HW

KENNEDY ASSASSINATION COVER-UP

By PETER DALE SCOTT

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MEMORANDUM FOR MR. MOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat--too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public property in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General

The House Assassinations Committee has shown that at least two gunmen fired at President Kennedy in Dallas. Why then did the FBI and CIA push so vigorously for the lone-nut theory?

ONE WEEK AFTER THE announcement by the House Select Committee on Assassinations that at least two gunmen had shot at President Kennedy in Dealey Plaza, the nation's leading establishment newspa-

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pers were urging their readers to think nothing of it. Both the *New York Times* and the *Washington Post* editorially rebuked the House committee for having used the suggestive word "conspiracy," although the *Times* was prepared to concede that the word "is technically correct." The *Times* would have us talk of "two maniacs instead of one"; the *Post* referred to "societal outcasts" developing "in some spontaneous way a common determination to express their alienation." In short, nothing to worry about. The *Post* explicitly advised the Justice Department that there was "little reason" to explore the committee's "dead ends" and "cold trails."

Though scientific evidence indicating a second gunman, on the grassy knoll, will hardly help to identify the assassins, it does help to illuminate the governmental cover-up of eyewitness testimony that from the outset had spoken of a shot or shots from that area. The Warren Commission report itself, in an appendix, "The Source of the Shots," asserted that "There is no evidence that any shots were fired at the President from anywhere other than the Texas School Book Depository." To discredit the idea of an alternative source, the appendix brazenly cited the testimony of "13 railroad employees who were on the overpass" in front of the motorcade, even though at least six of them had testified unequivocally that they had heard shots and/or seen a puff of smoke from the clump of trees along the picket fence on the grassy knoll. Frank Reilly had told the commission, "It seemed to me like they [the shots] come out of the trees." His companion Sam Holland agreed, "I definitely saw the puff of smoke and heard the report from under those trees."

This is only one very small, and no doubt relatively innocent, example of the continuing governmental cover-up that since 1963 has systematically distorted the realities of the Kennedy case and thus obstructed its solution. The existence of a cover-up does not prove that the U.S. government itself was somehow involved in the crime—only that the crime was plotted in such a way that to unravel it would threaten major governmental interests, thus inducing a cover-up. The stakes might have been world peace, if a foreign power was, or falsely appeared to be, implicated; or a sensitive government operation, with which Oswald may well have been connected, whether or not he was involved in the actual killing.

Neither of these examples is hypothetical. Within hours of the assassination, officials in Dallas and elsewhere were suggesting, on the flimsiest of evidence, that Oswald was part of a Communist conspiracy, acting on orders out of Havana or Moscow. Worse yet, highly dubious reports, already in U.S. intelligence files, provided some backing for these false conspiracy stories—which soon began to circulate about Jack Ruby as well. Thus, in the context of rumors that were as dangerous as they were misleading, reasonable men may well have settled on a "lone assassin" hypothesis for pragmatic reasons, as less misleading and less dangerous than the alternative theories already circulating. One need not, therefore, assume malevolent motives on the part of all those who engaged in the cover-up, both within the government and among such nongovernmental pillars of the community as the *New York Times*.

It is obvious, however, that "two maniacs instead of one" could not by themselves have engineered the pressures for concealment. Indeed, planning the assassination so as to provoke a cover-up called for far more sophistication than did the simple murder of the President. In particular, it called for close knowledge of how the U.S. government could be expected to react.

For years, some critics have argued that, just as with Watergate, so too in this case the solution to the crime lies in exposing the cover-up. They appealed to the House committee to focus on key evidence of, and witnesses to, significant attempts at concealment—such as the autopsy doctor's failure to fully probe the wound-track in the President's neck, because, as he later testified under oath, "I was told not to." The committee, however, did not go this route. On the contrary, it concluded that the investigation of Oswald's responsibility for the assassination was "thorough and reliable," though there were inadequacies in the investigation of a possible conspiracy, and numerous suggestive clues pointed toward a conspiratorial cover-up.

