

DRAFT #2

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Editor
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Organization of American Historians
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Dear Editor:

Shortly after Dean Kermit Hall's appointment to the Assassinations Records Review Board he appeared on a Columbus, Ohio, television station. He remarked that his biggest asset for that job was his "ignorance." A remarkable comment in itself but his article in the *OAH Newsletter* establishes that he has preserved his postulate of appropriate procedure. However, nothing within the article demonstrates that this *a priori* condition proved to be an asset of any kind.

Dean Hall begins with the assumption of Lee Harvey Oswald's guilt and does not address any of the existing and public *official* evidence. Without an independent evaluation of the evidence, particularly of the crime itself -- of which there is not a word in what he wrote -- he and the review board members have no way of knowing what does and does not relate to the assassination of President John F. Kennedy. On the one hand much information that the intelligence agencies may consider relate to the assassination may have no relevance at all. On the other hand much information that they do not see to be pertinent can well relate to it.

To the extent the board does not confront or address the *facts* about the crime itself it tangles itself in the secrecy quagmire. If at any point the board has examined the *facts* its public statements fail to mention it. In Hall's article it is not mentioned or even hinted at.

Hall writes in terms of conspiracy theories or non-conspiracy theories. But this is a profound misconception of the nature of what is at issue. Conspiracy is

not a question of theory, it is a question of fact, a reality established by centuries of historical work and daily affirmed in the courts. The critical literature clearly distinguishes between fact and theory. *responsible*

This fatal flaw displays itself in a most obvious manner when he writes that the Warren Commission and its Report "stand at the center of almost all Kennedy conspiracy theories." But they also stand at the center of all consideration of the evidence of the crime itself. It is that evidence only, not any theory, that can be the basis for believing that there was or was not a conspiracy to murder President Kennedy.

He attributes the shooting to Oswald. However, the Commission's published evidence thoroughly demonstrates that the best shots in the country could not duplicate the shooting it attributed to the duffer Oswald. Thus, on this basis alone, that *fact* sustains a conspiracy. To call that a "theory" is untenable. This evidence is clearly discussed in the first book he mentions, *Whitewash*, not *White Wash*.

Hall says the Report appeared "One year after the assassination." In fact the Government Printing Office printed it a few days shy of ten months after the assassination and it comprises 912 actual pages not 888..

Hall is not aware that three members of the Warren Commission refused to agree with its basic conclusion, the same conclusion he gives to the readers as presenting a fact, that of the magical single bullet asserted to have inflicted all seven non-fatal wounds on Kennedy and Connolly. The single bullet component cannot be dignified by being called a "theory." It is a baseless invention that does not sustain a conclusion of a sole murderer. Without the single bullet the Commission would have had to conclude there had been a conspiracy. Yet, on something so critical to the Report and to history Hall is dead wrong.

Two Commission members, the conservative Senator Richard Russell of Georgia and the more liberal John Sherman Cooper of Kentucky, absolutely refused to agree with the basis of the Report, then were deceived and misled into believing what they thought was a compromise, but was not. Much other information sustains Russell's refusal to accept the ballistics of the shooting, including his September 18, 1964, telephone call to President Lyndon B. Johnson where he expressed his dissent from the Report. " . . . [the staff] said that . . . the Commission believes that the same bullet that hit Kennedy hit Connally. Well I don't believe it. . . . So I couldn't sign it."

Hall says that the "research community asserted that the government itself had been implicated in the deed." But as it is not possible to regard all who disagree with the official "solution" as a "community," which they are not, so also is it not possible for him to say what is false, that many them from the beginning believed that because of this secrecy "the government itself had been implicated in the deed." *All* the critics did not, although Hall says they did.

Hall writes that while "the Commission had access to high quality intelligence, it did not receive everything. The CIA, the FBI, and Attorney General Robert Kennedy failed to reveal information that would have helped identify a motive for a conspiracy."

A motive cannot be "identified" until after the *fact* of the crime has been established. A motive can only come into existence as an inference, a derivative, a secondary consideration derived from a primary condition of fact. The board does not intend to do that or is, he states, charged with doing it.

Hall further writes the "Commission never discovered the existence of Operation Mongoose, a covert scheme concocted by JFK, his brother, Attorney General Robert Kennedy and the CIA to assassinate Fidel Castro with the help of

organized crime." Over this, he says "several years later, critics of the Warren Commission had a field day."

