's head might have been placed on top of a photograph of another man just above the chin line.

sassination plot to the Eisenhower administration, but was turned down. In 1965, according to journalist Tad Szulc, Hunt was back with another Castro assassination scheme. This time the plot, in which a bearded Cuban physician named Rolando Cubela was to be the trigger man, went forward, only to be foiled at the last minute by Lyndon Johnson's decision to invade the Dominican Republic. Hunt apparently had these plots in mind when he wrote to the White House in 1972 about his participation in "many illegal conspiracies"—conspiracies that might come to light if funds for his defense and the support of his family were not quickly forthcoming.

Hunt, of course, was not the only anti-Castroite with a fondness for assassination. Frank Sturgis—alias Fiorini—a former gunrunner and casino operator in Cuba, was also an aficionado. Unlike Hunt, Sturgis did come to the attention of the Warren Commission. In tracing Oswald's background, the commission came across stories that Oswald had, both in New Orleans and Miami, tried to infiltrate anti-Castro refugee groups. One story had it that Oswald had tried to become part of an anti-Castro raiding party; another, that he had been exposed as an infiltrator and been in a fight with a Cuban in Miami; yet a third, that he had been in contact with Cuban intelligence. The truth or falsity of any of these tales is less interesting than their source. The Warren Commission placed them at the doorstep of Hunt's old pal, Frank Sturgis.

This time, the coincidence could

be legitimate. The history of pro-Castro and anti-Castro plotting and counterplotting is so tangled that it is virtually impossible to sort out who was doing what to whom and why at any one time. The cast of characters is enormous. There is even evidence that Jack Ruby ran guns for the anti-Castro Cubans. And the list stretches on. Does it mean anything? Could Hunt and Sturgis have been involved in Kennedy's assassination? One can only guess. The Warren Commission failed even to ask the questions.

Too Many Oswalds

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

walked into the Selective Service Office in Austin, Texas, saying he wanted to discuss his dishonorable discharge.

In 1966 Richard Popkin, a college professor in St. Louis, concluded on the basis of these and other strange occurrences that there were *two* Oswalds, and that the phony Oswald had been employed to frame the *real* Lee Harvey Oswald. Popkin's thesis has a certain tidy logic to it. For one thing, it explains how Oswald could have been in two places at once. For another, it shows how a poor marksman could have hit a moving target at a range of 280 feet. For a third, it explains how Lee Harvey Oswald, a man who did not know how to drive, took a car for a test spin at speeds of up to 70 miles per hour.

The "two Oswald" theory also makes some sense out of the CIA's "mix-up" in Mexico City. Interestingly, a man identified as "Leon" Oswald, but fitting the description the CIA issued from Mexico City, showed up in the company of two other men at the home of Sylvia Odio, an anti-Castro Cuban living in Dallas, two months before the assassination. The men who passed themselves off as anti-Castroites said that it would be a good idea to have Kennedy assassinated. Two months later, when Sylvia Odio heard that a man named Lee Harvey Oswald had been arrested for President Kennedy's assassination, she fainted.

Now, Peter Dale Scott, a professor at Berkeley, and one of the most respected and meticulous of the assassination theorists, has come up with a new

wrinkle on the Popkin thesis: not two Oswalds, but several.

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

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

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

Bizarre as the hydra-headed Oswald notion sounds, it was taken quite seriously by J. Edgar Hoover—two and a half years before the assassination. On June 3, 1960, Hoover sent a confidential memorandum to the Department of State, raising the possibility that an imposter might be using the credentials of Oswald, who was then living in the Soviet Union. The Hoover memo sparked other memos within the State Department. None of the correspondence on the possibility of an Oswald imposter was ever forwarded to the Warren Commission. Instead, it was buried in the National Archives and only uncovered recently. W.

David Slawson, a lawyer who checked out rumors about Oswald for the Warren Commission, offers one explanation as to how the file on the counterfeit Oswald managed to disappear. "It conceivably could have been something related to the CIA," says Slawson. "I can only speculate now—but a general CIA effort to take out anything that reflected on them may have covered this up."

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

Who Done It?

There are no answers, of course, only theories, and they range from the unlikely to the obscene. There is a conspiracy to fit every taste and prejudice. The trouble is that, since Dallas, Vietnam and Watergate, few of them can be easily dismissed out of hand. For a time, the CIA itself considered the possibility that Os-

The agency and the mob have enjoyed a cozy relationship since World War II, when the Cosa Nostra protected U.S. ports from Axis sabotage

wald was some sort of "Manchurian Candidate," a sleeper assassin planted to go off on command. The theory, like all the others, made for interesting conversation around the watercoolers at Langley, but, if the CIA ever followed up on the notion, there is no evidence. Within the last few months, a novel, entitled *The Tears of Autumn*, has been published, putting forward the supposition that Kennedy was the victim of a revenge killing for the CIA-approved assassination of South Vietnamese President Ngo Dinh Diem, who was slain in Saigon less than a month before Kennedy went to Dallas. One obvious problem with *The Tears of Autumn* plot is the timing. A few weeks' time seems hardly sufficient to concoct and execute as sophisticated a conspiracy as that which occurred November 22, 1963, in Dallas. Variations of "foreign agents did it" has long held considerable appeal for a number of Americans, including the unlikely duo of Lyndon Johnson and Jack Anderson, both of whom pointed the finger in the direction of Castro. Basically, the argument goes that Castro finally tired of the various U.S. attempts to rub

him out, and, as a self-protective device, launched a pre-emptive strike of his own. The argument, though, flies in the face of Castro's grudging admiration, even fondness, for Kennedy. More to the point, it is difficult to imagine as wily a leader as Castro risking annihilation not only of his regime but of his entire island had he been linked to such a plot.

There is far more disposition, if no more evidence, to blame the CIA, either the top leadership of the agency or an ultra-right faction, which used the agency as a cover. The latter theory centers on the belief that there are really two CIAs: the "good" CIA, composed of the tweedy, analyst types, who tend to be liberal, have gone to good schools, and were born somewhere in the Northeast; and the "bad" CIA, the operations boys who are always off smuggling opium, or training secret armies, and who didn't go to such good schools. This thesis is one of the enduring notions about the agency and has been the subject of two minor best sellers, *Last Man at Arlington* (in which the Kennedy assassination provided a backdrop for a number of mysterious murders), and *Six Days of the Condor* (soon to be *Three Days of the Condor*, starring Robert Redford). More seriously, novelist Gore Vidal, writing in *The New York Review of Books*, finds, after an examination of E. Howard Hunt's novels, that Hunt's prose sounds remarkably like that of Arthur Bremer, the would-be assassin of George Wallace. Hunt, of course, was an operations man at the CIA and thus one of the bad guys. Moreover, Hunt has some experience at forging documents connected with assassinations. At the suggestion of Chuck Colson, Hunt fabricated cables linking Kennedy to the assassination of Diem, which Colson then tried to peddle to the press. The attempt backfired, but Vidal finds it more than passing strange that recent assassins—Sirhan, Oswald and Bremer—all showed a penchant for leaving written evidence linking them to their alleged crimes. The question Vidal poses is whether they might have had benefit of a ghostwriter.

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

whom both the right and left have reason to hate, may be the next.

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

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

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

The agency and the mob have enjoyed a cozy relationship since World War II, when the Cosa Nostra protected U.S. ports from Axis sabotage, as well as aided in the Allied invasions of Sicily and Italy. The agency returned the favor in various ways. In the late '50s Robert Kennedy, then an investigator for the McClellan committee, encountered a mobster in Las Vegas, who boasted, "You can't touch me. I've got immunity" from the CIA. Incredulous, Kennedy checked; the mobster was telling the truth. Later, during the Vietnam war, CIA aircraft ferried opium out of Southeast Asia; eventually the mob sold it as heroin on American streets. In 1971, during a little-noticed trial of 11 members of a Cosa Nostra family in federal court in New York, the defense called a surprise character witness: the chief of the CIA's local office. The mobsters were not convicted. One indication of the closeness of the relationship between the agency and the mob is that the CIA maintains its larg-

est U.S. office (outside Washington) in little old Las Vegas. "You can bet," says one source close to the agency, "that it isn't for the desert air." The explanation for the CIA-Mafia ties, says one veteran observer of the agency, is that the mob can perform certain "assignments" which the agency either cannot or is unwilling to undertake. In 1961 Robert Kennedy discovered that the agency had put out an assassination contract on Fidel Castro, and that the hit men were from the mob. Kennedy quickly stopped it.

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

Unlikely as this scenario sounds, it dovetails nicely with the unanswered questions about Jack Ruby. According to the Warren Commission, Ruby was a rather innocent, if highly deranged, saloon keeper whose most noticeable

Cuba, crime and the CIA. The three things that everyone connected to the assassination has in common

vice seems to have been a bit of social gambling. The commission flatly rejected the oft-repeated accusation that Ruby had ties to organized crime. The commission ignored testimony before it by a Dallas police detective that he "regarded Jack Ruby as a source of information in connection with his investigatory activities." In short, Ruby was, as Scott notes, a police informant, specifically in the area of narcotics. Scott also points out that the commission ignored a report to the FBI seven years before the assassination that Ruby was providing the okays from the mob for independent operators to move drugs in and out of Dallas. At that, the commission hardly needed to read reports. Ruby's connections with the mob and with the police were common knowledge in Dallas. Even a former Dallas county sheriff detailed Ruby's background; once again, the commission ignored him. Instead, the commission blandly asserted that Ruby's friendships with criminals "throughout his life . . . were limited largely to professional gamblers." Ironically, there was one place where Ruby truly was inter-

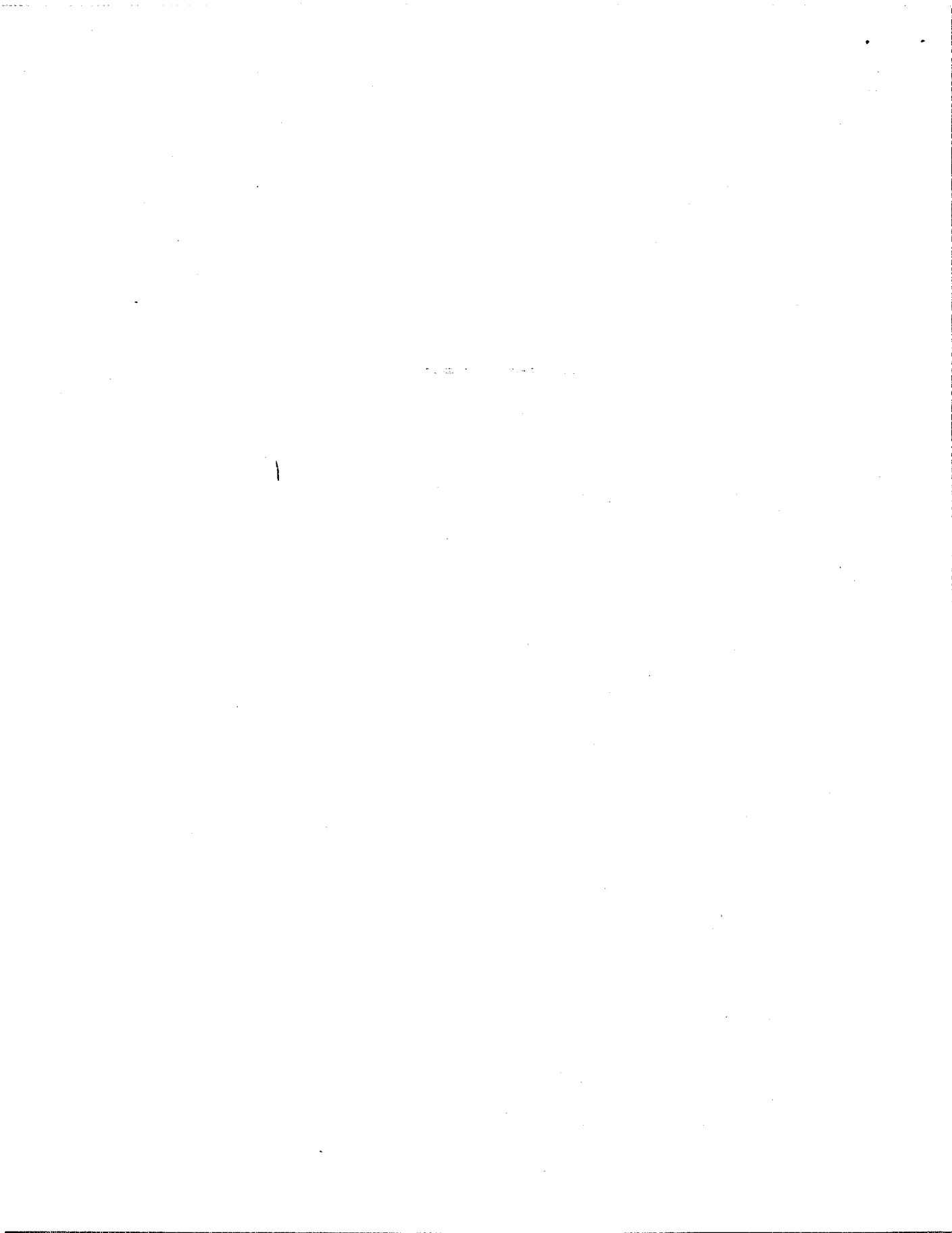
ested in gambling: Havana, Cuba.

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

It is a confusing, disheartening, ultimately maddening business, this search for the killers of John Fitzgerald Kennedy. The people who look are strange, obsessive types, as people should be who have worked in a grave so long. One man who did some of the earliest and best research into the assassination, and kept repeating that research endlessly, with no one listening, finally went mad with paranoia.

Fortunately, the disbelief is spreading. It is the little old ladies, not just the crazies, who are asking questions now. Where once the commission could count on the name and probity of its chairman to certify a preposterous scenario of events, today the mention of Earl Warren's commission brings laughter on college campuses. Ironically, the media have been the last to question the official version of events. The *New York Times*, which published its own edition of the Warren Commission report and a follow-up volume entitled *The Witnesses* (from which nearly all the dissenting testimony had been carefully excised), continues to stoutly defend the commission's report. Time Inc., which owns the original and hence clearest copy of the Zapruder film, keeps it locked away in a vault. On television the most comprehensive defense of the commission has come from four one-hour specials produced by CBS. The correspondent was that Watergate tiger, Dan Rather. It may be changing. With Watergate behind them, the investigative reporters are having a second look. As one assassination researcher puts it: "We are one Seymour Hersh story away from a new investigation."

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



PENTHOUSE

THE GENTLEMEN KILLERS OF THE CIA

AS THE SENATE
INVESTIGATION
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REMEMBER THAT
THE AGENCY
HAS ALWAYS
EMPLOYED
MURDER AND
SUBVERSION

BY HARRISON E. SALISBURY

In the old days, when I was occasionally invited to drop in for a chat with Allen Dulles, the CIA was housed in a rambling group of brick Victorian buildings on a small hill overlooking Foggy Bottom, where the palatial new State Department building had recently gone up.

Those visits were like a quiet page out of Agatha Christie. There would be a flat-voiced telephone call from a man named Colonel Stanley Grogan, who served as Dulles's press attache (although no one thought of calling him that - there was nothing so vulgar as public relations in Dulles's CIA). The director, Grogan would say, had heard that I was back from Moscow. He'd be terribly pleased to have my impressions of how things were going over there.

In due course, a quiet car and chauffeur would pick me up. After a brief stop at an inconspicuous gatehouse sign-posted *Department of the Navy, Medical Research*, where a guard would clear me, we would go on up the circular driveway, almost to the top of the hill, and pause at the entrance of a building whose peculiar sight lines made it invisible from the street.