For example, agents of army intelligence might have been considered prime suspects, since they had falsely identified "Harvey Lee Oswald" as a card-carrying Communist and defector to Cuba, in a cable of November 22, 1963, from the 112th Intelligence Group in Texas to the U.S. Strike Command in Florida which was then on a "red alert" for possible military action against Cuba. That provocative cable only reached the Warren Commission indirectly, from another agency; the army itself failed to supply the commission with intelligence files it had maintained on Oswald since 1959. The Defense Department has since also destroyed all its files on the assassination, according to Jack Anderson, despite a warning from the Justice Department not to do so.

But army intelligence was by no means the only federal agency to withhold information from the Warren Commission. For example, the CIA never gave the Warren Commission all the evidence it had accumulated concerning the claim, circulated to other agencies shortly before the assassination, that "a man who identified himself as Lee Oswald" had spoken in Mexico City with Soviet consul Valery Vladimirovich Kostikov. This report on Oswald, even if ultimately proven false, might have been enough in itself to trigger a benign cover-up in the name of peace. Kostikov, known to be a KGB agent, was in 1963 the object of special FBI attention as a member of the KGB's Department Thirteen—the section specializing in "wet affairs," i.e., sabotage and murder.

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Right after the assassination, Russian émigré groups with U.S. intelligence contacts claimed, apparently without evidence, that Oswald had attended a KGB Department Thirteen assassination school in Moscow or Minsk.

The potentially explosive story of an Oswald-Kostikov contact seems to have been handled cautiously by CIA headquarters. Their teletype of October 10, 1963, was careful to speak of a "man who identified himself as Lee

Oswald," who had *said* (to a Soviet embassy guard) that he had spoken with Kostikov three days earlier. This account clearly leaves room for the possibility that an impostor, not Oswald, was planting a false trail to the KGB. But a member of the CIA's Mexico City station turned this allegation into purported fact when he reported on October 16 that "this officer [i.e., himself] *determined* that Oswald . . . had talked with . . . Kostikov." In other words, the officer reported the alleged Oswald's claim as fact; and if the alleged Oswald's claim was false, so was the agent's.

The FBI campaigned through the media to win support for its hasty findings that Oswald acted alone.

Most critics now think the alleged Oswald was an impostor. The CIA, right after the assassination, sent to Dallas photos it claimed were of this man; clearly they are shots of someone heavyset, balding, and middle-aged. The world knows of these photos because Marguerite Oswald, who was shown one of them the night before her son Lee was killed, later thought, mistakenly, that it was a photo of Jack Ruby. It took weeks for the Warren Commission just to establish that this photo was taken in Mexico City. The commission apparently never saw an FBI report about a CIA recording of the alleged Lee Oswald's voice; the report said that the recording reached the Dallas FBI along with the photographs, and was rejected by them as not being of Oswald. The recording itself, an important possible clue to a conspiracy, apparently disappeared some time after the assassination, and a solitary documentary reference to it did not reach any audience outside intelligence circles until 1975. Retired CIA officer David Phillips recently claimed that the recordings of "Oswald" in Mexico were destroyed *prior* to the assassination—a claim challenged by the FBI document.

One thus gets the impression that the CIA, possibly quite innocently, had both photographs and a voice recording of a conspirator, not Oswald, who was consciously inducing the future cover-up of the assassination of the President by laying a false trail to the doorstep of the KGB's assassination bureau in Mexico City. Such a conspirator would of course be no "maniac" or "societal outcast," but a sophisticated planner who was counting on the CIA's surveillance of the Soviet embassy in Mexico City to detect his contact with Kostikov. In 1963 such a person would almost certainly have had to be associated with the global intelligence milieu, an insider privy to special knowledge about the CIA's procedures.

Richard Helms, then the CIA's deputy director for plans, took steps to dispel this impression, so far as the photograph was concerned. In a belated explanation to the Warren Commission, which was itself withheld from the public until 1967, Helms assured the commission that the photograph was taken on October 4, 1963—two days after Oswald was supposed to have left Mexico City. He gave the alternative impression that Oswald and the unidentified middle-aged man had only been confused ex post facto in some innocent CIA mix-up. Such an explanation could work for the photograph, since photos do not identify themselves. If the FBI report is correct, however, the recording could not have been sent by mistake; it recorded the voice of someone, apparently not Oswald, who "identified himself as Lee Oswald."