With respect to Mongoose. Defense Secretary Robert McNamara is quoted as saying the opposite: Mongoose was not set up to get Castro assassinated.

With respect to attempts to kill Castro, The CIA disclosed ^{to Mafu's book} ~~the~~ plot occurred during the Eisenhower-Nixon administration ⁱⁿ the August prior to the election of 1960, which JFK won. According to the CIA report ~~it was a lower level project without paperwork,~~ "Knowledge of this project during its life was kept to a total of six persons" and "was duly orally approved by the said senior officials of the Agency."

Hall errs in saying only "recently" disclosed documents reveal the CIA's efforts in support of the Commission and against critics. *Twenty years ago* the CIA disclosed ^{these} voluminous records on ~~its~~ activities.

Hall is even wrong on why Oswald went to ^{Mexico} Cuba. He did not go "to visit the Soviet Embassy" but to the Cuban embassy for a visa to Cuba.

Hall says the "latest techniques corroborate the Commission's findings." This is absolutely false. He gives no source. None exists.

Oddly, Hall does not know that after the Cuba missile crisis Castro wanted to keep JFK alive. JFK guaranteed to protect Cuba from any invasion. This is something no one else on earth could do. How is it possible to believe that with this the case, as it so very publicly was and is, Castro would want anything at all to happen to JFK, his only real protector? Hall further does not realize Khrushchev preferred the dove JFK to the hawk Johnson. War production was bankrupting the Soviet Union. After the Cuba missile crisis the relationship between JFK and Khrushchev changed radically and they exchanged about forty letters (kept secret on United States and not Russian insistence) as they groped toward peace. How

could the Soviet premier prefer ^{Johnson} any other president to JFK with his change in their ~~real~~ relations? *and policies*

Contrary to Hall's assertion no vital national security secrets exist that need to be kept relating to the assassination. The allegations have to do with irrelevant preconceptions and what are dignified by being dubbed theories. There can be no legitimate ^{fact} claims to protect sources and methods. Note how the agencies themselves regarded the subject. When this question reached FBI Director J. Edgar Hoover he said the FBI had nothing to be withheld from the records the Commission wanted to publish. Furthermore, any examination of what the Commission published leaves this without question. No FBI redactions appear in their numerous published materials.

It is indecent for Hall to quote Mencken saying that "The violence of the National Appetite for Bogus Revelation" is what makes the subject of the assassination so much of interest and of such controversy. To the contrary. It is the absence of any credible fact linking Oswald to the crime and the federal denial of the fact of a conspiracy in the face of an overwhelming amount of definitive evidence, carefully and scientifically tested, that sustains the interest and not any bogus information that rouses the public. Other than from the government, that is.

I must say Hall is correct in saying that people do not trust their government. But he does not realize that he is adding to that lack of trust.

Without any known effort by this board to bring forth any withheld *fact* of the crime itself it will not be able to bring all the existing information to light. The board has bogged itself down in the irrelevant that is withheld and has done not a thing to establish the *fact* without which it cannot do its job. While it is a fact that the Commission and government never officially investigated the assassination and indeed never intended to that does not mean relevant and withheld information does not exist.

The alleged "high quality" intelligence information to which the Commission had access had no more connection with the crime than JFK's shoe size. But where the best of possible sources on Oswald when he lived inside the USSR was available to the Commission, it did not call on or listen to Yuri Nosenko, ^A defected minor KGB official, ^{for} for a short period of time Nosenko had the KGB Oswald file and read it. What Nosenko had to say was incompatible with the Commission's findings. Among many things he related the Russians found Oswald was so poor a shot he could not hit a near rabbit with a shotgun and that the KGB thought he was a U. S. sleeper agent.

The federal decision to hold Oswald exclusively responsible for the murder of President Kennedy without conducting an investigation came on Sunday, November 24, 1963, a little after noon, when officials knew with Oswald dead there would be no trial. At his home acting Attorney General Nicholas Katzenbach wrote a "Memorandum for Mr. Moyers," Johnson's aide, which on the morrow he had typed, dated, and dispatched. He stated that "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." The decision came before the investigations had been completed, the tests conducted, witnesses located and interviewed, the physical evidence assembled, and leads run down.

In accepting his appointment to the board Hall assumed profound obligations for history. ^{surely on the job} After years of duty his article demonstrates he still remains deeply ignorant of the facts of the murder, a gratuitous condition absolutely incompatible with meeting those responsibilities.

Sincerely,

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