

(Harold Weisberg is a former investigator, intelligence analyst and newspaper and magazine writer. His **WHITWASH: THE REPORT ON THE WARREN REPORT**, completed in February 1965, is the first and to date the only book to analyze the Warren Report exclusively in terms of the official evidence. He published it, **WHITWASH II: THE FBI-SECRET SERVICE COVER-UP** and **PHOTOGRAPHIC WHITWASH: SUPPRESSED KENNEDY ASSASSINATION PICTURES** himself. **OSWALD IN NEW ORLEANS: CASE FOR CONSPIRACY WITH THE CIA** was published November 1 by Canyon Books, 231 East 51 Street, New York City. He has written the fifth book of a series of seven on the Kennedy assassination and its investigation. It is entitled **POST-MORTEM: THE SUPPRESSED KENNEDY AUTOPSY**. Publication date has not been set.)

By Harold Weisberg

Can a President be killed and consigned to history with the dubious epitaph of a fake inquest? If this happens, is the country safe, is the institution of the presidency or any incumbent without jeopardy, secure? Can any President thereafter be without apprehension that the same thing can happen to him?

The answer of the government is "Yes" to all these and the many more questions left when President John F. Kennedy was so coldly murdered four years ago and of its official investigation which left more questions unanswered than it began with and answered none with finality.

I am one of a small band who insist that the kindest description of the Report of the President's Commission on the Assassination of President Kennedy is that it is erroneous. The fourth of my own seven-part "report on the Warren Report" is **OSWALD IN NEW ORLEANS: CASE FOR CONSPIRACY WITH THE CIA**. New Orleans District Attorney Jim Garrison, who is conducting his own investigation of local aspects of the assassination and who made a little-recalled arrest in connection with it three days after that tragedy, has written a foreword to this

book. In it he describes the murder as an "execution". Daily, as I continue my own investigation, I am increasingly in accord with this description.

The more one studies the official printed evidence - the word is entirely inappropriate as lawyers use it - the more it is apparent to the unfettered mind that there was, indeed, a "cover-up", the word Garrison now uses from the subtitle of my second book, *THE FBI-SECRET SERVICE COVER-UP*. And the more one pries loose the evidence ignored by the Commission and in its files, as I alone have persistently done, the more unavoidable is the conclusion that one reason for this cover-up is to protect the CIA.

In a newspaper story, there is never space for the exhaustion of detailed evidence on complicated subjects. This is not the function of newspapers but it is of books, as it is the responsibility of the authors of books in a democratic society. I will, therefore, be limited to a few specific illustrations.

First, however, I would like to thank UPI for this opportunity, the first extended by any news service, for one of us described as "critics" to give a few samples of the kind of evidence that impels me to insist that the Warren Report is unacceptable and wrong and makes an entirely public investigation (the Warren proceedings were entirely in secret) a minimum condition for the survival of democratic society.

I particularly welcome the opportunity to speak with my own voice, and not to be heard in the misrepresentations of others.

To conclude that the Warren Report is wrong does not, as the "commemoration" of the third assassination anniversary would lead one to believe, require belief that that Commissioners and every Department of Justice employee down to the charwoman with least

seniority were part of a grand conspiracy. I believe the members of the Commission, men already overly committed to the public service, did not have the time to really run the investigation. Fewer than a sixth of what were euphemistically called "hearings" had even a single Commissioner in attendance.

Most were conducted in what amount to back rooms in Dallas and New Orleans, with a staff lawyer empowered to administer oaths, a stenographer and a witness happy at the exclusion of the press, alone present. This is a mechanism guaranteed to present temptations that American lawyers, trained in the adversary system of justice, are ill prepared to cope with. Our judicial system presupposes the active opposition of another side, the control of a judge who interprets the rules called laws and procedures, and cross-examination, truly described as the greatest machine for the discovery of truth.

All of these were missing when the government investigated the murder of President Kennedy. Here is a sample of the consequences, from a document for which the Commission found no space in its 26 massive volumes of printed evidence, in the estimated 10,000,000 words of the 300 cubic feet of its files. It is from the sixth chapter of my second book, which exposed for the first time the intelligence suppressed in the fifth folder of the Commission's File 87, folio 640.

Anna Meller is one of the women in the Dallas-Fort Worth Russian-exile community who sought to help Marina Oswald. Noting the writings of Karl Marx in the Oswald apartment, she expressed her concern to her husband. He phoned the FBI.

Assistant Counsel Wesley J. Liebeler (now a professor of law at the University of California at Los Angeles) questioned Mrs. Meller in Dallas "back room" beginning 9 a.m. March 25, 1964. From his

greeting, "Come in, Mr. and Mrs. Meller, and sit down," we know that Teofil Meller was present. Liebelier asked not a single question of him.

Instead, he redundantly inquired about the number of leaves of bread Marina had been given, as though this was the essence of the fact of the assassination. He also ignored a document in his possession, the official report of Dallas Detectives F. A. Hellinghausen and P. M. Parks, dated February 17, 1964.

It says that when Teofil Meller "checked with the FBI ... they told him that Oswald was all right".

Before the assassination, Oswald, the "defector" to Russia, was "all right" to the FBI? And the Commission had no interest in it, asked no questions - made no reference to this in its report, which implies the opposite? Had no space in 26 large volumes, in 10,000,000 printed words, for the brief document?

The Report speaks repetitiously of Oswald's so-called "dedication to Communism and Marxism". The truth is that the Commission's evidence has hundreds of pages of his writing and speaking unvaryingly expressing the greatest hatred and contempt for Russia.