IF IT CONCEALED THE recording, however, the CIA was not acting like a "rogue elephant," since it had help from the other agencies that shared its information, in particular the FBI. Following an official rebuke by a Senate subcommittee for ignoring "significant leads," the FBI files on Oswald and the Kennedy assassination have recently been declassified, after security deletions, and made public. These files show the FBI's role in covering up to have been much more deliberate than was suggested by the report of Senators Richard Schweiker and Gary Hart, which spoke merely of "deficiencies," and of "efforts focused too narrowly to allow for a full investigation." The FBI did not simply fail to interview certain important witnesses to a possible conspiracy; more than once it sent urgent orders that such witnesses were not to be interviewed. And it campaigned vigorously through the media to win support for its hasty finding that Oswald was the lone assassin.

The same files show J. Edgar Hoover ordering the release of information to "very friendly" journalists like Jeremiah O'Leary, now of the *Washington Star*, who in December 1978 was the first journalist to propose the hypothesis of two lone nuts in Dealey Plaza firing within the same half-second. These files also show "corrective" interviews with the employers and backers of journalists who had published stories deemed unfriendly: From these memos we learn how sensitive was the subject of Oswald's preassassination contacts with the FBI—a subject unclear to this day. For example, when Drew Pearson reported that the FBI had interviewed Oswald six days before the assassination, yet failed to warn the Secret Service about him, the FBI tried to silence the columnist. FBI Assistant Director Cartha DeLoach interviewed one of the chief stockholders of Pearson's distribution syndicate, "furnished him sufficient ammunition to refute all of Pearson's facts," and arranged for the apparently sympathetic stockholder to report back in person on his rebuke of Pearson. The idea of a contact between Oswald and the FBI on November 16 faded until 1975, when the FBI first revealed that at some point in November 1963 ("approximately one week or ten days prior to November 22," according to the Schweiker-Hart report), Oswald did visit the Dallas FBI office and leave a threatening note.

The FBI even resorted to "dirty tricks" to suppress dissent over its conclusions. In February 1964, when Mark Lane was planning to present the case for a grassy-knoll assassin before a public meeting at Town Hall in New York, the FBI tried unsuccessfully to prevent the meeting from taking place. At one stage, using what its files call "counterintelligence action," the FBI succeeded in having Town Hall (a private auditorium) cancel the meeting; when Lane's contract was later upheld in court the FBI took comfort from the fact that Lane had been required to put up a costly $25,000 performance bond. In 1966 the FBI prepared memos linking Lane and other prominent assassination critics to allegedly subversive activities; these were supplied on request to Marvin Watson,

President Johnson's political troubleshooter. (This request from the White House seems particularly cynical in the light of subsequent revelations that Johnson himself shared the belief that the assassination in Dallas had been part of a conspiracy.)

IN *THESE FILES HOOVER* does not appear as the inducer of cover-up through false allegations of international conspiracy, but rather as the one so induced, attempting by the lone-assassin hypothesis to put such allegations to rest. White House files, as reported by the Schweiker-Hart committee, confirm this impression. On November 24, 1963, in a phone conversation with White House aide Walter Jenkins, Hoover stated, "The thing I am most concerned about, and so is [Deputy Attorney General] Katzenbach, is having something issued so we can convince the public that Oswald is the real assassin."

The next day Katzenbach himself wrote to another Presidential assistant, Bill Moyers, suggesting that an FBI report on Oswald and the assassination be released as soon as possible, to convince the public that "Oswald was the assassin," and that "he did not have confederates who are still at large." Such a report would provide "some basis for rebutting thoughts that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists." One learns from this memo how readily liberals like Katzenbach, appalled by the rhetoric coming out of Dallas, authorized a lone-assassin story. The FBI did quickly prepare just such a report and leak its lone-assassin finding to the press, before the Warren Commission had even settled down to its first meeting.

Another memo from FBI Assistant Director Courtney Evans shows how zealously Katzenbach shared the FBI's desire to reinforce the lone-assassin hypothesis: "One of the dangers [*sic*] which Katzenbach sees is the possibility that the state hearing to be held in Texas may develop some pertinent information not now known. In an effort to minimize this, he is having Assistant Attorney General Miller confer with the state officials in Texas in an effort to have them restrict their hearing to the proposition of showing merely that Oswald killed the President. . . ."