The motherly receptionist would greet me in the en-

(This article is the first in a monthly series on the CIA and the intelligence community.)

trance hall and then Colonel Grogan would usher me into a pleasant waiting room with Hepplewhite chairs and a Queen Anne sofa and make a bit of small talk about the weather or football (never baseball—baseball, it was clear, was not the thing in the CIA).

The short wait for Dulles gave him a chance to apologize to me and to express his pleasure that I had been able to find time to drop by. There were always others with him, tweedy men like Dulles—and you knew that these were excellent tweeds, cut by good London tailors or by Brooks. And the men's faces were lean, handsome faces, the kind you saw in good whiskey ads, leaning indolently beside tall fireplaces in English country houses or perhaps their Long Island equivalents.

Allen Dulles's office suited its occupant. No clutter, a fire in the fireplace except during the hottest Washington Julys. (Did he chuck his most secret notes into the flames and watch them burn?) There were no windows behind the director's desk, so that his back was to a blank wall. To one side, there was a window that seemed to face outside but through which you could not really see anything except some shrub plantings (and this, I was certain, was not accidental—no access would be provided to the director's office from the outside).

The conversation in Dulles's office was of a piece with the setting—mellow, informal, informed, a conversation among sophisti-

cated, rather world-weary but gentlemanly individuals. No talk of spies or dirty tricks or double agents. Everything was nuanced, sketched in quick pencil strokes, flavored with the aromatic smoke that came from Allen Dulles's pipe (none of his companions ever seemed to smoke, at least in his presence), wry expressions of the face, self-deprecating stories, and droll shrugs of the shoulder.

The questions from Dulles would be shrewd: Where did Malenkov rank in the Kremlin hierarchy? Was he really being groomed to take over when Stalin died? What was the real reaction in the Kremlin to the failure of the Berlin blockade? Was it possible that Stalin simply didn't understand modern air power?

So the talk would go, with occasional interjections by others—interjections a bit more close to the bone, but all in the style set by Dulles. No voices were raised, no harsh opinions expressed; there were no suggestions of bloodshed, no hints of violence or dark deeds. All was civilized, even "clubbable." The men's haberdashery was of a pattern, the ties diagonal stripes or simple small figures, the colors subdued browns or heathers. There were no sharp edges—well, almost no sharp edges. Usually there would be one man in the small group who was silent throughout the polite talk. His suit did not come from Brooks. It came off the rack. And his face did not come from the Ivy League. It was not relaxed or handsome. It

was harsh-featured and there was likely to be the look of a weasel in it. This man would sit through the whole conversation, his back to the wall, saying nothing, ignored by the others. When the conversation was over and Allen Dulles was shaking hands and expressing his deep appreciation, the silent man would slide into the background, saying nothing, not offering to shake hands; as you were walking out, you would remember that he had never been introduced.

Times have changed at the CIA. Dulles has gone to his grave. Headquarters has moved across the river to the enormous complex at Langley (although the old building is still in use). Bureaucracy has given the agency a new face—efficient, button-pushing, computerized. There is nothing Victorian about the director's office these days. The old accents of Harvard and Brown and Princeton have been diluted by the bland tones of Illinois. There are more and more ethnics on the staff rolls. Recruiting teams work the Panhandle colleges of Texas more vigorously nowadays than the citadels of the Northeast Triangle.

The style of the CIA today is a clean-shaven, gray-suited, credit-card-carrying, rent-a-car businessman's style. The last of the tweedy generation has almost been phased out and this, too, is not accidental.

But the fundamental question remains what it has been all along. Which is the real face of the CIA—the clubbable avuncular

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THE CIA FELONIES

The Central Intelligence Agency was created by act of Congress, and its lawful powers, duties, activities, and purposes are wholly defined and circumscribed by The National Security Act of 1947. Under this law, the agency is authorized to act solely in matters related to intelligence affecting the national security. All other activities are illegal as being in violation of Article I, Section 1 of the Constitution, which vests all legislative powers in the Congress. The National Security Act does not authorize the agency to engage in activities designed to manipulate political, military, economic, or social developments in foreign countries. It is restricted to collecting, analyzing, integrating, interpreting, and disseminating information. However, the agency has made a practice of engaging in non-intelligence-related activities.

The CIA has admitted some of these activities. Among them are:

- (a) assisting individuals, organizations, and factions contesting for control of foreign nations;
- (b) providing paramilitary support to foreign groups and nations;
- (c) providing financial and other support for counterinsurgency efforts;
- (d) providing financial support from 1950 to 1967 for the overseas work of

various private cultural, labor, and educational organizations in the U.S., such as the National Students Association, which espoused positions favorable to the United States in international conferences and other forums;

(e) providing virtually all of the funding for, and exercising control over broadcasting by Radio Free Europe and Radio Liberty into Eastern Europe and the Soviet Union during the 1950's and 1960's;

(f) participating in the organization, funding, and direction of the Bay of Pigs invasion of Cuba in 1961;

(g) participating until 1973 in the organization, funding, and direction of armies in Laos composed of Laotian and Thai mercenaries;

(h) supplying financial assistance to Chilean political parties and media opposed to the government of Salvador Allende from 1970 to 1973.

In addition, the agency, without publicly acknowledging the extent of its role, has engaged in such related activities as:

(a) providing funds to Italian parties, candidates, and organizations opposed to the Italian Communist Party;

(b) participating in the successful coup against Premier Mohammed Mosaddegh of Iran in 1953;

(c) participating in a successful attempt to overthrow the Guatemalan government of Jacobo Arbenz in 1954;

(d) supporting a rebellion against President Sukarno of Indonesia in 1958;

(e) supporting the Khmer rebels in Tibet in the late 1950's and early 1960's;

(f) supporting the forces of Moise Tshombe of the Congo during the 1960's;

(g) financially assisting those opposed to the election of Salvador Allende as president of the Republic of Chile in the elections of 1964 and 1970, and providing financial support to Chilean trade organizations and others opposed to the government of Salvador Allende until the successful coup against his government and his death on September 11, 1973;

(h) advising and assisting a counterinsurgency effort of the Bolivian government in 1967 to capture and kill Che Guevara;

(i) attempting a coup in Syria in 1957. The coup failed, and agency personnel had to scramble aboard airplanes to escape from Damascus.

Given the nature of these admitted felonies, we can logically suspect that the CIA has committed other felonies, has engaged in undemocratic behavior, and is properly the subject of intensive congressional investigation.

THE CIA KILLERS

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face of Dulles, or the hawklike visage of the silent man with the ill-fitting clothes, suggestion of garlic breath, and deft hand with a short angle iron?

Any doubt on this score—and there should have been no real doubt from the beginning—has been totally eradicated by a remarkable stream of firsthand name-date-and-place accounts put down on paper in very recent times by a succession of writers most of whom are themselves graduates or longtime inmates of that curious human zoo concealed behind the three innocuous initials.

The tweeds, the pipe, the aromatic tobacco, the fine accents of Boston and Philadelphia were never more than a con. Just as the computers, the aluminum decor, the Bauhaus chairs, and space technology of the new bureaucracy is a con.

The real face of the CIA is the man with the angle iron. The enforcer. Of course, neither the tweedy man nor the organization man of today wields the angle iron or the silenced revolver himself. The enforcer is hired help—as he is, for the most part, in the Mafia. There is a difference. The Mafia enforcer is killing or blackmailing for profit. He is trying to establish a monopoly for the Family. The CIA men (at least those in tweeds or gray flannel) have convinced themselves, or been convinced, that they are acting for their country—for the old red, white, and

blue. But the bottom line at the CIA is blackmail, the squeeze, and, if necessary, killing.

Probably some people have known this simple truth from the beginning. But the CIA con was plausible, and it had a lot going for it. It was bought by many who worked for the CIA, and by most of the country. I have no doubt that Allen Dulles himself believed the con. The argument was that our existence ("our democratic way of life" or whatever cast-iron rhetoric was used to convey the concept) was threatened by a worldwide Communist conspiracy which halted at nothing. We had to fight fire with fire.

How did the con work? Probably the most comprehensive picture of the hidden mechanisms and inner psychology of the CIA is given by Philip Agee, who was recruited into "the Company" upon graduating from Notre Dame in 1956 and who resigned in 1969, thoroughly disillusioned after thirteen years of service (largely in Latin America). His account, *Inside the Company*, has recently been published in England by Penguin and is being brought out in the U.S. by Straight Arrow. It was difficult to find an American publisher because American firms were understandably leery about publishing a former CIA agent's work after the ferocious battle waged by the agency to suppress *The CIA and the Cult of Intelligence*, a similar work by Victor Marchetti and John D. Marks (see *Penthouse*, January 1975). That fight cost Alfred A. Knopf, the publisher, more than \$100,000 in legal fees and hasn't ended yet, even though a version with 168 dele-

tions insisted upon by the CIA (these are indicated by blank spaces in the text) has finally been published.

The fact is that the CIA not only cons the public and the rest of the government—it cons itself. Even today, Marchetti feels that the CIA almost never assassinates, and certainly never by its own hand. The killing may be set up, but someone else carries out the mission. "Why, CIA men don't even carry guns," says Thomas McCoy, another former CIA man; "it's not allowed." And he and Marchetti gleefully recall one colleague who had carried a gun that was taken away from him with enormous difficulty. "But he was nuts," the two agree.

Obviously, the con still works. Because the CIA staffer himself does not carry a gun and does not personally shoot his victims, he feels relieved of moral responsibility. Thus, CIA men feel no remorse over the killing of Premier Mossadegh of Iran, or of Che Guevara, because in the first place they were "targets," and in the second place the killing was done by local allies. The fact that the security police of Ecuador or Uruguay killed and tortured men who were on the CIA target list hardly bothered Philip Agee until one day, happening by chance to be in the Montevideo police headquarters, he heard loud moans from another room. He learned that the moans were coming from a "target" he had named to the police as the *picana*, a hand-operated generator, was applied to the man's genitals. Agee was so shocked he decided not to give the police any more names.

THE CIA KILLERS

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In real life, the CIA resembles nothing so much as a great fraternity—something like the Elks, but more like Sigma Chi. It doesn't seem to have an official grip or class rings, but it does issue agency medals. The medals are of differing grades and they are presented to agency personnel who have accomplished great feats of intelligence. The only rub is that the medals, which resemble the army's Medal of Honor and are awarded during ceremonies at CIA headquarters, can be worn only on CIA territory and at official CIA functions. They are, naturally, classified as top secret, and no medal holder is ever allowed to refer to them to "nonwitting" individuals.

"Nonwitting" is an expression from the CIA's secret lingo (remember the secret codes you made up as a kid?). A "witting" person, in CIA-speak, means a person in the know, that is, an agency man. A "nonwitting" or "unwitting" person is a nonagency person who is not clued in.

No witting man ever calls his employer the CIA or the agency—it is always "the Company." No witting man ever talks about technique—he speaks of "tradecraft." Much of this lingo is now familiar to the nonwitting public via James Bond. There are "safe houses," "dead drops," "cut-outs," "flutter" (lie-detector tests), "walk-ins" (recruits who walk in off the street), "cold picks" (attempts to recruit agents cold by simply walking up to them on the street), "infil-exfil," "burn-and-blow" (sabotage), "false-flag" recruit-

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ment (hiring a man without letting him know he works for the CIA), and "black" operators and operations ("black" meaning covert).

The list can be expanded indefinitely. It is possible for two CIA men to gossip for hours using nothing but the jargon of the trade. The men might know each other only by the cryptonyms (code names) which all CIA men in clandestine service bear. In the Company, a man's cryptonym, and the nickname stemming from it, may after many years become more familiar than his true name. Desmond Fitzgerald, for instance, longtime top clandestine executive of the CIA, is better known as "Chet"—that is, Chester D. DAINOLD. (The last name of the cryptonym, incidentally, is always given in capital letters in agency communications.) Agee's cryptonym was Jeremy S. HODAPP. Company cryptonyms tend to sound like names out of *Tom Swift and the Electric Submarine*. The process of their selection is, of course, top secret.

Like the Mafia, the agency forms a true brotherhood—one for all and all for one—except that, in the clutch, alas, everyone is expendable. But up to that final point, the members of the Company will do anything for each other—lie, cheat, steal, kidnap, suborn perjury, bribe, corrupt, subvert, kill, and kill again. If you are of the blood, the Company will care for you. (No wonder E. Howard Hunt felt betrayed by the unwanted treatment he and his CIA crew got from the White House after Watergate.)

When an employee leaves the Company and needs a new job, the Company placement agency finds something suitable to his talents, temperament, and training. It's a big, active department and it does excellent work. Of course, if it is a matter of a nonstaff man or woman—that is, a hired agent—who is being terminated "with extreme prejudice," no employment or financial benefits are involved. It's a job for the coroner, if the body ever turns up. But these cases are rare, and top agency approval is said to be required for such terminations. Nonetheless, the similarity to the Mafia is noticeable. But so far as is known, the agency has never terminated one of its own career employees in this manner.

To become a member of the brotherhood is not easy. You have to be *chosen*. In the old days it was simpler: a matter of family, college, school tie, connections... the right names, the right places, the right accents. Today, the Company is very big. It has to cast its net far and wide, but it tries to maintain traditional forms.

Having been chosen, you must be tested. MI-6, the Company's sister service in England, was for many years so clubbable and cozy that it tested the candidate by inviting him to a weekend at a country house. There, his wit and politics would be put to the test by a group of his peers. Although the candidate didn't know it, all of the guests at the party, including the sophisticated and

beautiful-young woman who invited him to share her bed, were MI-6 personnel. Very British. Very low key. Wonderfully effective at separating out potential deviates—or so it seemed until Burgess and Maclean and all the other scandals.

The Company's testing is more typically American. As described by Agee, in fact, it resembles nothing so much as a high-school fraternity initiation, except that it goes on for several months. It is applied not to intelligence analysts but to future "case officers"—those slated to be covert agents, the Richard Helmses and William Colbys of the future. These men will make their careers "running" paid agents, subverting governments, carrying out occasional assassinations, instigating coups d'etat, corrupting political parties and newspapers, and possibly, if they are able and shrewd, climbing high enough up the ladder to run such major (and scandalous) operations as the infamous Phoenix program of political murder in South Vietnam.

(The Phoenix program was officially described as a program of "pacification" in South Vietnam. Actually, it involved political murder and execution on a large scale. Suspected members of the Vietcong "infrastructure" were rounded up in large numbers. There are authenticated instances of victims being "interrogated" in helicopters, some being simply hurled overboard in order to encourage "confessions" on the part of others. Colby directed this program, and while he has denied participating in political murders, he admits that Phoenix took 20,500 lives.)

The Company maintains what is appropriately called "the farm" in southern Virginia on the banks of the York River, not far from Williamsburg on the Richmond road. Ostensibly, this is a military reservation called Camp Peary. It is surrounded by chain-link and barbed-wire fencing and is the CIA's big U.S. playground and campsite, a training base not only for newly recruited personnel but for foreign agents, secretly flown in from abroad, who aren't even supposed to know what country they're in. The Company, of course, has other training sites. It used one in Colorado to train Tibetans who were supposed to go back to Tibet and lead an insurrection that would wrest their land from Chinese Communist rule. There is a permanent installation in Panama that is used for guerrilla training and, of course, there were the famous sites in Guatemala used for the Bay of Pigs fiasco.

But Camp Peary is the principal permanent training base in the U.S. It has its own plane service to and from Washington, its own small navy, simulated Iron Curtain borders complete with watchtowers and police dogs, landing zones on the York River to practice "infil-exfil," classrooms, barracks, gymnasiums, swimming pools, and, naturally, playing fields. Baseball is permitted but not encouraged. The training program is rigorous.