Bracketing this is the official misrepresentation of Oswald as pro-Castro. In OSWALD IN NEW ORLEANS I trace his phony non-existent New Orleans chapter of the "Fair Play for Cuba Committee", his own invention, and the return address he stamped on his literature, 544 Camp Street. By publishing the suppressed FBI reports of its frivolous New Orleans "investigation" and telling what the FBI withheld from the Commission, OSWALD IN NEW ORLEANS shows his connections were with the CIA-Cubans.

What the Warren Report does not tell us is that the Cuban Revolutionary Council, which, with its successors, had an office there,

was formed by the CIA.

Picture of a "pro-Castroite" Oswald enticing Castro supporters to make themselves known to the violence-prone anti-Castro forces!

What the FBI and Secret Service reporting also withheld from the Commission is the identity of the late Guy Banister, who likewise had an office in this same building. Banister arranged for the Cubans to get the office space there. The FBI misrepresented this by giving Banister's address as 531 Lafayette Street. This is a corner building. Both addresses are the same. Only the one-inch thickness of a floor separated the Cuban office from Banister's.

The FBI described Banister as of "Guy Banister Associates". It never told the Commission that Banister operated a detective agency, was a violent racist, was in on clandestine U.S.-Latin American operations, and was a former FBI agent!

This building is across narrow Lafayette Street from the Post Office, which housed federal agencies. When munitions stolen by the Cubans were stored in New Orleans, they were stacked in Banister's office in a quantity that could have wrecked much of downtown New Orleans. Behind the Post Office is the Raily Coffee Company, where Oswald worked, and the Crescent City garage, where he hung out. The FBI and Secret Service used this garage.

None of this is in the Warren Report or its printed "evidence".

I doubt the members of the Commission knew it. I am likewise confident that neither Liebeler nor Chicago Attorney Albert Jenner, who, with him, conducted the New Orleans inquiry - also in "back rooms" - was aware of it.

Nor is the fact that a witness who tried to tell Liebeler of the FBI involvement with these Cuban groups was immediately threatened by the FBI. Liebeler would not let him talk when he tried! I

have introduced him and his evidence to Garrison, as I have it in my new book. He is Orest Pena, owner of the French Quarter Habana Bar and Lounge, 117 Decatur Street, where Lee Harvey Oswald or a "False Oswald" threw an unforgettable drunk. Pena is a former FBI informant.

No sooner had I taken an assistant district attorney to hear Pena's evidence than the radical-right lunatic fringe of the refugee Cubans filed an intimidating but entirely frivolous lawsuit against him.

These are but some of the indications of Oswald's real connections. I believe he was framed. The Commission's own misrepresented evidence is that he actually killed no one - not the President and not Dallas Policeman J. D. Tippit. Its unavailable but distorted evidence is that he could not have been at the scene of either crime when it was committed. There exists - also suppressed until I made it public in the third of my books - a picture taken at the moment of the assassination, showing the sixth-floor window in which Oswald allegedly was. Neither he nor anyone else nor a rifle is in it. The FBI doctored this picture in presenting it to the Commission as Exhibit 29 to its report of December 9, 1963 (Commission File #1). It eliminated more than 90% of the picture. The Presidential motorcade is not in this cropped version. Yet J. Edgar Hoover knew this suppressed picture, in his words, showed the "Presidential motorcade ... directly in front of the Texas School Book Depository Building". I have and published this picture and Hoover's letter so stating (PHOTOGRAPHIC WHITEWASH: SUPPRESSED KENNEDY ASSASSINATION PICTURES, pp.278-31).

That these facts require private investigation when there was an official investigation and when the official investigation deliberately suppressed them is only part of the proof of the urgent need

for a full and entirely public official investigation, by a body with the power and willingness to punish perjury and other illegalities, which this Commission tolerated and covered up.

For those unwilling to face the awful reality, that a President was murdered and was consigned to history with the very dubious epitaph of a fake investigation, I propose a method by which we can establish enough fact to justify such a public, official investigation.

The two Commission lawyers identified above have each accepted a number of invitations to confront me on radio and TV. Without exception, they failed to show up for a single one. Let us broaden this confrontation, not restrict it to these two lawyers. Let all those who so sadly served the country when they were the Commission staff lawyers select, say, a half-dozen of their number - including Liebeler and Arlen Specter, who used his Commission career to become District Attorney of Philadelphia and then (Republican candidate for mayor) (mayor) - to confront me in public, unrehearsed, before newspaper and radio reporters and TV cameras. Let us discuss the Report and the misused, misrepresented, destroyed and suppressed evidence.

There will then be little doubt of the essentiality of a new investigation, of the need for it to be public and in as close approximation of a court proceeding as possible, and above all, that none of it be hidden from the press.

To those who say Criticism of the government undermines it, I answer that the opposite is true. We do not expect and have no right to demand infallibility of public servants. But we must be able to expect and, if necessary, must demand rectification of error. Our system of justice presupposes that courts will err. It provides for the correction of judicial error. This does not undermine democracy but strengthens it.

The powerful government that acknowledges it did wrong and then pledges, to the degree possible, correction of its wrong, earns the respect of mankind, not its contempt. If the United States government is worried about its tarnished international image, let it earn respect by acknowledging the Kennedy assassination must be really, vigorously, investigated.

I can imagine no more fitting commemoration of this murder. Nor one that can do our country more good.