For its part, the FBI tried to ensure that the Warren Commission would reach the same conclusion. Hoover even intervened at the *Washington Post* to block a proposed editorial calling for the establishment of such a Presidential commission; he claimed that, given the FBI's "intensive investigation," a further review would "muddy waters."

Later, when commission member Allen Dulles warned his old CIA colleague James Angleton that the Warren Commission was considering hiring its own investigative staff, Angleton passed the warning along to the FBI. FBI Deputy Associate Director Alan H. Belmont noted that the commission "should be discouraged from having an investigative staff" and as a first step moved to limit the number of copies of the first secret FBI report made available to the commission.

Thus it was by no accident, but Justice Department policy, that the Warren Commission found itself dependent for facts on the FBI, which had already (as commission counsel J. Lee Rankin complained in January 1964) "decided that it is Oswald who committed the assassination" and that "no one else was involved."

This dependence made it virtually impossible for the commission to check out independently published allegations—backed by a hearsay report that the name and phone number of FBI agent James Hosty were in Oswald's address book—that Oswald was an FBI informant. The FBI, when it learned of the commission's interest in Oswald's preassassination FBI contacts, did belatedly confirm this report. Earlier, however, the FBI had provided a typewritten transcription of Oswald's address book in which the Hosty entry was omitted: The relevant page of this transcript was actually retyped, and its contents then failed to fill the page by just the number of lines of the missing Hosty entry.

The recently released FBI documents show other instances in which key information was either altered before it reached the Warren Commission, or else withheld altogether. For example, judging from Warren Commission records, the FBI seems to have covered up Jack Ruby's connections to organized crime. The commission did not receive an important interview with Luis Kutner, a Chicago lawyer who had just told the press (correctly) about Ruby's connections to Chicago mobsters Lennie Patrick and Dave Yaras. All the FBI transmitted was a meaningless follow-up interview in which Kutner merely said he had no additional information.

Apparently the FBI also failed to transmit a teletype revealing that Yaras, a national hit man for the Chicago syndicate who had grown up with Ruby, and who had been telephoned by one of Ruby's Teamster contacts on the eve of the assassination, was about to attend a "hoodlum meeting" of top East and West Coast syndicate representatives, including some from the "family" of the former Havana crime lord Santos Trafficante.

It is therefore significant that the FBI also suppressed a report that a British free-lance newsman, John Wilson-Hudson, claimed to have been in a Havana prison in 1959 with "an American gangster named Santos" (presumably Trafficante), when "Santos" was visited by someone called Ruby whom the newsman believed was Jack Ruby. Wilson-Hudson had offered to look at photographs of Jack Ruby to see if he was indeed that visitor, but FBI headquarters, in an urgent cable to London, vetoed the suggestion: "Prior information available at Bureau that Ruby in Havana, Cuba, in 1959. Bureau desires no further investigation re Wilson." In this way the Warren Commission never heard either about the alleged Ruby-"Santos" contact. Nor did it see allegations in the FBI files that linked Ruby at that time to Trafficante's Miami associate Dave Yaras "through shylocking and girls."

FBI files show instances in which important information was withheld from the commission.

Such blatant interference by FBI headquarters in the investigative process is recorded in the files only rarely. But this only confirms that the bureau's professed lack of interest in a lead to "Santos" probably derived not from ignorance but from knowledge—perhaps knowledge of the CIA's use of

Trafficante and Chicago crime boss Sam Giancana in plots to assassinate Fidel Castro, since CIA embarrassment about this relationship had already led the Justice Department to drop criminal charges in another case involving Giancana. That would be a relatively nonconspiratorial explanation for the bureau's intervention—an example of "induced cover-up" through appeals to "national security."

The FBI and Secret Service concealed the fact that they had warning of plans to kill JFK.

SUCH AN EXPLANATION is less plausible for the FBI's interference with leads that appeared to be guiding its agents to the actual assassins of the President—a case, seemingly, of obstruction of justice, or worse. How else should one assess the response of FBI headquarters to a report from Miami that Joseph Adams Milteer, a white racist with Klan connections, had in early November 1963 correctly warned that a plot to kill the President "from an office building with a high-powered rifle" was already "in the working"? These words are taken from an actual tape-recording of a discussion between Milteer and his friend, Miami police informant Bill Somersett. Miami police provided copies of this tape to both the Secret Service and the FBI on November 10, 1963, two weeks before the assassination. Four days after the assassination Somersett reported that Milteer had been "jubilant" about it: " 'Everything ran true to form. I guess you thought I was kidding you when I said he would be killed from a window with a high-powered rifle.' " In both of the relevant FBI reports, Somersett was described as "a source who had furnished reliable information in the past."