Here the novice is sent to be tested and trained. Unlike the pledge of Sigma Chi, he does not have to carry around a brick filched

from a specified construction site, or fashion his own paddle and belabor his fellow pledges while they belabor him. But he has other ordeals. He trains under his cryptonym, as do all other pledges. One of the first tasks assigned is to ferret out others' identities. If you can get your best friend drunk and find out his name while concealing your own, your rating goes up three points—and your best friend may be thrown out of training. It is an early and pertinent exercise in the kind of morality represented by the Company.

The pledges are sent off on "intelligence missions." They are ordered to break into a nearby power plant and take photographs. There they are often caught on the three-strand barbed wire topping the fence that surrounds the installation, then seized at gunpoint by weary (but witting) power-plant guards. Or they are sent into Richmond to run paper chases through department stores with other pledges and instructors, some trying to "surveil," some trying to evade surveillance. It is great sport for the pledges, but the plainclothes details at the stores have gotten a bit tired of the fun and games over the years.

Pledges may be put down in strange territory late at night without money and ordered to make their way to a rendezvous point inside of four hours. Sometimes a bold pledge will steal a farmer's car and arrive in jig time. He gets a high score for his achievement, and an instructor quietly arranges for the return of the car to its owner. There's no sweat—the local police and sheriffs have become accustomed to the cut-up kids of the CIA and have been given an occasional twenty-dollar bill to look the other way. After all, it's a matter of "national security," isn't it?

After some months of these puerile stunts, plus a deadening series of political lectures on the dangers of the Communist conspiracy (these concentrate on Soviet secret-police techniques, goals, and objectives—Marx and Lenin and Communist political doctrine get scant attention), along with a comprehensive survey of the Company's own bureaucracy, rules, and regulations, the new Company man is ready to graduate. He enters an unreal world, in which he will be "living his cover," that is to say, existing 24 hours a day, 365 days a year as someone else. Another way of saying it would be: *living his lie*. His superficial identity may be that of a quiet young U.S. embassy clerk in Ecuador, while in fact he is the young tiger who "runs" street mobs. Such mobs are assembled by a local agent (for convenient sums paid in gold or deposited in a Swiss bank account) in order to "destabilize" (i.e., overturn) a shaky liberal government and to enable a bunch of fascist officers to take over and "stabilize" the situation, thus (in the standard CIA cliché) increasing U.S. security and holding back that tidal wave of Communism which it sees as rising ever higher.

A mass of personal material about the CIA has recently become available. There are the exposés by Marchetti and Agee, the

rather sympathetic but revealing *Without Cloak and Dagger* by Miles Copeland, and more individually oriented books such as Patrick J. McGarvey's *The CIA: The Myth and the Madness* and E. Howard Hunt's *Under Cover*.

A glance at these works quickly disposes of any notion that, for example, CIA intervention in Chile against the government of the late Salvador Allende was any kind of a freak. The "destabilization" of Allende was CIA business as usual. The CIA has attempted to "destabilize" many governments, sometimes successfully, sometimes not. The suspicions of some Asian governments that CIA efforts have been made to topple existing regimes are accurate. Some attempts have become public, others have not. Two of the most notorious were the CIA effort in Iran against Mossadegh (successful) and that against Sukarno in Indonesia (unsuccessful).

There is hardly a government in Latin America which has not been "stabilized"—that is, supported with U.S. money, U.S. political influence, U.S. aid to the army and the police—through the *normal* operations of the CIA. The CIA has links to the police departments and especially to the security police of countless countries and to those of every Latin American government. If the tie chances to be broken because of a coup d'etat it is immediately reformed with the new administration. The same is true of all general staffs and armed forces of all Latin American countries.

Long ago it became cut and dried. The CIA funnels money and equipment to the police agencies, as well as information from its own espionage network (not all of that information, of course, is true; it is carefully tailored to CIA objectives). Police chiefs and assistants are brought into Washington to attend International Police Institute courses and are routinely put on CIA payrolls. The co-option of Latin American armed forces occurs through "training" programs which bring candidate officers to the U.S. The ties are kept operative by the CIA and its golden stream of funds when the men go back to their countries.

If there are any exceptions to this universal rule, they are chalked up as black marks for the CIA station chiefs. Total subversion of national-security forces is the CIA objective.

Every CIA operation of any size in a foreign country has what might be called a "creative talent" section—one devoted to concocting forged documents, falsified speeches, and other tendentious materials for circulation in the local press. Ordinarily, the CIA doesn't own newspapers; it simply buys editors and provides them with the necessary copy. For example, forged documents were an important element in the CIA-sponsored overthrow of President Arosemena in Ecuador in 1963. The same technique was used to provoke a diplomatic break between Peru and Cuba. The CIA authors are clever. They take genuine materials and insert a few false phrases. Or they take two or three Communist documents, run them together, include a favorable ref-

erence to some local official whose reputation they wish to taint, and then let the materials surface, possibly in an airport customs examination. Or they plant them with the police to be "found" on an innocent victim. The most famous of such concoctions were the "Penkovsky Papers," a compilation of partly true, partly invented materials, supposedly written as a memoir by the famous Soviet double agent.

Anyone familiar with CIA documentary techniques could hardly be surprised at E. Howard Hunt's effort to cut and splice State Department cables in order to create a false document linking the Kennedy administration with the assassination of Diem in Saigon in 1963. Hunt was merely applying the standard CIA "creative" techniques.

Perhaps Iran provides the classic example of CIA "destabilization" and "stabilization." The current government of the Shah is the virtual creation of the CIA. The agency engineered the overthrow of Mossadegh in a coup planned by one of the CIA's most skillful "black" operators, Kermit Roosevelt. The Shah's security forces were trained and equipped by a succession of American and CIA specialists. For many years, the CIA station chief in Tehran was understood by foreigners and Persians alike to be the second most important man in the country. Many felt he was the most important. He lived in grandiose style in an exquisite suburban villa and his dinners were a gourmet's delight. The Shah hardly made a move without consulting his CIA adviser.

Gradually, of course, with the increasing flow of oil monies, the Shah began to assert his independence. For the last two years, the Iranian situation has intrigued foreign-intelligence specialists. When Richard Helms was compelled to resign as head of the CIA, he was promptly sent to Tehran, not as CIA station chief but as U.S. ambassador. There are many who believe Helms's secret mission was to build up Iran as a U.S. bastion in the Middle East should Italy go Communist, or should the new non-CIA regimes of Greece and Turkey prove unstable and war break out again between Israel and the Arabs. Another theory is that the CIA sees Iran as a replacement for Pakistan, long a reliable ally but now regarded as insufficiently stable.

How does the CIA work in a foreign country? The constant elements of CIA policy, as revealed by ex-CIA men, are bribery, subversion, corruption, and intrigue. Almost every unsavory suspicion advanced about the agency has been confirmed. It seems, in fact, that there are no redeeming qualities about the covert-operations branch (Dulles, Helms, and Colby in turn have headed this division).

For example, Agee estimates that in a single year the CIA poured at least \$300,000 into the Uruguayan police apparatus—in bribes, equipment, and "training" trips to Washington. In Brazil, in a fairly typical election campaign, the CIA funded 8 of 11 state governorship races, 15 candidates for the senate, 250 candidates for the chamber of deputies, and about 600 candidates for

the state legislatures. The operation cost \$12,000,000. There is hardly a political leader, newspaper editor, student leader, or labor chief in Latin America who has not been approached by the CIA at one time or another (usually through third parties) in an attempt, often successful, to put him on the payroll. When an Ecuadorian legislator became vice-president, his monthly CIA stipend rose from \$800 to \$1,000.

Small wonder that Latin America has been turned into the happy hunting ground of corrupt military dictatorships. One becomes convinced that, as Senator James Abourezk of South Dakota has said, the only cure for this disease is absolute prohibition of any CIA covert operations whatever.

The CIA's effort against Allende did not begin only a year or so before his downfall in 1973. It began in the early 1960's. The CIA was so heavily involved in fighting Allende in the 1964 Chilean election that the Company could not obtain enough Chilean escudos on the open market to finance its operations. It had to send out an emergency call to stations in Lima, Rio, Montevideo, and possibly others to buy all the foreign exchange they could lay hands on. The CIA won in 1964. But in 1970, even more frantic efforts failed to keep Allende from power. His ouster and murder merely culminated a policy that had been applied continuously for a decade.

Dulles always defended himself by claiming that while everyone heard of CIA failures, they couldn't brag about their successes. If true at all, this contention is only half true. Certainly, some of the CIA's failures have defied suppression—the Bay of Pigs, the shooting down of Francis Gary Powers's U-2 spy plane in 1960, and the collaboration with the Kuomintang's opium troops in Southeast Asia.

But so far as "successes" are concerned, the CIA has never ceased to congratulate itself on the overthrow (and assassination) of Mossadegh in Iran in 1953 when he threatened to nationalize British oil properties, the 1954 overthrow of the Arbenz leftist government, and the killing in 1967 of Cuban revolutionary leader Che Guevara in Bolivia. It is not without interest that two of these most-prized coups involved murder.

When the CIA is asked what long-term benefits accrued to the U.S. from "stabilizing" the Shah so that he, rather than Mossadegh, can join in the Arab oil blackmail, they are hard put to answer. One thing they don't mention is that the overthrow of Mossadegh enabled American oil interests to take over a substantial share of the British petroleum investment in Iran.

The extent to which the larger U.S. multinational corporations collaborate with the CIA is a little-investigated area. Many of these relationships are very long-standing and have been institutionalized over the years. Cover is provided for CIA operations and intelligence is traded. Colby often expresses his gratitude for corporate collaboration in his speeches to business groups. The community of interest between U.S. multinational business and the CIA was, of

course, classically demonstrated by ITT in Chile. The question of Rockefeller corporation assistance to the CIA was raised in Nelson Rockefeller's confirmation hearings. But the careful examination that the subject deserved did not take place.

The CIA shrugs off the dictatorial terror and suppression of democracy that occurred in Guatemala after Arbenz's fall, just as they shrug off what happened in Chile after Allende. They claim the killing of Che Guevara "stabilized" Latin America by halting the spread of Cuba-inspired revolution. But they ignore the fact that Che's Bolivian venture had failed pitifully long before he met his tragic end at the hands of the CIA and its trained Bolivian antiguerrillas, and that the killing's real effect was to turn Che into a martyr.

The CIA's suspect "achievements" must be set against an endless series of negatives. In the late 1940's, the CIA attempted to overthrow the Albanian Communist regime. The effort came just when the Communist regime itself, in fear of Stalin, was moving into the independent orbit that eventually led to its alliance with China. It is difficult to imagine what possible advantage the CIA operatives saw in this intervention. When I was in Tirana in 1957, the Albanians told me angrily that the United States had attempted to overthrow their regime. The idea seemed so silly that I laughed in their faces. I guess I had better apologize. It was silly—but, as Marchetti has revealed, the CIA did try. They also tried to overthrow Sukarno in Indonesia but botched the attempt; the Indonesians themselves did the job a year later. Their bungling attempts against Prince Sihanouk in Cambodia played a major role in driving the hard-pressed prince into the hands of the Chinese. The CIA spent enormous sums to take over the famous Gehlen intelligence network in West Germany, only to find over the years that no organization was so badly infiltrated by Soviet agents, so compromised by double, triple, and quadruple agents. The CIA's famous Colonel Penkovsky, its highest-level Soviet spy (for whom it forged the "Penkovsky Papers") actually was an MI-6 British acquisition. The CIA had rebuffed an earlier attempt by Penkovsky to defect to them.

The U-2 incident was only the most famous of a series involving the Soviet interception and shooting down of CIA data-collecting aircraft of various types. In the years 1955-65 one such incident followed the other—almost invariably (like that of the U-2) at a critical moment when a turn toward easier Soviet-U.S. relations seemed imminent. Was the timing of these incidents accidental? Were there those in the CIA (and perhaps also in the Soviet KGB) with a vested interest in cold-war espionage, who feared easier relations might clip their wings? The possibility should not be discarded. Remember, at the time of the U-2 incident both Eisenhower and Khrushchev were deeply committed to the policy of better relations. It is not likely that either of them gave orders to torpedo the policy on which their political fortunes were staked.

Harold Ford, a top CIA intelligence analyst who retired from the agency last year, is convinced that many covert operations are generated by "eager beavers" anxious to make a record and enhance the prestige of the "black" operations of the CIA. He does not cite any specific examples but points to the natural bureaucratic tendency of any division to try to enhance its power and status. But in recent years, he believes, there occurred a number of ill-advised "eager beaver" responses to ill-advised suggestions from the top of the government—from, as he put it, "the president and his prime minister." He referred, of course, to Mr. Nixon and Henry Kissinger. Some observers place the Allende operation in this category. The CIA operations against the antiwar movement in the U.S. are another example of the workings of this tendency.

The late Premier Nikita Khrushchev once suggested to President Eisenhower that Russia and the United States could save a lot of money by pooling espionage information. "After all we are both paying the same people most of the time," he observed. It was hardly a serious offer, but there was a kernel of common sense to it.

But, many people ask, isn't the CIA changing? Hasn't Bill Colby opened things up? Isn't he going around the country speaking two or three times a week? Hasn't he ventured into the lion's den by attending the Washington Conference on the Central Intelligence Agency and Covert Action and taking on all comers in a question-and-answer session? Haven't he and his aides appeared before eighteen congressional committees nearly thirty times over the last year? Doesn't he see three or four newsmen a week?

The fact that informed people can ask these questions suggests that the CIA can still work. There is no evidence from the field to support the idea that William Colby—one of the Company's best-known, most resourceful "black" operators—has suddenly gone "white." On the contrary—despite his statements that national security would not be jeopardized if all covert operations were terminated and that, in fact, covert operations have been greatly reduced, Colby is very careful to qualify both these remarks as being true only at the present time. Moreover, he has admitted that if he had a covert operation under way he certainly wouldn't talk about it.

When Henry Kissinger visited India last year, he was compelled to give a pledge to Prime Minister Indira Gandhi that the CIA would not attempt to "destabilize" her government. The Indian public heard of the pledge with some skepticism. After all, two young Americans charged by the Indians with being CIA covert operators were languishing in a Calcutta jail at that very moment. They had been caught red-handed in scuba-diving suits in Calcutta harbor. Exactly what they were up to has not been revealed by the Indians, but it is believed they were engaged in an operation against Indian shipping.

Nor do the Greeks feel that the CIA has sworn off its deep and long-standing involvement in their affairs, despite the fall of the fascist colonels. The CIA and its connections with Greek political and military figures was a major issue in last year's Greek election. Few Greeks think that anything has changed—except perhaps the cryptonyms.

Nor is there any sign that the CIA has changed its spots in Portugal, one of its most "stable" preserves until the Portuguese finally rose up against half a century of dictatorship. For a while, the CIA was rumored to be operating from a ship anchored in Lisbon harbor. Now it has gone back, it is said, to conventional deep cover—that is, U.S. embassy cover and the cover provided by U.S. corporations.

If there are so many signs of CIA business as usual, is Colby's talk about cutbacks in covert operations just another con? Not entirely. There has been a major cutback in volume of operations and expenditures; but this was not really the CIA's doing. It occurred because of the Vietnam settlement and the gradual phaseout of U.S. operations in Southeast Asia. The enormous CIA establishment in Vietnam has been cut to a fraction of its former size. The same is true of Thailand, where the CIA's Air America (now phased out) once was the biggest air transport system. And as for Laos, where for more than ten years the CIA ran a secret war, directing the fighting of some 15,000 to 20,000 Meo tribesmen through a command force of 300 to 400 CIA personnel, the game is over.

When you remove the costs and totals of these covert operations from the CIA budget, you understand how Bill Colby can say with complete honesty that covert operations today are only a fraction of what they once were.

But even this is largely misleading. True, the U.S. shooting is over in Southeast Asia. But those Meo tribesmen haven't lost their CIA connection. The CIA is financing chicken-farming and cattle-raising operations for them now. It's still spending hundreds of thousands of dollars, possibly millions, to maintain its ties with the Meos, and General Vang Pao, who led the CIA's Meo army, is now chicken-farmer-in-chief. Why? One reason may be that the CIA, as several scholars have pointed out, has a vested interest in the delivery of raw Meo opium to some political leaders of southeast Asia. Much of this eventually reaches American addicts.

Some veteran CIA men feel that the great days of the Company are over, that Watergate and more recent exposures have damaged its reputation and morale beyond recovery. They are fearful, too, that the CIA agents and their covert operations have lost out to the technicians of the National Security Agency with its 25,000 employees, its \$10- or \$15-billion budget (compared to the CIA's \$6 billion), its remarkable technology of satellites and electronic interceptors, its electronic (and unbreakable) encoding apparatus, its fleets of planes and ships and remote observation stations.

Some are bitter about the NSA—which most of the public doesn't even know exists. They say that for all its technology it can't really break codes, because all the big powers have the same kind of electronically secure cryptographic methods. "Jesus," an old CIA man said the other day, "they spend fifteen billion dollars a year and all they can read is the traffic between Somali and the Central African Republic—unless they do a bag job."

By which he meant that electronics are fine but the only way NSA could really break the Russian code would be by stealing "one-time pads" (codes to be used for single transmissions and then discarded) in a conventional burglary, copying them, and returning them without the Russians realizing what had happened.

I predict, however, that doomsday prophecies about the future of the CIA will prove naive. The CIA exists as a colossal bureaucracy. Its sheer momentum and weight will enable it to survive the current crisis and emerge even larger and more powerful. For, regardless of failures and stupidities, the CIA gives the president an extra button to push. And they all love to have it—Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford.

In the old days, Bill Colby used to laugh at his friends' jokes about him as a superspy. He doesn't laugh anymore. It's far too serious for that. The sentiment in Congress, in the press, and in the public has never been more hostile. Every time things begin to cool off, they are heated up by new revelations. But Colby did not become director in order to preside over the dissolution of the CIA. He's working his hardest to change the public image of the Company while desperately trying to continue operations much as before. It's an uphill fight, but still, who knows? Something may come along—some gift from the gods—another Colonel Penkovsky with a direct link to the Kremlin council chambers; or maybe a new Alger Hiss case to reveal untoward doings in high American counsels; or a new "secret" speech like Khrushchev's to show the agency's ability to penetrate high Soviet circles; or some other unpredictable coup that would give the CIA the kudos it so badly needs to withstand what has become a powerful tide of public antagonism.

Carved on the wall of the CIA's Langley headquarters is a verse from the Gospel of John: "And ye shall know the truth, and the truth shall make you free."

Of course, if the truth can't be dug out, there is always the CIA's creative-talent division. It has turned out some fine imitations of the truth in the past. In the classic annals of intelligence, famous forgeries have often had the most resounding political repercussions—the so-called Zinoviev letter, which caused England to break off diplomatic relations with the Soviet Union in the 1920's; or the famous Zimmerman telegram, which played a role in involving the United States in World War I. If worst comes to absolute worst, maybe the black-chamber boys can cook up some document to help turn the tide. It wouldn't be the first time. O—

POLITICS

The JFK Assassination: Why Congress Should Reopen the Investigation

BY ROBERT BLAIR KAISER

I. A WARREN COMMISSION MEMBER
CALLS TO REOPEN THE CASE

At long last, one of the members of the Warren Commission is willing to stand up and say he thinks the time has come to reopen an official inquiry into the assassination of President John F. Kennedy.

The man is Burt W. Griffin, now a judge on the state trial bench in Cleveland, Ohio. "The case ought to be reopened," he says. "It's still an important public issue. It's not at all clear to me how to approach it. But the public is concerned and it's all tied in with everything that's been happening in our government for the past ten years."

What's been happening is a trend toward "Big Brother government and the implicit threat this represents to the freedom of the people," says Senator Frank Church, who heads a congressional committee about to plunge into an investigation of the entire U.S. intelligence community.

Judge Griffin's forthright stand—the first time any member of the Warren Commission has dared suggest the commission didn't get all the answers—should come as no surprise to the majority of Americans who, as early as 1966, according to a Gallup poll, did not accept the conclusions the Warren Report: that Lee Harvey Oswald,

Robert Blair Kaiser wrote "R.F.K. Must Die," after seven months of interviews with Sirhan Sirhan in the L.A. County Jail. Kaiser, formerly a foreign correspondent for Time magazine, is now a freelance living in California.

acting alone, assassinated President Kennedy and that nightclub owner Jack Ruby, acting alone, killed Oswald two days later in the Dallas police station.

And Judge Griffin's reasons for reopening the case should come as no surprise to longtime critics of the Warren Report. Says Judge Griffin: "I don't think some agencies were candid with us. I never thought the Dallas police were telling us the entire truth. Neither was the FBI. I wrote a memo in late August of 1964 to the director of the commission [J. Lee Rankin], in which I laid out a whole series of evidentiary questions. We only got answers on two or three of them."

Judge Griffin didn't keep copies of his own memos and the original of that memo isn't where it ought to be in the National Archives in Washington. But one of the evidentiary questions Griffin recalls had to do with fingerprints other than Oswald's on the packing cases in a sixth-floor room of the Texas School Book Depository. After some delays, the FBI finally confessed to the commission that the other prints belonged to an FBI agent. "We accepted the answers we got," says Judge Griffin, "even though they were inadequate and didn't carry the battle any further. To do so, we'd have had to challenge the integrity of the FBI and the CIA. Back in 1964, that was something we didn't do."

Another staff lawyer on the Warren Commission confirmed Judge Griffin's view, if somewhat less courageously. Asked whether he got everything he wanted from the FBI, he paused for about 15 seconds and said, "Off the record?" Why would he want the obviously negative reply off the record?

"Because of possible reprisals from the FBI," he said. "Though I'm worried about that less now than I was when Hoover was the director."

The informal testimony of Judge Griffin and his colleague confirms the findings of the independent critics of the Warren Commission.

These critics have dramatic new documentation which proves that the Warren Commission investigation was never the free and independent inquiry we'd been told; that the FBI concluded, too soon, there was no conspiracy and then in an effort to justify its early conclusions did a grudging reinvestigation whose only purpose was to prove its own premature conclusions.

The critics' most important piece of documentation: a longtime top secret transcript of an executive session of the Warren Commission on January 27th, 1964, which was declassified only last year (after a long and expensive Freedom of Information suit filed by Harold Weisberg). That transcript suggests the FBI and other intelligence agencies may possess significant information they withheld from the commission. The information may still be available in some agency's files or in the "OC" (official and confidential) files moved to J. Edgar Hoover's home at the time of his death in 1972.

Critics have been calling for a reopening of the JFK assassination case for years. Some of the calls have come from crackpots, others from solid analysts. Most of the calls, however, lacked focus and some of the questions had no reasonable hope of a solution.

But Judge Griffin's comments and the documentation of the critics help narrow the scope of any inquiry and

make it possible for a congressional committee to ask questions that have answers. They can subpoena Dallas policemen as well as key figures like Marina Oswald; they can subpoena the files of U.S. intelligence agencies which were aware of Oswald long before November 22nd, 1963.

Peter Dale Scott, a Warren Commission critic who teaches English at the University of California at Berkeley, insists that abundant clues point to a conspiracy "demonstrable from the very procedures which it used to cover its traces" à la Watergate.

The time is right for reopening the case in another sense. The assassination seems to dominate the national subconscious. A majority, as polls show, have always had their doubts. Watergate, White House horrors and high-level coverup have only deepened doubts about America's ugliest murder mystery. Recent news stories only serve to intensify them.

A 1960 memo from J. Edgar Hoover to the State Department surfaced in 1975. It is a warning from the director that someone posing as Lee Harvey Oswald in Russia might try to get Oswald's U.S. passport. In itself, the memo may not be significant: Oswald's mother had complained to the FBI that she'd sent a birth certificate to Oswald in Switzerland and he'd never received it. But, linked to other reports that "a second Oswald" left traces in New Orleans, Miami, Dallas and Mexico City in 1963 and that some (even members of the Warren Commission) speculated that Oswald may have worked with the FBI as an undercover agent, the memo is a startling clue that Hoover and the FBI knew something about Oswald they never told the commission. Why would J. Edgar Hoover himself be concerned about an obscure American defector working in a factory in Minsk? David Slawson, formerly a staff lawyer on the Warren Commission and now a professor of law at the University of Southern California, has one innocent explanation: "The signature of J. Edgar Hoover went on all the official communications coming out of the FBI. Hoover probably never saw the memo."

Nevertheless, the memo raises questions: Robert Kennedy's aides confirm the continuing rumor that the CIA contracted with the American Mafia to assassinate Cuba's premier, Fidel Castro. It is an unsettling development, shocking to the American people, doubly shocking to those in foreign countries who still have to deal with an American government which may use assassination as a political tool. But as Tom Wicker pointed out in the *New York Times*: "The mentality that can order or condone murder for political purposes abroad need not be greatly warped to order or condone murder for political purposes at home, particularly when the instrument to carry it out is ready at hand."

The doubts about the assassination of President Kennedy become part of an atmosphere that nurtures the dreams of dramatists. In *The Last Man at Arlington*, a best-selling novel by Joseph DiMona, the CIA plots President Kennedy's murder. In *The Tears of Autumn*, novelist Charles McCarry spins another theory: The Diem family planned President Kennedy's death in retaliation for the American assassination of President Ngo Dinh Diem.

A very bad movie, *Executive Action*, attempts in documentary fashion to reveal how the real assassins killed President Kennedy; thousands flock to see it. In a better movie, *The Parallax View*, Warren Beatty plays a reporter who uncovers the plot by a major U.S. corporation to kill U.S. leaders. At the movie's end, the plotters kill him, too. The doubts and the drama poison America with fear and a feeling of frustrated helplessness.

Confronted by this, many Warren Commission members defend their work like so many Pontius Pilates: *Quod scripsi, scripsi*, what I have written, I have written. Commissioner John J. McCloy, now a New York lawyer, says, "I never saw a case more completely proven." Staff lawyer Leon D. Hubert Jr., now professor of law at Tulane University, says, "We tried, man, we tried. Each of us said, 'If I can break this thing wide open, I'm made.' But none of us found it was anybody but Oswald." Staff lawyer Wesley J. Liebeler, now director of policy planning for the Federal Trade Commission, says, "There's no question in my mind that the conclusions of the Warren Commission aren't correct." Staff lawyer Melvin Aron Eisenberg, now a law professor at Boalt Hall in Berkeley, doesn't return an inquiring phone call and tells his secretary to call back with the message, "I have no doubts."

But others reacted in quite different ways. Representative Henry Gonzalez of Texas recently introduced a resolution in the House of Representatives asking for a congressional inquiry into the assassinations of John and Robert Kennedy, Martin Luther King and the attempted assassination of George Wallace. A week later, six congresspersons appeared at a town meeting on New York's Upper East Side and endorsed

the Gonzalez resolution. The representatives were: Bella Abzug, Herman Badillo, Mario Biaggi, Elizabeth Holtzman, Edward Koch and Benjamin Rosenthal. Another Manhattan congressman, Charles Rangel, added his endorsement a few days later.

The time is right. Congress—whether through the new committee proposed by Representative Gonzalez or through the Church committee in the Senate—must investigate the JFK assassination.

It seems clear now that the FBI and other agencies including the CIA and

the Secret Service were playing games with the Warren Commission. The agencies were behaving as if they had something to hide. Just what they were hiding is open to official inquiry.

II. THE RECENTLY DISCOVERED TRANSCRIPT OF AN EXECUTIVE SESSION

Some Warren Commission critics believe they were hiding Lee Harvey Oswald's intelligence connections. As we have learned in the past few months, after then attorney general Saxbe's revelations about the FBI's Cointelpro and CIA director Colby's report to President Ford on the CIA, both agencies were embarked in the early Sixties on a massive domestic spy effort. It was a big, expensive program that added to the size and power of the FBI and CIA empires.

The last thing the FBI or the CIA needed was public exposure of (and a public reaction against) their programs—by having a Lee Harvey Oswald tied to them. Whatever Oswald's real role was, no one in the U.S. government engaged in spy-counterspy games wanted to assume any responsibility for him.

The transcript of the commission's executive session of January 27th, 1964, demonstrates the commission's concern about this possibility—a possibility pointed out to the commission by some of the top law enforcement officials in Texas. These officials had heard a rumor that Oswald might have been an informant for the FBI, that he was paid \$200 a month and that he even had an FBI number, S. 179. Commission member Gerald Ford, recalling the moment when general counsel J. Lee Rankin gave this news to the commission, said the members "looked at one another in amazement" and spent a good deal of time wondering what to do about the news.

The commissioners took it seriously. In fact, they asked the Texas officials to fly to Washington immediately for a meeting with them. On Friday, January 24th, Warren and Rankin met with five of the top lawyers in Texas: Waggoner Carr, attorney general; Robert Storey, dean emeritus of the law school at Southern Methodist University; Dallas DA Henry Wade; Dallas assistant DA Bill Alexander and Leon Jaworski, special counsel for the Texas Court of Inquiry (whose projected investigation was preempted by the work of the Warren Commission).

On the commission's next working day, Monday, January 27th, all of the commission members except Representative Gerald Ford showed up for an executive session. Soon after the meeting began, Rankin showed where he stood: "We do have a dirty rumor that is very bad for the commission, very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this

commission." The possibility that it might be true doesn't occur to Rankin. Or, if it does, then the whole question is one that is beyond him. Rankin simply wants to get an official denial from the FBI.

Warren wants to go to the sources of the story "to see if there is any substance to the claim."

Senator Richard Russell agrees with Warren. "If you went down there in the first instance to the FBI and got a statement and when you start pursuing it you would look like you are impeaching." ("Impeaching" here means "attacking the credibility of" the FBI.)

"This is my point," says Warren.

"Exactly," says Representative Hale Boggs.

Senator Russell says, "The best way to handle it would be to try to exhaust it at the other end before you go to the FBI."

Allen Dulles says the FBI has *already* issued a categorical denial of the Oswald-agent story in the *New York Times*. (It is interesting that Dulles, a former CIA director, is so ready to consider the question closed.)

But John McCloy doesn't give the FBI's categorical denial much weight, and Senator Russell points out that the commission may be dealing with spooks, a notoriously lying breed. Says Russell: "If Oswald never had assassinated the president or at least been charged with assassinating the president and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent."

"Oh, yes," says Dulles.

Russell says, "They would be the first to deny it. Your agents would have done exactly the same thing."

"Exactly," says Dulles.

Well, then, where can the commission go to establish the facts? Boggs says they seem to have gotten themselves into a box. Someone suggests the commission go to the attorney general. Rankin says he doesn't see how Attorney General Robert Kennedy can come right out and ask Hoover what was happening.

McCloy wants the reasons for that spelled out. His outrage at the reversal of power inside the Justice Department warms the cold transcript: "Just why would it be embarrassing for the attorney general of the United States to inquire of one of his agencies whether or not this man who was alleged to have killed the president of the United States was an agent? Does the embarrassment supersede the importance of getting the best evidence in such a situation as this?"

Senator John Sherman Cooper says that for Bobby Kennedy to do so would imply that Bobby thought there was something wrong in the bureau. Even so, McCloy says, "It still wouldn't divert me from asking. It is an awkward affair. But as you said the other day, truth is our only client."