What was the response of FBI headquarters to the second report? An order was sent to Miami to "amend the reliability statement to show that some of the information furnished by [Somersett] is such that it could not be verified or corroborated." The headquarters file copy noted that "investigation by Atlanta has indicated there is no truth in the statements by [Somersett] and that Milteer was in Quitman, Georgia, during pertinent period." This notation referred to an interview by the Atlanta FBI with Milteer himself, who quite understandably denied ever having threatened Kennedy, or even having "heard anyone make such threats." This simple denial was forwarded to the Warren Commission in December 1963; but the reports from Somersett (duly rewritten to make them less credible) were not forwarded until August 7, 1964, when the commission had almost completed its work. Nothing was ever said to the commission about the tape in the FBI's possession that proved conclusively that Somersett had reported his conversation truthfully, and that Milteer, in his denial, was lying. Nor did the commission hear about this tape from the Secret Service.

In their cover-up of the Milteer tape, the FBI and the Secret Service concealed the fact that they had both had prior warning of "plans . . . to kill President John F. Kennedy." But Milteer had not merely predicted, correctly, the *modus operandi* of the assassination, he had also predicted the cover-up:

> Somersett: Boy, if that Kennedy gets shot, we have got to know where we are at. Because you know that will be a real shake, if they do that.
>
> Milteer: They wouldn't leave any stone unturned there no way. They will pick up somebody within hours afterwards, if anything like that would happen, just to throw the public off.

Since 1963 both Milteer, the extremist, and Somersett, the informant, have died. Their deaths might seem to corroborate the *Washington Post*'s opinion that it is now too late to pursue the "cold trails" of the John F. Kennedy assassination. But the important new leads here pertain not so much to the crime as to the cover-up, not so much to events in Miami or in Dallas as those inside the FBI and other government agencies. For example, following the analogy of Watergate, one candidate it might be useful to interrogate is Robert P. Gemberling, a retired special agent under whose supervision the page with the missing Hosty entry was retyped, and through whose hands the important Somersett interviews reached the Warren Commission nine months late. It is not likely that Gemberling, an apparently modest and mild-mannered man, has important knowledge bearing directly on the assassination; but, like the Kroghs and Deans of Watergate, he could perhaps lead interviewers to those involved at a higher level in conspiratorial cover-up.

Until recently the problem has not been finding candidates for interview; it was to find someone who could be relied on to interview them. Not the FBI, obviously, nor the Justice Department, whose deputy attorney general pressed so vigorously for the lone-assassin story in 1963. Not the national media such as the *New York Times*, in whose headlines Oswald had been convicted before he had been either executed or tried.

It is, in the end, some kind of tribute to the battered institutions of this nation that, despite such a coalition of indifference, the cover-up has not succeeded. On the contrary, thanks both to the already published findings of the House Select Committee and to the prior effort of citizens who disputed the official scenario, the dimensions of the cover-up have become clearer than ever before. Now, for the first time, the critics, rather than the advocates of the lone-assassin theory, have behind them the weight of scientific evidence and a considered governmental judgment.

Shall we now at last see some credible answers to the questions raised by a President's murder? This will depend in part on how honestly the House committee report, soon to be published, accepts the reality, not only of the conspiracy, but also of a cover-up.

The generation with deep psychological and institutional commitments to the lone-assassin fiction is beginning to pass from the scene. After Vietnam, Watergate, and the congressional hearings on federal intelligence agencies, most Americans now are more skeptical about official lies—and new revelations about the assassination have only reinforced that skepticism. Even at the *Washington Post* the picture may be changing. One month after the editorial page, controlled by former CIA officer Philip Geyelin, endorsed the "multiple lone nut" theory, the Outlook section published an intelligent article in support of conspiracy by two members of the Assassination Information Bureau. Is it too much to hope that, at long last, the rest of the nation's press will follow suit? ■