Boggs agrees and McCloy says, "I don't think we could recognize that any door is closed to us unless the president closes it to us." McCloy says he wants to get to the bottom of all this.

Dulles says McCloy may be asking the impossible. "How," asks Dulles, "do you disprove a fellow was not your agent?"

Boggs wonders whether Dulles, as head of the CIA, had had agents with no records.

"The record might not be on paper," says Dulles. "But on paper [we] would have hieroglyphics that only two people knew what they meant, and nobody outside of the agency would know and you could say this meant [one] agent and somebody else could say it meant another agent."

Boggs mentions the U-2 pilot, Francis Gary Powers. Dulles says Powers had a signed contract with the CIA. Boggs says, "Let's say Powers did not have a signed contract but he was recruited by someone in CIA. The man who recruited him would know, wouldn't he?"

"Yes," says Dulles, "but he wouldn't tell."

Justice Warren seems surprised. "Wouldn't tell it under oath?" asks Warren.

Dulles says, "I wouldn't think he would tell it under oath, no."

"Why?" asks Warren.

Dulles has to give the commission a little lesson. "He ought not tell it under oath. Maybe not tell it to his own government but wouldn't tell it any other way."

McCloy says, "Wouldn't tell it to his own chief?"

Dulles says, "He might or he might not. If he was a bad one, he wouldn't."

Boggs may have thrown up his hands here. "What you do is you . . . make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances."

Dulles says, "I don't think it can, unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will."

Furthermore, Hoover may have had a reason to hire Oswald. "It is Mr.

Hoover's job to watch the Fair Play for Cuba Committee and try to penetrate it in any way he could," says Dulles. But he doesn't believe the FBI did hire Oswald. "He was not the kind of fellow that Hoover would hire . . . He was so stupid."

McCloy says, "I wouldn't put much confidence in the intelligence of all the agents I have run into. I have run into some awfully stupid agents."

Dulles says, "Not *this* irresponsible." (Irresponsible is a strange description of an assassin of a president. If Oswald was a lone nut, then "irresponsible" is simply the wrong word. To whom would Oswald be responsible?)

McCloy counters, "Well, I can't say that I have run into a fellow comparable

to Oswald but I have run into some very limited mentalities both in the CIA and the FBI."

The commission's meeting room rumbles with what the stenotypist describes as "laughter."

Warren tries to sum up: "Agencies do employ undercover men who are of terrible character."

The man who immediately agrees with Warren is the one man on the commission who should know. Says Dulles, "Terribly bad characters."

Rankin is impatient with all this. "Would it be acceptable to go to Mr. Hoover," says Rankin, "and tell him about the situation and that we would like to go ahead and find out what we could about these—"

"Well, Lee," interrupts Warren, "I wouldn't be in favor of going to any agency and saying, 'We would like to do this.' I think we ought to know what we are going to do and do it, and take our chances one way or the other. The most fair thing to do would be to try to find out if this is fact or fiction."

Rankin is afraid of Hoover and says so. "What I was fearful of was the mere process will cause him to think . . . that we are really investigating him."

"If we are investigating him," says Warren, "we are investigating the rumor against him; we are investigating him, that is true."

The implication—that the commission may have to investigate Hoover—seems to bother Boggs. "Mr. Dulles," says Boggs, "when you headed up the CIA, the notion that you would know the countless informers and people employed by the agencies was fantastic. You couldn't know about all of that."

"No," replies Dulles. "But by this time I would have known whether we did hire him or not."

McCloy says, "You would know in this case who, if there was anybody, who would have hired Oswald, who it would be."

Dulles admits that he'd know what area to look in. "Someone," he concedes, "might have done it without authority. The CIA has no charter to hire anybody for this kind of work in the United States. It has abroad, that is the distinction. But the CIA has no charter. I don't say it couldn't possibly have done it but it has no charter of authority to run this kind of agent in the United States."

Was the CIA involved with Oswald? There is reason to believe that the CIA performed its own unpublicized investigation on Oswald after the assassination. Yet there's little on the record of what the CIA told the Warren Commission.

This is serious business and McCloy lodges the first open complaint about the situation: "I would think the time is almost overdue for us being as dependent as we are on FBI investigations, the time is almost overdue for us to have a better perspective of the FBI investigation than we now have."

Rankin takes part of the blame for that. He says that he and his staff need more time to study the FBI's supplemental report, given to them two weeks before. He says the supplemental report answered many of the commission's questions—but not all of them: "There are vast areas that are unanswered at the present time," says Rankin. And then he explains the trouble he is having with the FBI. "Part of our difficulty," he says, "is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved, they have decided—"

Senator Russell interrupts. "They have tried the case and reached a verdict on every aspect."

"Yes," says McCloy, "We know who killed cock robin.' That is the point. It isn't only who killed cock robin. Under the terms of reference, we have to go beyond that."

Did the commission go beyond that? Hardly. The commission didn't even give its staff a mandate to go beyond the FBI on this question. For a moment, it seemed as if it might: Senator Russell sums up the commission's dilemma. "It seems to me we have two alternatives," says Russell. "One is we can just accept the FBI's report and go on and write the report based on their findings and supported by the raw materials they have given us, or else we can go and try to run down some of these collateral rumors that have just not been dealt with directly in this raw material that we have."

The members seem inclined to want to go beyond the FBI. But then McCloy points out that some "sheet" he has in front of him (judging from a prior reference, it is probably a copy of Harold Feldman's probing article in the *Nation*, "Oswald and the FBI," January 27th, 1964) "is designed to be an attack on the FBI." Says McCloy, "We don't want to be in the position of attacking the FBI."

With this, the commission does a quick about-face. Forgetting their only client, truth, the commissioners agree that none of them wants to attack the FBI. They decide on a "marriage" of Senator Russell's two alternatives: They end up resolving to ask Hoover about the relationship between Oswald and the FBI and to perform their own independent investigation.

But the commission did very little independent investigation. Equating that with an attack on the FBI, the commission let the FBI investigate itself.

Rankin thought this was pretty controversial material. He confiscated the stenographers' notes of the January 22nd meeting—and they remain sealed to this day. Rankin specifically requested no stenotypist at all for the January 24th meeting with the Texas officials and filed an affidavit with Judge Gerhard Gesell's court in Washington in 1974 (when Harold Weisberg was suing to see the transcript) saying he had instruction from the Warren Commission to keep the January 27th meeting under a top-secret classification. Weisberg says there's nothing in any commission record to support Rankin.

[The transcript of the Jan. 27th meeting is reprinted in Weisberg and Lesar's *Whitewash IV*, \$6.25 from H. Weisberg, Rte. 8, Frederick, Md. 21701.]

III. THE SERIOUS CRITICS AND THEIR NEW EVIDENCE

Though Rankin tried to hide the material, some critics managed to dig it out. They learned to find their way around the National Archives, they studied the commission's working papers, compared drafts of the report's chapters and examined internal memos among the commission staffers and letters between the commission and the FBI.

Paul Hoch is one of these critics, a young man who got his Ph.D. in high-energy physics in 1974 from the University of California, now laying aside his physics research to work on a book which codifies evidence he has gathered through most of his student years. In the book (*The Oswald Papers: The FBI versus the Warren Commission*, still unfinished) Hoch shows how Hoover volunteered information to the commission only when necessary, tried to define the informant relationship out of existence, declined to answer substantive questions about the basis of the FBI's relationship to both Lee Harvey Oswald and Jack Ruby and presented flatly contradictory explanations to the Warren Commission without flinching. Hoch's highly documented and readable story shows how the commission knew Hoover was hiding something—and how the commission let him get away with it, "at considerable cost," concludes Hoch, "to the integrity of the investigation."



Gerald Ford's Little White Lie

Classifying executive sessions of the Warren Commission meant little to one of the commission members, Representative Gerald Ford, who took the transcript of the January 27th meeting, blue-penciled all the parts of it that could have embarrassed anyone and used it as a basis for the first chapter of his book about Oswald, *Portrait of the Assassin*. Then he lied about it in his confirmation hearings for vice-president before the Senate Judiciary Committee on November 5th, 1973:

The chairman: Now, Mr. Ford, it has been stated that as a member of the

Warren Commission, you voluntarily accepted the constraints which all the members of the commission accepted, providing that you would not publish or release any proceedings of the commission.

You did, however, in association with another, publish a book and provide material for a 'Life' magazine article on the proceedings of the commission. Do you feel this was a violation of your agreement?

Mr. Ford: To my best recollection, Mr. Chairman, there was no such agreement, but even if there was, the

book that I published in conjunction with a member of my staff . . . we wrote the book, but we did not use in that book any material other than the material that was in the 26 volumes of testimony and exhibits that were subsequently made public and sold to the public generally.

The National Archives declassified the top-secret January 27th meeting seven months later, on June 12th, 1974,—eight years after Ford used the transcript in his own book.

—R.B.K

The best of the Warren Commission critics are as serious as Hoch and their names may well go down some day on an honor roll of those who cared enough to get involved: Vincent Sandria, Harold Weisberg, Sylvia Meagher, Josiah Thompson, Edward Jay Epstein, David Lifton, Lillian Castellano, Fred Newcomb, Perry Adams, Ray Marcus, Marjorie Field, Shirley Martin, Mary Ferrell, Richard Popkin, Bill Turner, Richard Sprague and the early Mark Lane.

Among the most important critics still hard at work and making new contributions are:

- Bernard Fensterwald, a successful Washington D.C. lawyer, who out of his own well-haberdashed pocket, finances the activities of something he calls the Committee to Investigate Assassinations, a loose confederation of citizens whose worry about the assassination of two Kennedys and a King was once signalized by the flag they printed on their metered mailings: WHO IS KILLING OUR LEADERS? Fensterwald helped set up a special assassination archive at Georgetown University and was the chief honcho for a conference at Georgetown on the tenth anniversary of JFK's assassination. With attorney James Lesar, he is handling legal appeals for James Earl Ray, having been brought into the Ray case by Harold Weisberg. Though Fensterwald has avoided entangling his assassination conspiracy theories with the Ray case, Weisberg says that was the strategy behind the move to get a new trial for Ray. "If we walk Ray, then the government will have to find Dr. King's real killers." This seems to be the committee's basic thrust: to push the government to find the real killers—of JFK, MLK, RFK.

- Dr. Cyril H. Wecht, coroner of Allegheny County (Pittsburgh) and director of the Institute of Forensic Sciences at Duquesne University, is the first pathologist outside the federal government to examine the assassination evidence at the National Archives. Trouble is, he reported in August 1972, the president's brain is missing from the medico-legal exhibits at the Archives. So are certain important skin sections taken from the point where bullets were supposed to have entered the scalp and upper back of JFK. So are photos of the sections. Nevertheless, even without the missing materials, Dr. Wecht concludes that the physical evidence which he has examined doesn't support the Warren Commission's findings. "More than one person," he says, "was involved in the shooting of President Kennedy."

Wecht says he bases his conclusion on an analysis of the famous single bullet (Commission Exhibit 399) which the Warren Commission said was supposed to have entered the right side of the president's back, coursed through the uppermost portions of the thorax and mediastinum and emerged

just over the knot of the president's tie—then entered the right side of Governor Connally's back (breaking his right fifth rib), emerged from his chest, shattered a bone in his wrist and entered his left thigh. After all this the bullet had only lost two grains from its original weight and, said Wecht, the upper two centimeters of the bullet "show no grossly visible deformities, areas of mutilation, loss of substance or any kind of significant scathing." There is one small piece that was removed from the bullet's jacket by an FBI agent "for spectrographic analysis" (which analysis might show that JFK and Connally were not hit by the same bullet).

Furthermore, says Wecht, there was something strange about the trajectory of that bullet from the sixth floor of the Texas School Book Depository. It was supposed to have been traveling downward and passing through JFK from right to left. It should, therefore, have missed Governor Connally completely. Under the Warren Commission's hypothesis the bullet may have made an acute angular turn in midair. Wecht believes a second assassin may have been firing at JFK from the rear, possibly even from the front, but he says he cannot know for sure until he examines the materials that are missing.

- Robert Groden, a young expert in optics from New York City, has magnified the central part of each frame of the Zapruder film and produced what he calls a reframed copy. The result is like a new film of the assassination, made through a zoom lens, with much of the jiggle removed. Now, even more starkly than before, to the lay observer at least, it appears that the shot which took off the top of the president's head and splattered two trailing police motorcycles came from the front. The president's head clearly snaps back and to the left. Mrs. Kennedy's description of the president at that moment was deleted from her testimony as published by the Warren Commission, but her actual words, released by the Archives in 1972, may be significant here: "I was trying to hold his hair on. But from the front there was nothing. I suppose there must have been. But from the back you could see, you know, you were trying to hold his hair on and his skull on."

Groden, who reconstituted the Zapruder film from a pirated copy belonging to Time Inc., has had his film shown recently on scattered TV stations all over the U.S. and Canada. According

to Groden, his blowup shows not only that President Kennedy was killed by a shot from the front (and therefore from a shot on or near the grassy knoll); it also shows the rifleman standing there on the grassy knoll holding the rifle up in the air as the presidential car disappears through the railroad underpass.

Interestingly enough, when Groden showed this film at Bernard Fensterwald's home in November 1973, neither he nor anyone else made any mention of a rifleman on the knoll. Groden says it wasn't until January 1974 that

he started scanning the last 18 frames of his Zapruder film and then began to see that what he thought was the wheel well of the presidential Lincoln wasn't the wheel well at all, but the rifleman—"because the car was moving forward and the 'wheel well' was moving backward."

- David Lifton is an engineering-physics graduate of Cornell and a dropout from graduate school at UCLA who ought to have three doctorates by now in the disciplines he has picked up during ten years of work on the assassination: history, political science and his-

toriography (a study of the way history is written). In 1967 Lifton did a 30,000-word analysis (with David Welsh) in *Ramparts* which argued that there were three assassins firing in Dealey Plaza on November 22nd, 1963.

In 1968, shortly after most of the transcripts of the Warren Commission executive sessions were declassified, Lifton published them privately as *Document Addendum to the Warren Report*. Lifton has served as a consultant to Dr. Cyril Wecht and it was he who provided the producers of *Executive Action* with the documentary record which

supported that movie's attempt to prove how several assassination teams might have worked in Dallas. Lifton is a 35-year-old bachelor whose Brentwood apartment has 22 filing drawers on the assassination.

Lifton has a work in progress which challenges the authenticity of the evidence on which the Warren Commission based its major findings.

- George O'Toole, a former computer analyst for the CIA, has turned to a new technological tool as an important adjunct in his assassination research. The tool is [Cont. on 37]

[Cont. from 33] something called a Psychological Stress Evaluator (PSE), a machine which a skilled operator can apply to anyone's recorded words and tell, by evaluating the stress patterns in the speech (seen on the machine's scanners as a series of mountains and valleys), whether that person is telling the truth or lying.

The PSE presents advantages over the old polygraph exam (which is why old-time polygraph examiners don't like it). A skilled PSE examiner can play the PSE game with remote subjects who don't even know they're participants. All O'Toole needed in order to find out whether some of the actors in the JFK assassination scenario were telling the truth was access to old taped interviews they'd given out years ago.

O'Toole found some of these — radio and television interviews with officials like Dr. J.J. Humes, who performed an autopsy on President Kennedy, and members of the Warren Commission and, most notably, Lee Harvey Oswald's hallway interviews in the Dallas police station. Where previously taped interviews didn't exist (especially in the case of certain witnesses in Dallas and members of the Dallas police), O'Toole played the role of a journalist doing a tenth-anniversary story on the assassination, went down to Texas with a tape recorder and got his own interviews.

In O'Toole's just released book, *The Assassination Tapes*, he contends that many of the principals in this case (even Justice Warren) were not telling the truth when they said they'd found no evidence of a conspiracy to assassinate President Kennedy.

And, most startling of all, that Lee Harvey Oswald was telling the truth when he said, to a nameless reporter in the Dallas police station who asked him whether he had shot the president, "I didn't shoot anybody, no sir."

IV. LOBBYING FOR THE SUPPORT OF CONGRESS

If Oswald didn't do it, who did? There are a lot of conspiracy theories. A congressional task force is needed to evaluate them all. If the agencies themselves, the Secret Service, the FBI, the CIA, Army and Navy Intelligence, are themselves an object of the investigation, then, quite obviously, we can't expect them (or anyone in the ranks of traditional law enforcement) to investigate themselves, or investigate anyone with old-boy ties to any part of the intelligence community.

And don't expect much from the Justice Department either. A group of Warren Commission critics, including Mary Ferrell of Dallas and Bernard Fensterwald, recently presented the U.S. Attorney's office in Dallas with evidence they'd gathered which they hoped would help reopen the case before federal courts in Dallas. Their project failed. Assistant U.S. Attorney Kenneth Mighell said he saw nothing new in the evidence they gave him.

The only likely forum is a congressional committee, which is being pushed by Representative Gonzalez—and you can expect no endorsing action by enough members of Congress unless and until public opinion keeps building.

Who will build it? There are various citizen lobbies at work. There's one active group in Washington D.C. under the leadership of Mark Lane and Marcus Raskin (who is director of the Institute for Policy Studies), an intelligent, liberal but unexciting group which has decided to talk quietly with individual congresspersons.

Then there's something else in Cambridge, Massachusetts, called the Assassination Information Bureau. The "bureau" consisted of five young men when

I visited them last November. Their headquarters were in the home of Carl Oglesby on Arnold Circle in Cambridge. Oglesby, gaunt, articulate, a sometime instructor at MIT, is a former president of Students for a Democratic Society. He's 38 now, but his four associates in the AIB, Bob Katz, Michael Gee, Dave Williams and Harvey Yazijian, are all in their 20s.

The group began with no particular political goal in mind. Bob Katz was a reporter in Boston who had done some reading on the JFK assassination and one day he worked up a little slide lecture and presented it to some students in Boston. After that, he got more invitations, mostly from college groups.

Katz and his friends started learning all they could about the assassination of JFK and the Warren Commission's investigation and they were puzzled and excited by what they heard. In the fall of 1973, after the Senate Watergate hearings, Katz, with the help of his buddies, went national with a slide lecture called "Who Killed JFK?"

"At first," says Dave Williams with disarming frankness, "it was just a gig. Just something to do. Maybe make a little money. Then we started getting more dates than one man could handle. We realized that the young people were hungry and thirsty for the truth. They had a feeling they'd been conned about the assassination. We put three teams on the road." In 1973 and 1974, the AIB hit more than 150 college campuses, from Maine to Hawaii. And the crowds kept getting bigger.

In the fall, after Nixon's demise and the succession of Gerald Ford, the kids crowded into the AIB lectures as never before. "You guys only charging \$750?" said the campus honchos in charge of booking lecturers. "You're getting bigger crowds than anybody. You oughta charge more." The AIB didn't charge more.

Said Oglesby: "We think it's up to us to politicize this question. We want to take the information to a wide audience. We want the people at large to get so interested in answers that every presidential candidate in the '76 campaign will be forced to take a position on reopening the case. We want to make it a central issue of the campaign."

The AIB took a step toward that goal early in February by organizing a conference on the assassination. They assembled some of the nation's better-known critics for three days of open meetings and discussions. The list of invitees was hardly a safe one; the AIB invited some whose work has already been discredited as a passel of lies and/or paranoid fabrications. "It's all right," said Oglesby. "Competition for the truth is good, because it forces everyone to make the best possible case."

Oglesby looks to the Sixties for his model. "Our movement is likely to express itself like the Antiwar Movement did — with teach-ins all over the country."

Does Oglesby feel that veterans of the Antiwar Movement might get behind this drive to reopen the JFK case? "I don't know," says Oglesby. "So far, I'm the only one I know of from the Antiwar Movement who's into this. I've gotten some criticism, in fact, from some of my friends from the SDS. They wonder why I want to get involved. I tell them I want to get involved because I believe there was a coup d'état in 1963 which has influenced our politics ever since. Since then, we've had a history of clandestine politics in the U.S.—and we're fighting that, too."

V. THE PRESS'S OBLIGATION

Who will force the issue? It must begin with the press. Without pressure from the press, government officials do little. Attorney General Richard Kleindienst promised that the Justice Department would attack Watergate with "the most extensive, thorough and complete investigation since the assassination of President Kennedy." The Justice Department did that—and went no further up the line than Gordon Liddy. But the press didn't accept that official truth as the whole truth. The *Washington Post* went after the story and so (later) did the rest of the national press. Finally and almost reluctantly Congress acted.

Now, 11 years after the assassination of President Kennedy, the press must get back on the story it was once covering. Back in August 1966, an aide to the Kennedys who had served as a speechwriter for both President Kennedy and President Johnson, Richard N. Goodwin, called for a reopening of the case—and added that other friends of the Kennedys agreed with him.

By early 1967, both *Life* and the *Saturday Evening Post* did stories blasting many of the Warren Report's conclusions. *Life* used frames from the Zapruder film to make a case for a new official investigation. And the *New York Times* organized a task force of reporters under Harrison Salisbury "to go back over all the areas of doubt and . . . eliminate them."

But Salisbury and his team didn't eliminate the areas of doubt. In a recent interview, Salisbury said his task force got about halfway through the investigation when a standing request he had made for a visa to Hanoi came through at last. He put the JFK project on the shelf ("I was the only one who held all the strings," he says, "and I didn't want to give the thing to anyone else") and flew off to Paris and Hanoi. Salisbury's dispatches from Hanoi caused a furor in Washington, and after he returned, he had to testify before congressional committees.

By April of 1967, Salisbury says, he and his team had simply "lost interest" in their JFK project. "Nobody told us to stop," he says. "We just felt that nobody cared."

But it was precisely at this time that New Orleans district attorney Jim Garrison indicted Clay Shaw (Garrison said he was CIA) for complicity in a plot to kill President Kennedy. Representatives of the press streamed into New Orleans from all over the world to see what Garrison really had. It turned out that he didn't have much. Salisbury doesn't remember that Garrison's activities were a factor in his decision to drop the investigation. As he tells it, there wasn't even an overt decision to drop it. He just had other things to do.

Gene Roberts, now executive editor of the *Philadelphia Inquirer*, was a member of Salisbury's team. He says now, "We took all the critics' complaints and we did our own investigation and we couldn't find anything that really held up." Martin Waldron, still a reporter for the *Times* in Texas, was another member of the team. He says that he and others came up with "a lot of unanswered questions." He doesn't know why the *Times* didn't bother to pursue them. He says he's not even sure that the *Times* ever made much of a decision to start looking in the first place. "I'd be off on a good lead and then somebody'd call me off and send me out to California on another story or something. We never really detached anyone for this. We weren't really serious."

After reporters from the national press saw Garrison at work (and the menagerie of assassination freaks that seemed to hover around Garrison), the media in general began to have less and less time and space for assassination stories. Editors began to classify every conspiracy theorist as a nut. Says the *Washington Post's* executive editor, Benjamin Bradlee, explaining why he has yet to put an investigative team on the JFK assassination story, "Ron Kessler did a recent story knocking down the second gun theory in the Robert Kennedy assassination and nuts from both coasts were all over me. Letters, telegrams, phone calls, personal visits. I've been up to my ass in lunatics." Bradlee's failure to commit the reportorial and financial resources of the *Post* (which also owns *Newsweek*) to any methodical investigation during the last dozen years is especially puzzling in view of the *Post's* courageous handling of Watergate and the intimate friendship Bradlee had with President Kennedy.

Editors, of course, sometimes categorize movements by pinning pejorative labels on the most extreme elements in each movement. Warren Commission critics became "paranoid conspiracy freaks" and, by the time Martin Luther King and Robert Kennedy died at the hands of other assassins, the press was already committed to ignoring conspiracy talk. Quick denials of a conspiracy, in fact, became part of government protocol. The government only wanted to deal with murders by lone psychotics. And the press, relying too much on "official truth,"

went along. Says Ben Bradlee: "Back in 1965, Russ Wiggins, the man I replaced here at the *Washington Post*, told me there'd never be an end to this story [on the JFK assassination]. He

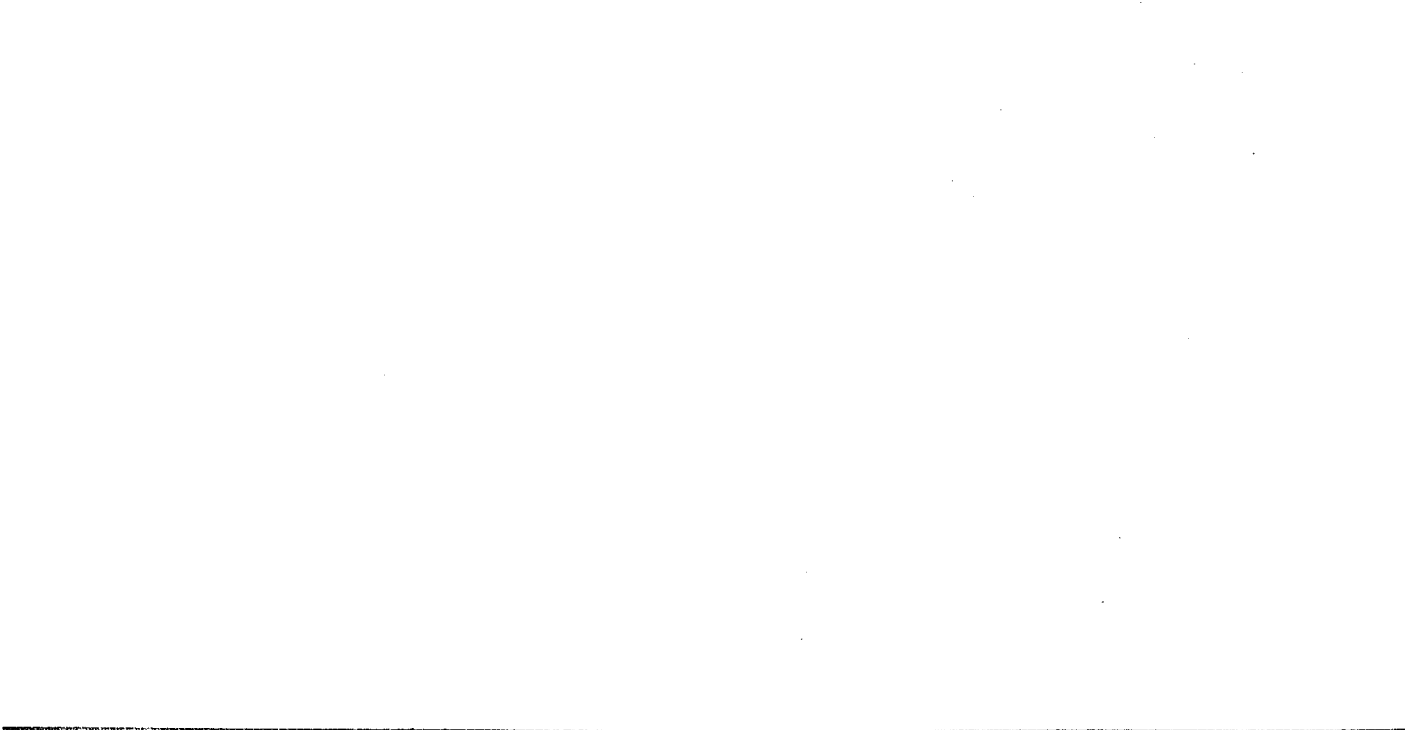
said, 'Unless you can find someone who wants to devote his life to it, forget it.'"

But perhaps that is exactly the kind of journalistic commitment which is needed. American newsrooms are full of men and women who have devoted their lives to the police beat. Watergate was a police story which took years to unfold; the assassination of John F. Kennedy is the biggest police story of them all. If it takes decades to tell it, then decades must be devoted to its telling.

In the assassination of President Kennedy, the major question today is: Did the FBI and the CIA (or any other governmental agency) withhold important information from the Warren Commission? It is a question the press must ask—over and over again—until the people have a credible answer.

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1



Penthouse presents the first scientific evidence from CBS tapes that the alleged assassin of President Kennedy was telling the truth when he said, "I didn't shoot anybody."

LEE HARVEY OSWALD WAS INNOCENT

By George O'Toole

The assassination of Napoleon Bonaparte was a perfect crime: it went undiscovered for 140 years. There had been rumors and suspicions, of course. Napoleon himself wrote, just three weeks before his death, "My death is premature. I have been assassinated by the English oligarchy." But the official autopsy report stated that Napoleon died from natural causes, and there the matter rested for nearly a century and a half.

In 1961 two Swedish researchers decided to investigate the death of Napoleon through the use of one of the newest weapons in the arsenal of forensic science, a technique known as neutron activation analysis. They obtained some strands of hair taken from the head of the exiled emperor immediately after his death. With the help of a scientist at the University of Glasgow, the Swedes placed these hairs in a nuclear reactor at Britain's Harwell atomic-research laboratory and subjected them to a beam of neutrons. After twenty-four hours the specimens were sent to Glasgow for analysis.

The irradiated hairs yielded up their secret. They contained over ten times the normal amount of arsenic. Additional samples of Napoleon's hair were then obtained, and the experiment was repeated. This time the hair was cut into segments, each corresponding to two weeks' growth. The distribution of arsenic in the segments showed that the exile of St. Helena had received regular doses of the poison during the last year of his life. The Swedish and Scots researchers were convinced: Napoleon Bonaparte had been slowly poisoned to death by his jailers.

There is, of course, no doubt that the death of President John F. Kennedy in Dallas was an assassination; yet, like the death of Napoleon, the event has been obscured by questions and doubts. During the ten years since the assassination, the facts have been sifted again and again, first by the Warren Commission and then by a host of independent investigators. Few of the latter have been able to agree with the official conclusions of the commission, but none has offered a satisfactory account of what really happened on that November after-

noon in Dallas. With the passage of time, the details of the controversy have dimmed in our minds, leaving a dull residue of doubt and a despair of ever learning the truth. And yet we may hope that, as with the assassination of Napoleon Bonaparte, new scientific discoveries will perhaps someday shed some light on the murder of John Kennedy. It was just this hope that I began to cherish when I first heard of a remarkable device called the Psychological Stress Evaluator.

There is no simple way of stating accurately in lay terms what the Psychological Stress Evaluator (or PSE) is or what it does. But if the precision of scientific language can be abandoned for a moment, it can be said that the PSE is a new type of lie detector that works through the medium of the voice.

I first heard of the Psychological Stress Evaluator in 1972, when I met two of its inventors, Allan D. Bell, Jr. and Charles R. McQuiston. Bell and McQuiston, both former lieutenant colonels, retired from army intelligence several years ago to form a company called Dektor Counterintelligence and Security, Inc. It was a logical second career for the two men. Both are experts in the technology of espionage and either one could pick the lock on your front door in less time than it takes you to find your key. Colonel Bell wears a Black Belt in karate, is an accomplished swordsman and small-arms expert, and has a dozen inventions to his credit, from antibugging devices to a miniaturized microdot camera. McQuiston is one of the foremost polygraph experts in the U.S., a specialist in radio and audio surveillance, and a qualified locksmith.

The PSE grew from an effort to improve the polygraph. Standard polygraphs measure four variables: pulse, blood pressure, respiration, and perspiration. Some also measure additional physiological variables. The more variables measured, the more reliable the polygraph.

Bell and McQuiston discovered that the frequencies composing the human voice are not fixed; they shift very slightly from eight to fourteen times every second. But when the speaker is under stress, this normal frequency modulation disappears. What remains are the pure component frequencies of the voice. And a strong indication that the speaker is lying.

The two men developed a device to detect this phenomenon and planned to use it as an additional "channel" on the polygraph. Then they discovered that the new variable was so reliable and accurate a measure of psychological stress there was really no need to measure the other polygraph variables.

Freed from the necessity of strapping the subject into a chair, stretching a pneumographic tube across his chest, gluing electrodes to his palms, and clamping his arm with a blood-pressure cuff, Bell and McQuiston found the PSE to be much more versatile than the polygraph. Because it can work from a telephone or tape recorder, the PSE can be used without the knowledge or even the physical presence of the subject.

Sound-recording technology is almost a

century old (Edison invented the phonograph in 1877), and an enormous amount of history is stored away in the sound archives of the world. There are scores of mysteries from the past hundred years that could be cleared up once and for all if the related interviews, public pronouncements, and press conferences could be retrieved from the archives and subjected to the scrutiny of the PSE. But none of these mysteries can compare in terms of sinister murkiness, frustrating paradox, or sheer historical impact to the question of what really happened in Dealey Plaza at 12:30 P.M., central standard time, November 22, 1963.

Throughout the long afternoon and evening of that November 22, the reporters poured into Dallas. Nearly every major newspaper, wire service, and television network was represented. In the homicide and robbery bureau on the third floor of Dallas police headquarters, a police captain and agents of the FBI and Secret Service were questioning Lee Harvey Oswald. Outside in the corridor, television cameramen were setting up their equipment and newsmen were beginning to assemble. As the evening wore on, more than one hundred reporters jammed into the narrow third-floor hallway.

Inside the homicide and robbery bureau—according to reports by the Dallas police, the FBI, and the Secret Service—Oswald was advised of his rights to legal representation and to remain silent, and that any statement he made could be used against him in a court of law. Sometime during that night, Oswald was asked about the shootings, and he emphatically denied killing either President Kennedy or Dallas police officer J. D. Tippit. He refused to discuss the assassination with the FBI agents until he was represented by an attorney. When he was asked to submit to a polygraph examination, he refused to do so until he had had an opportunity to consult a lawyer.

Several times during the evening, Oswald was taken under guard from the third-floor office to appear in lineups and to be arraigned for the murder of Officer Tippit. At midnight he was taken to the basement for a brief and confused "press conference." Whenever Oswald was brought out of the third-floor office, the reporters elbowed forward, vying with each other to get a statement from the prisoner. In answer to their shouted questions, Oswald expressed bewilderment at his situation and protested that he had not been allowed legal representation. When asked if he had killed the president, Oswald replied that he had not. Although nothing he said in the police interrogation room was recorded, the newsmen's microphones captured Oswald's statements in the corridor and at the press conference. At least two of his claims to innocence were recorded on tape.

He couldn't have known it at the time, but when Oswald spoke those words, he was taking a test. Seven years would pass before the lie detector would be invented that could actually test for the subtle and inaudible vocal clues that are evidence of truth or de-

ception. Another three years would elapse before anyone used the Psychological Stress Evaluator to test Oswald's denials that he killed President Kennedy. In 1973, I obtained copies of those recordings and processed them with the PSE.

The CBS tapes contained this brief exchange between Oswald and the newsmen, recorded at the midnight press conference in the basement of police headquarters:

Oswald: I positively know nothing about this situation here. I would like to have legal representation.

Reporter: [unintelligible]

Oswald: Well, I was questioned by a judge. However, I protested at that time that I was not allowed legal representation during that very short and sweet hearing. I really don't know what this situation is about. Nobody has told me anything, except that I'm accused of murdering a policeman. I know nothing more than that. I do request someone to come forward to give me legal assistance.

Reporter: Did you kill the president?

Oswald: No, I have not been charged with that. In fact, nobody has said that to me yet. The first thing I heard about it was when the newspaper reporters in the hall asked me that question.

The press conference was held under circumstances very unfavorable for stress-deception analysis. Oswald was shackled between two policemen. He had been brought into the basement lineup room to face a battery of television lights and cameras and a surging mob of newsmen. Each reporter was trying to outshout his fellows in the competition for a statement. I expected to find a uniform level of hard stress in both relevant and irrelevant statements, but I discovered that this was not the case.

The first statement, "I positively know nothing about this situation here," showed good-to-hard stress. The stress was moderate-to-good in, "I would like to have legal representation." It remained at that level until he said, "I protested at that time," when it went back up to hard. The stress dropped back to good, then moderate-to-good in the phrase, "I really don't know what this situation is about." It continued good until he said, "I know nothing more than that," at which time it turned hard again. "I do request someone to come forward to give me legal assistance" was moderate-to-good, except for the word "someone," which was hard.

The statement, "No, I have not been charged with that" showed an unusual range of stress. It began with almost no stress, but there was hard stress on the word "that." On listening repeatedly to the recording, I noticed that Oswald ran the words "no" and "I" together, producing the same phonetic effect as "know why." Electronically, it was a single, two-syllable word, and it produced a single waveform on the PSE chart. The waveform began with almost no stress

but ended with good stress. Obviously, it was important to discover how much of the stress had been present during the "no" part of the utterance.

I played the tape several times at a reduced speed until I was able to identify the point at which the o vowel ended and the i sound began. I made a small visible mark on the tape at this point, then switched the recorder to the even slower speed required by the PSE. I backed up the tape, switched on the PSE, and played the statement again. When the mark on the tape reached the recorder's playback head, I switched off the machine. The PSE stylus dropped back to the zero line. I looked at the waveform.

The stress was none-to-moderate.

I asked Mike Kradz, Dektor's director of training, to look at the charts. I told him that the speaker was a young man accused of murdering a policeman and an executive, who had been interviewed by reporters under chaotic conditions in a police station. I showed Kradz the transcript of the tape, but I had altered the question, "Did you kill the president?" to read, "Did you kill him?" As Kradz inspected the charts, he had no way of knowing that the speaker was Lee Harvey Oswald or that the murdered executive was John Kennedy.

Kradz studied the charts carefully and said it seemed the speaker was telling the truth when he denied the murder. While he was impressed with the low level of stress in the "no," which I had separated electronically from the rest of the statement, he felt that even considering the increased stress that appears later in the sentence there was a strong indication that the young man wasn't lying. Kradz pointed out that the stress, although considerable, was not equal to the consistently hard stress shown in the phrases, "I positively know nothing about this situation here," and "I know nothing more than that." The young man may have been lying when he made these statements, or there may have been some other reason for the stress. But whatever the case, Kradz pointed out, that subject seemed to mean a great deal more to the speaker than the matter of murdering the executive. The indication was that he didn't do it.

After he announced his conclusion, I told Kradz that the speaker was Lee Harvey Oswald and the murdered executive President Kennedy. The ex-cop stared at me for a moment, then picked up the charts again and examined them minutely. Finally he put them down and shook his head in disbelief. "I wonder who he thought he killed," he said.

Kradz's incredulity was only natural; the charge that Lee Harvey Oswald killed President Kennedy has gained widespread acceptance, even in the face of public doubts about the Warren Report. During the first few years after the assassination, Oswald was described in the press as "the alleged assassin," an implicit reference to the fact that he had not lived to be convicted of the crime in a court of law. But, as propagandists have often demonstrated, repetition of a charge gradually leads to its public acceptance. Ten years after the event, even most skeptics doubted no more than that "Oswald acted alone."

I was too familiar with the weaknesses in the case against Oswald and I had seen too many indications of deception in the recorded statements of the witnesses against him to be very surprised at this new discovery. I remembered the words of ex-FBI agent William Turner in his book, *Invisible Witness*: "While in police custody Oswald's demeanor was not that of a wanton assassin.

He steadfastly denied the crime and some newsmen were struck by the appearance of genuine shock when he was told he was accused of the assassination."

But Mike Kradz's skepticism led him to think further about the chart and transcript I had shown him, and he finally raised a point which, I was forced to agree, made the PSE results less than 100 percent conclusive—this is that it's not completely clear what Oswald meant when he responded to the question, "Did you kill the president?" The Warren Report contains the following transcription of his reply: "No. I have not been charged with that." If the statement is read as two distinct sentences, Oswald seems to be denying his guilt and then adding that he has not been charged with the crime (which, at the time of the midnight press conference, was the case). But, as I knew from listening to the tape, Oswald sounded as though he were saying, "No, I have not been charged with that," in one sentence, not two. Was "no" a specific denial of guilt, or merely a rejection of the question, a way of saying, in effect, "Don't ask me that; even the police haven't accused me of that"?

Of course, if Oswald had been the man who killed the president only hours earlier, he might be expected to show hard stress while making any reference to the shooting, no matter how oblique; and it certainly should have been a more stressful subject than what he knew about the circumstances of his arrest. But Oswald's denial seemed ambiguous, and the PSE results, however interesting, could not be called absolutely conclusive. It seemed likely, however, that Oswald was asked the crucial question by newsmen again during the night of November 22, and his answer was probably recorded on tape somewhere. So I set out to find a recording of a categorical denial, and several weeks later I succeeded.

Ironically, my search ended in Dallas. I was visiting Al Chapman, one of the hundreds of private citizens who do not believe the Warren Report and continue to investigate the case: Chapman has compiled a small library of materials relating to the assassination, including some sound recordings. Among these I found a long-playing record called *Probe*, which was released several years ago by Columbia Records. *Probe* is an audio documentary on the assassination (and one of the bitterest attacks on the critics of the Warren Report), and it contains many excerpts from news recordings that were made during the weekend of the assassination.

Oswald speaks only once on the record, apparently while being led along the crowded third-floor corridor of the police station:

Oswald: These people have given me a hearing without legal representation or anything.

Reporter: Did you shoot the president?

Oswald: I didn't shoot anybody, no sir.

I transferred the segment to tape. Later, I processed the recording with the PSE.

Oswald's protest that he has been given a hearing without legal representation shows good-to-hard stress. His categorical denial that he shot anyone contains almost no stress at all. Stress is a necessary, but not sufficient, condition of lying; it must be interpreted, and therein lies the margin of error. But the absence of stress is a sufficient condition of truthfulness. If someone is talking about a matter of real importance to himself and shows absolutely no stress, then he must be telling the truth.

Oswald denied shooting anybody—the president, the policeman, anybody. The psychological stress evaluator said he was telling the truth.

But, despite the many other indications that Oswald was innocent, the almost complete absence of stress in his voice is still remarkable, in view of the circumstances of his conversation with the press. The recording sounded clear and was of excellent technical quality, and hard stress was apparent in Oswald's voice when he protested that he had been denied legal representation. Still, I wondered if some yet unknown recording phenomenon had managed to eradicate the stress in his statement of innocence. This didn't seem very likely, but I was uncomfortable with the fact that the tape had been made from a phonograph record, which, in turn, had been cut from another recording. None of my other results had come from phonograph records. Did something about this medium sometimes erase stress? I decided that I would have to obtain another tape of the statement, one that was not the result of a re-recording chain involving a phonograph record. Otherwise, I couldn't be certain.

The John F. Kennedy Library in Waltham, Massachusetts, has a stack of audio tapes that had been recorded from the television network coverage of the events of November 22–25, 1963. After two days of listening, I found what I was looking for. This copy sounded the same as the recording I had found in Dallas—with one exception. On the Dallas recording Oswald says, "I didn't shoot anybody, no sir." On the Waltham recording he can be heard to say, "No, I didn't shoot anybody, no sir." The two recordings were probably made from two different microphones, and indeed many photographs of Oswald in custody show several newsmen holding up microphones in front of him. The reporter who asked him, "Did you shoot the president?" was probably at Oswald's side, and Oswald may have been turning to face the man as he answered. Thus, some of the microphones would have been likely to miss the "no."

I ran the Waltham recording on the PSE. The initial "no" showed moderate stress. The PSE waveforms for the rest of Oswald's statements were virtually identical to the ones I made from the Dallas tape. There was good-to-hard stress on, "These people have given me a hearing without legal representation or anything," and almost no stress on,

"I didn't shoot anybody, no sir." There was no longer any question of distortion from the phonograph record. The evidence that the Waltham tape had been recorded from a different microphone from the Dallas tape established that the two tapes were the end points of two completely separate transmission and recording chains. And both tapes yielded identical PSE results. It was not some strange sound-recording fluke; quite clearly Lee Harvey Oswald was telling the truth.

I returned from Waltham and visited Mike Kradz at Dektor. I showed him the second set of transcripts and charts. No prolonged examination was necessary; the utter lack of stress in Oswald's statement was immediately obvious. It was hard to accept, but Kradz had run too many criminal cases on the PSE to have any doubts about the meaning of the PSE charts I showed him. There was no other possible explanation than that Oswald was telling the truth.

Kradz asked me if I would object to his showing the charts to someone else. I said that I wouldn't, and he stepped out of his office and returned in a few minutes with a wiry, middle-aged man whom he introduced as Rusty Hitchcock.

L. H. "Rusty" Hitchcock is a former army intelligence agent and one of the most experienced polygraph examiners in the country. Since he graduated from the army's polygraph school at Fort Gordon in 1954, lie detection has been his specialty. Besides conducting thousands of polygraph investigations, he has also carried out basic research in lie detection and is an expert on the phenomenon of the galvanic skin response and the effect of hypnosis on polygraph results. He is the author of many training manuals and procedural guides used by army polygraph examiners. Hitchcock is, of course, well-known in professional polygraph circles and, although he now embraces the heretical Psychological Stress Evaluator, he is still held in high regard by most of his fellow members of the American Polygraph Association. He is retired and spends most of his time raising cattle on his Georgia ranch, but he occasionally serves as a consultant to law-enforcement agencies and private security firms.

Rusty Hitchcock was incredulous when Kradz showed him the PSE charts I had run on Oswald. He questioned me closely to assure himself that I had not made some procedural mistake in operating the PSE equipment. Convinced that I had not, he speculated that there might be a defect in the equipment I was using, and he also pointed out that I had run Oswald in only one of the PSE modes and at only one tape speed (varying the speed of the tape recorder or chart drive mechanism can sometimes reveal low-level stress which would otherwise go unnoticed). This was true, but the combination of mode and tape speed I had used was the one most often used in criminal cases, since it is completely sensitive to the levels of stress likely to be produced in such matters. Oswald had shown hard stress on the irrelevant issue and almost none on his claim of innocence.

I was certain the PSE and recorder I had used were working properly, and I was con-

fident I would get the same results no matter what equipment, PSE mode, or tape speed I used. I offered Hitchcock a copy of the recording and suggested he check my findings with his own instruments. He replied by inviting me to his ranch, suggesting that we review the tape together. Several weeks later, I accepted his invitation.

We spent most of a morning and a roll of chart paper on the test. I watched over his shoulder as Rusty tried each combination of PSE mode and recorder speed in turn. The answer was always the same. In the end he too was convinced. Rusty is no student of assassinations, but he is a specialist in the natural history of lying. Perhaps better than anyone, Rusty could read the message written over and over again that day by the stylus of his PSE. He had the courage of his convictions, and he gave me his findings in the form of a signed statement. It reads as follows:

Dear Mr. O'Toole:

As you requested, I have analyzed with the Psychological Stress Evaluator the tape recordings you provided of the voice of Lee Harvey Oswald. Oswald's comments regarding the circumstances of his arrest and his statements that he had been denied legal representation show considerable situation stress. When he is asked, "Did you kill the president?" his reply, "No, I have not been charged with that," shows no harder stress than that found in his earlier comments. In replying to the question, "Did you shoot the president?" his reply, "No, I didn't shoot anybody, no sir," contains much less stress than I found in his earlier statement regarding legal representation, made only moments before this.

My PSE analysis of these recordings indicates very clearly that Oswald believed he was telling the truth when he denied killing the president. Assuming that he was not suffering from a psychopathological condition that made him ignorant of his own actions, I can state, beyond reasonable doubt, that Lee Harvey Oswald did not kill President Kennedy and did not shoot anyone else.

(signed)

Lloyd H. Hitchcock

Was Oswald a madman? The Warren Commission reported that it could reach no definite conclusion regarding Oswald's sanity in the legal sense of the word. The commission included in its report a lengthy and detailed biography of Oswald, and the report of a psychiatrist who examined Oswald when he was arrested for truancy as a thirteen-year-old. The psychiatrist found Oswald to be withdrawn and insecure, but not psychotic. Nothing in the commission's detailed record of Oswald's childhood and

adult life suggests that he was, in any sense, insane.

Rusty Hitchcock explained that he was not concerned about the possibility that Oswald was a pathological liar; the hard stress evident in some of his statements shows that he was responding normally to the situation in which he found himself. Rusty was allowing for the possibility that, for some reason such as temporary amnesia, Oswald was unaware of his recent actions. However, there is absolutely nothing in the official accounts of Oswald's statements while in custody that suggests he ever said that he couldn't remember what he had been doing on the afternoon of November 22. There is no other plausible interpretation of the Oswald PSE charts than the explanation that Oswald was simply telling the truth.

But after ten years of repetition in books, magazines, newspapers, and the broadcast media, it is difficult to abandon the official doctrine that Lee Harvey Oswald was an assassin. Even the serious student of the Warren Report who is completely familiar with the defects in the commission's case against Oswald may be unable to resist the cumulative effect of a "well-known fact." The problems raised by skeptics with the testimony and evidence against Oswald tend to focus on the negative, to argue that the commission failed to prove its case. In debating the ballistic, photographic, and medical evidence, one has a tendency to ignore the substantial positive arguments in favor of Oswald's innocence.

One of the strongest of these arguments is the fact, established by the Warren Commission, that no more than ninety seconds after the president was shot, Lee Harvey Oswald was calmly standing in the lunchroom on the second floor of the book depository. Dallas motorcycle policeman M. L. Baker was riding in the presidential motorcade when the shots were fired. He got off his motorcycle and rushed into the lobby of the book depository, where he encountered Roy Truly, the depository manager. Baker and Truly ran up the stairs. On the second floor Baker saw someone going into the lunchroom. With his revolver in his hand, Baker followed. As he reached the lunchroom entrance, he saw that the room was empty except for one man, who was walking away from him. Baker called to the man, who turned around and walked over to the policeman. At this point, Truly entered the lunchroom and identified the man as Oswald. The Warren Report describes the encounter:

Baker stated later that the man did not seem to be out of breath; he seemed calm. "He never did say a word or nothing. In fact, he didn't change his expression one bit." Truly said of Oswald: "He didn't seem to be excited or overly afraid or anything. He might have been a bit startled, like I might have been if somebody confronted me. But I cannot recall any change in expression of any kind on his face." Truly thought that the officer's gun at that time appeared to be almost touching the middle portion of Oswald's body.

The commission had Baker reenact his movements—getting off the motorcycle, meeting Truly in the lobby, and climbing the stairs to the second floor. Baker ran through the whole sequence twice and was timed by stopwatch. The first time he did it in one minute and thirty seconds, the second time in one minute and fifteen seconds.

A Secret Service agent (and later several other people, including Chief Justice Warren) reenacted Oswald's supposed movements after firing the final shot—carrying a rifle from the southeast window to the northwest corner of the sixth floor, placing the weapon on the floor where it was allegedly discovered, descending the stairs to the second floor, and entering the lunchroom. Two trials were timed: the first, at a "normal walking pace," required one minute and eighteen seconds; the second, at a "fast walk," took one minute and fourteen seconds, only slightly less.

There is no indication that the agent, in reenacting Oswald's supposed actions, stopped to wipe the rifle completely clear of fingerprints. (The FBI laboratory reported that there were no fingerprints on the rifle; the Dallas police claim to have found a palmprint, but on a portion of the rifle which could only be touched when the weapon was disassembled.) This might have added a few seconds to the test, although it is conceivable that the assassin could have wiped off the rifle as he walked across the sixth floor to the place where he secreted it.

Thus, the Warren Commission was able to establish that it was just barely possible for Oswald to have gotten from the southeast corner of the sixth floor to the lunchroom on the second floor between the time the final shot was fired and the moment at which Patrolman Baker and Roy Truly saw Oswald in the lunchroom. But while the commission was able to prove the physical possibility of its theory, it didn't even attempt to explain away the psychological problems of this version.

The absence of fingerprints on the rifle does not necessarily mean that someone wiped them off: contrary to popular opinion, weapons often do not "take" fingerprints, perhaps not even from the sweaty hands of a man waiting to murder the president of the United States. In fact, there would have been little point in Oswald's wiping his prints from the rifle, since the weapon could easily be traced to him through the post-office box he had rented in his own name. But the question that the commission failed to answer, or even to ask, is *why* Oswald bothered to hide the rifle at all. He must have known that even if he had taken more pains than merely concealing the gun behind some cartons of books, a thorough police search of the book depository would have found it. Short of removing the rifle from the building, there was really no way that Oswald could have hoped to keep the weapon out of the hands of the police.

If Oswald had been the assassin, then his supposed rush from the sixth-floor window to the second-floor lunchroom would have to have been for the purposes of establishing an alibi and facilitating his escape from the book depository. Time, then, would have

been critical, and stopping to hide the rifle would have taken time. To carry a weapon across the sixth floor was to prolong the risk of being observed with it by anyone who chanced to come upon the scene. If Oswald's plan was to avoid discovery and establish himself in the lunchroom as soon as possible, then the rifle should have been found near the southeast window, not hidden behind cartons in the northwest corner of the sixth floor.

Truly and Baker reported that when they saw Oswald in the lunchroom he seemed calm, although a bit startled at being confronted by a policeman holding a gun. He was not, according to their account, out of breath, frightened, or excited. This would have been an extraordinary feat of self-control for a man who, ninety seconds before, pumped two bullets into the president, concealed his rifle, and hurried down four flights of stairs. If Oswald had been the assassin, if he had fled to the lunchroom to avoid detection, then confrontation by a uniformed policeman with a drawn gun should have at least suggested to him that the game might be over. But Oswald was not pale and shaken, merely startled. When his salvation arrived in the form of Roy Truly, who identified him to Baker as a depository employee, did he breathe a sigh of relief? None was reported. When Baker and Truly turned away to continue their search elsewhere, did Oswald hurry down that last flight of stairs and flee the building? He did not. According to the commission's reconstruction of events, Oswald walked over to the soft-drink machine in the lunchroom and bought a Coca-Cola.

Sylvia Meagher, who conducted one of the most exhaustive analyses of the Warren Commission, cites some evidence that Oswald had, in fact, been drinking the Coke even before the confrontation with Baker, evidence which would support Oswald's claim that he was having lunch at the time of the shooting. There is no question, however, that Oswald was drinking the Coke when he was seen, a few moments after meeting Baker, strolling through one of the offices on the second floor. Mrs. Robert Reid, a clerical supervisor at the book depository, saw him enter the office and told the commission, "I had no thoughts . . . of him having any connection with it all because he was very calm. He had gotten a Coke and was holding it in his hands and I guess the reason it impressed me seeing him in there, I thought it was a little strange that one of the warehouse boys would be up in the office at that time, not that he had done anything wrong." Oswald's casual presence in the second-floor office may have seemed strange to Mrs. Reid, but in view of the Warren Commission's charge that he was the assassin fleeing the scene of the crime, his pause for some leisurely refreshment seems downright incredible.

Yet another problem with the commission's reconstruction of Oswald's alleged dash from the sixth to the second floor is the testimony of an eyewitness who, during the critical seconds immediately after the shooting, happened to be on the same staircase Oswald was supposed to have used.

Victoria Adams, who worked on the fourth floor of the book depository, told the commission that, within a minute of the last shot, she ran down the stairs from the fourth floor to the first floor. She said she neither saw nor heard anyone else on the stairs. The commission concluded that she must have been wrong, that she really used the stairs several minutes after Oswald had already descended them.

Shortly after he was seen by Mrs. Reid, Oswald left the book depository. Instead of continuing down the stairs in the northwest corner of the building adjacent to the area where he met Baker, Truly, and Reid and departing through the secluded back exit, Oswald strolled across the second floor and walked down the front staircase to the main entrance on Dealey Plaza. He left the building not as a murderer on the run, but like someone who had missed the excitement and was going outside to see what was happening.

Oswald never returned to the book depository; he went to his furnished room in the Oak Cliff section of Dallas, and from there to a nearby movie theater. According to the reports of his interrogation, he claimed he felt that, under the circumstances, the book depository would close for the rest of the day; so, without waiting to be notified, he took the afternoon off, went home, and then went on to the movies. This story seems implausible, but there is nothing in the commission's reconstruction of Oswald's trip from Dealey Plaza to his room that suggests flight. Traffic in the vicinity of the book depository had come to a standstill, and Oswald walked several blocks from the tie-up and boarded a bus. The bus traveled for several blocks and then became stuck in the spreading traffic jam. Oswald got out and walked to the Greyhound Bus Station, where he got in a taxicab. The driver's account of what happened next gives us a dramatic insight into Oswald's state of mind only minutes after the shooting:

And about that time an old lady, I think she was an old lady, I don't remember nothing but her sticking her head down past him in the door and said, "Driver, will you call me a cab down here?"

She had seen him [Oswald] get this cab and she wanted one, too, and he opened the door a little bit like he was going to get out and he said, "I will let you have this one," and she says, "No, the driver will call me one."

If Oswald was an assassin fleeing the scene of his crime, then he was certainly an assassin of remarkable chivalry.

Oswald took the taxi to Oak Cliff, went to his furnished room, changed his clothes, and then went out again. Oswald's landlady, Mrs. Earlene Roberts, testified that Oswald spent only a few minutes in his room. After he left, Mrs. Roberts looked out the window and saw Oswald waiting at a bus stop in front of the rooming house. Once again, Oswald is seen less than an hour after the assassination under circumstances suggesting neither furtiveness nor haste. There is, in

fact, nothing in the commission's reconstruction of Oswald's movements during the ninety minutes between the assassination and Oswald's arrest in the Texas Theatre—apart from some very shaky evidence that he killed Officer Tippit—to suggest that Lee Harvey Oswald had just committed the crime of the century.

The PSE evidence that Oswald was telling the truth, that he was not the assassin, is not my personal property. Anyone sufficiently interested is free to obtain the same recordings and subject them to the same electronic analysis. As the Psychological Stress Evaluator becomes more familiar, not only as an investigative aid but as an instrument of historical research, I expect others to do so, and they will obtain the same results. Indeed, one noted researcher in the field of lie detection, Dr. Gordon Barland, has already done it.

Dr. Barland, who conducts lie-detection research in the department of psychology of the University of Utah, is well known and respected among professional polygraph examiners. His work appears often in the *Journal of the American Polygraph Association* and related journals. Barland has conducted validation studies of both the polygraph and the PSE, and his work with the PSE was the first objective, scientific study to establish the effectiveness of that instrument. Barland's experience in lie detection is not limited to academic studies, however; he was a polygraph examiner in army intelligence and served with the Department of Defense Joint Working Group on Lie Detection. He is a licensed polygraph examiner in the state of Utah and is frequently called upon to aid in the investigation of criminal cases. Barland is nationally recognized as a lie-detection expert, is often asked to give expert testimony on polygraph evidence in court, and serves as a consultant to the federal government in the field of polygraph research.

Dr. Barland heard of my work on the Kennedy assassination through his interest in the PSE, and he generously offered to review my results. I shipped a set of tapes to him in Utah and asked him to pay special attention to the Oswald denials. Then, after spending a considerable amount of time analyzing the tapes with his own tape and PSE equipment, he called to report his own results.

He confirmed my findings of a complete lack of stress in Oswald's statement that he had not shot anyone and the presence of hard stress in the "irrelevant" statements regarding legal representation. He said that, based on the PSE charts he ran, Oswald appeared to be telling the truth when he proclaimed his innocence. Because Barland's experience with the PSE has been largely confined to controlled, polygraph-like examinations, he does not feel that he can make an absolutely conclusive judgment about any such uncontrolled interview as the exchange between Oswald and the reporter. Barland said that he thought it probably was impossible for someone to lie about such a matter, even in an uncontrolled situation, and show no stress. But, he added, he had not studied stress in uncontrolled interviews sufficiently to be categorical about it. In the interest of scientific accuracy, he felt that he must use the word "probably." I asked him if he would be willing to make a numerical estimate of the probability, as he saw it, that Oswald was telling the truth. He promptly replied that he would certainly be willing to put the figure at 75 percent at the very least.

Except for my initial request of Mike Kradz that he look at the Oswald charts, I have not actively sought expert endorsement of my findings on Oswald. The Psychological Stress Evaluator remains a controversial subject among polygraph professionals, and only a few have had the courage to admit that the new instrument works and thus incur the wrath of their colleagues. I have not asked these few to go even further out on the limb and publicly support the thesis that Lee Harvey Oswald was not the assassin of President Kennedy. However, some of them have confidentially inquired about my work and, in every case, I have offered them my charts and tapes. Some have run the tapes on their own equipment. All who have seen the Oswald charts agree that—either certainly or very probably—Oswald was innocent. None has offered a contradictory interpretation, but only Mike Kradz, Rusty Hitchcock, and Gordon Barland have volunteered to be quoted. Yet in a court of law, any one of those three would be (and often is) accepted as an expert witness in the field of lie detection.

On Monday, November 25, 1963, John F. Kennedy was buried in Arlington National Cemetery. Presidents and kings escorted the flag-draped coffin to the grave. A squadron of jet fighters roared overhead, and a military guard fired a final salute. The bugler played taps.

And in another cemetery near Fort Worth, Texas, there was another funeral. Lee Harvey Oswald's wife and mother, his brother, and his two small daughters were there, as well as a number of newsmen and Secret Service agents. All of the clergymen Marguerite Oswald had approached refused to permit her son's body to be brought into their churches. None would even agree to conduct a graveside ceremony. A brief service was held by an official from a local church group. When he arrived, he left his Bible in his car. Reporters and Secret Service agents served as pallbearers. Later the grave was desecrated and the tombstone stolen.

Oswald is one of the most hated figures in American history, and his guilt has been largely unquestioned. While critics of the Warren Commission sometimes find receptive and sympathetic audiences to hear their arguments, one proclaims Oswald innocent at his own peril. To offer a professional opinion in support of this thesis takes great courage. Those who have done so have earned my gratitude and admiration.

But there is more than a professional reputation to be risked in considering the PSE evidence of Oswald's innocence. There is one's peace of mind, and all who have dared to look over my shoulder have lost it. I remember vividly the emotions I felt during the afternoon and evening of November 22, as the reports came in from Dallas. During those tragic hours there was some small consolation in knowing that the murderer had been captured. But whatever comfort there was in that belief, it is now gone. The president was killed by a person or persons unknown. Until the murderers are found, until the truth is known, until justice is done, there can be no rest and no peace. None for John Kennedy, none for Lee Oswald, and none for the rest of us. ☐

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